



REPORT ORDINARY COUNCIL MEETING 19 DECEMBER 2016

PRESENT:

Mr M Kneipp (Administrator).

ALSO IN ATTENDANCE:

The Interim General Manager, the Director Organisational Services, the Manager Governance and Risk, the Supervisor Governance, the Manager Financial Accounting Services, the Manager Information Management, the GIS Officer, the Director Corporate Development (N Nissen), the Corporate Communications Supervisor (K Matts), the Director Technical Services (I Bailey), the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Director Environmental Services, the Manager Building and Development Services, the Director Community Services, the Director Parks and Landcare Services and the Transition Project Leader.

Mr M Kneipp (Administrator) assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.31pm with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by the Administrator Mr M Kneipp.

CCL16/222 CONFIRMATION OF MINUTES (ID16/2320)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 November 2016 and the Extraordinary Council Meeting held 12 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

That the minutes of the proceedings of the Ordinary meeting of Council held on 28 November 2016 comprising pages 6, 7, 8 and 9 and the Extraordinary Council meeting held 12 December 2016 comprising pages 12, 13 and 14 be taken as read and confirmed as correct minutes.

CARRIED

CCL16/223 LEAVE OF ABSENCE (ID16/2317)

There were no requests for leave of absence recorded.

CCL16/224 PUBLIC FORUM (ID16/2318)

The Council reports having met with the following people during Public Forum:

Mr Kerry Comerford regarding the proposed entry into the future development adjacent to Yarrawonga Estate.

Mrs Jackie Pratten regarding the proposed entry into the future development adjacent to Yarrawonga Estate.

ADMINISTRATOR MINUTES:

CCL16/225 ADMINISTRATOR APPOINTMENTS (ID16/2311)

The Council has before it the Administrator Minute regarding Administrator Appointments.

Moved by Mr M Kneipp (Administrator)

MOTION

That the information contained in the Administrator Minute dated 12 December 2016 be noted.

CARRIED

CCL16/226 COMPENSATION CONSIDERATION ARISING FROM THE BOIL WATER INCIDENT IN DUBBO 7 TO 15 NOVEMBER 2016 (ID16/2303)

The Council has before it the Administrator Minute regarding Compensation Consideration Arising From the Boil Water Incident in Dubbo 7 to 15 November 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

- 1. That the contents of the report of the Director Technical Services, as attached to this Administrator Minute be noted.**
- 2. That no claims for compensation as a result of the Boil Water Incident that occurred between 7 and 15 November 2016 in North and Central Dubbo be accepted.**

CARRIED

CCL16/226(a) PRESENTATION OF THE FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2015 TO 12 MAY 2016 - FORMER WELLINGTON COUNCIL

The Council has before it the Administrator Minute regarding Presentation of the Financial Statements for the Period 1 July 2015 to 12 May 2016 – Former Wellington Council. The Council reports having met with Mr Jeff Shanks of the Luka Group, external auditors of the former Wellington Council, regarding this matter.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That the Annual Financial Statements for the former Wellington Council for the period ended 12 May 2016, as attached to the report of the Manager Financial Accounting Services dated 19 December 2016, be accepted.
2. That the Financial Accounting Services staff be thanked for their efforts in preparing the 2015/2016 Financial Statement.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

CCL16/227 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 13 DECEMBER 2016 (ID16/2332)

The Council has before it the report of the Audit and Risk Management Committee meeting held 13 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

That that report of the Audit and Risk Management Committee meeting held 13 December 2016 be adopted save and except AUD16/5 Presentation Of The Financial Statements for the Period 1 July 2015 To 12 May 2016 for the former Dubbo City Council which is to be dealt with separately.

CARRIED

**AUD16/5 PRESENTATION OF THE FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY
2016 TO 12 MAY 2016 FOR THE FORMER DUBBO CITY COUNCIL**

The Council has before it the recommendation of the Audit and Risk Management Committee regarding Presentation of the Financial Statements for the Period 1 July 2015 to 12 May 2016 – Former Dubbo City Council. The Council reports having met with Mr Jeff Shanks of the Luka Group, external auditors of the former Dubbo City Council, regarding this matter.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That the information provided in the report from the Manager Financial Accounting Services dated 6 December 2016 on the Financial Statements for 2015/2016 in respect of the former Dubbo City Council, be noted.
2. That it be noted that the Audit and Risk Management Committee is not aware of any issues that would preclude the Dubbo Regional Council from adopting the Financial Statements for the year ended 12 May 2016 as presented and audited by the External Auditor in respect of the former Dubbo City Council. The Audit and Risk Management Committee has reviewed and discussed the audit process and received confirmation from the External Auditor that:
 - (i) They have been provided access to all necessary records.
 - (ii) The Auditor staff are suitably qualified to conduct the audit.
 - (iii) They have had sufficient time to complete.
 - (iv) Items identified have been resolved to their satisfaction.
3. That the Audit Reports for the General Purpose Financial Statements, and the Audit Reports for the Special Purpose Financial Statements for both the former Dubbo City and Wellington councils, be tabled at the December 2016 Ordinary Meeting of Council.
4. That the Committee acknowledge the efforts of staff in the preparation of the Financial Statements and the achievements of Council in the end of year result.

Moved by Mr M Kneipp (Administrator)

AMENDMENT

1. That the Annual Financial Statements for the former Dubbo City Council for the period ended 12 May 2016 be accepted.
2. That it be noted that the Audit and Risk Management Committee is not aware of any issues that would preclude the Dubbo Regional Council from adopting the Financial Statements for the year ended 12 May 2016 as presented and audited by the External Auditor in respect of the former Dubbo City Council. The Audit and Risk Management Committee has reviewed and discussed the audit process and received confirmation from the External Auditor that:
 - (i) They have been provided access to all necessary records.
 - (ii) The Auditor staff are suitably qualified to conduct the audit.
 - (iii) They have had sufficient time to complete.
 - (iv) Items identified have been resolved to their satisfaction.
3. That the Committee acknowledge the efforts of staff in the preparation of the Financial Statements and the achievements of Council in the end of year result.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and on being put to the meeting was carried.

CARRIED

CCL16/228 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 12 DECEMBER 2016 (ID16/2323)

The Council has before it the report of the Planning and Development Committee meeting held 12 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

That the report of the Planning and Development Committee meeting held 12 December 2016 save and except items:

PDC16/9 Development Application D16-5: Detached Dual Occupancy - Lot 18 Section 54a DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington

PDC16/10 Development Application D16-4: Two (2) Lot Community Title Subdivision - Lot 18 Section 54a DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington

and PDC16/11 Development Application D16-366: Two (2) Lot Subdivision Lot 62 DP 596342, 24 Tamworth Street, Dubbo which are to be dealt with separately.

CARRIED

PDC16/9 DEVELOPMENT APPLICATION D16-5: DETACHED DUAL OCCUPANCY - LOT 18 SECTION 54A DP 1600 AND LOT A DP 393090, 85 PIERCE STREET, WELLINGTON

The Council has before it the report dated 7 December 2016 from the Senior Planner 2 regarding Development Application D16-5: Detached Dual Occupancy - Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington.

Moved by Mr M Kneipp (Administrator)

MOTION

That Development Application D16-5 for a Detached Dual Occupancy development on Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington be refused for the following reasons:

- a. The site is possibly contaminated (asbestos) and therefore on the basis of information provide, unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
- b. The proposed development has insufficient off-street car parking which does not comply with the minimum parking requirements in Wellington Development Control Plan 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
- c. The proposed front setback is not consistent with the established setbacks in Pierce Street in accordance with the Wellington DCP 2013 (S79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
- d. The site has not provided sufficient and adequate private open space areas in accordance with the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979).
- e. The proposed front fence is contrary to the requirements of the Wellington DCP 2013 (S79C(1)(iii) Environmental Planning and Assessment Act, 1979).
- f. The subject site is deemed unsuitable for the proposed development, and is considered therefore to be overdevelopment of the site (S79C(1)(c) Environmental Planning and Assessment Act, 1979).
- g. The proposed development is not considered to be in the public interest (S79C(1)(e) Environmental Planning and Assessment Act, 1979).

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Mr M Kneipp (Administrator)	
Total (1)	Total (0)

PDC16/10 DEVELOPMENT APPLICATION D16-4: TWO (2) LOT COMMUNITY TITLE SUBDIVISION - LOT 18 SECTION 54A DP 1600 AND LOT A DP 393090, 85 PIERCE STREET, WELLINGTON

The Council has before it the report dated 7 December 2016 from the Senior Planner 2 regarding Development Application D16-4: Two (2) Lot Community Title Subdivision - Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington.

Moved by Mr M Kneipp (Administrator)

MOTION

That Development Application D16-4 for two (2) lot community title subdivision of Lot 18 Section 54A DP 1600 and Lot A DP 393090, 85 Pierce Street, Wellington be refused for the following reasons:

- a) The proposed lot layout is predicated on the approval of the dual occupancy development proposed separately under D16-5 which is recommended for refusal and accordingly the details of the layout of the subject subdivision are unresolved (S79C(1)(c) Environmental Planning and Assessment Act, 1979).
- b) The proposed lot layout is not considered to constitute orderly development of land (S5(a)(ii) Environmental Planning and Assessment Act, 1979).
- c) The site is potentially contaminated (asbestos) and therefore it may (in the absence of a site audit statement) be unsuitable for residential use in accordance with Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (S79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Mr M Kneipp (Administrator)	
Total (1)	Total (0)

PDC16/11 DEVELOPMENT APPLICATION D16-366: TWO (2) LOT SUBDIVISION LOT 62 DP 596342, 24 TAMWORTH STREET, DUBBO

The Council has before it the report dated 6 December 2016 from the Planner regarding Development Application D16-366: Two (2) Lot Subdivision Lot 62 DP 596342, 24 Tamworth Street, Dubbo.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That the information contained within the report of the Planner be noted.
2. That determination of the subject development application be deferred pending receipt of an amended application providing development details of the proposed development on proposed Lot 621.
3. That the additional details and supporting information be notified to affected property owners and people who made submissions to the original development for a period of not less than 21 days.
4. That following assessment of the amended development application including consideration of any submissions, a further report be provided to Council for determination.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

FOR	AGAINST
Mr M Kneipp (Administrator)	
Total (1)	Total (0)

CCL16/229 REPORT OF THE WORKS AND SERVICES COMMITTEE - MEETING 12 DECEMBER 2016 (ID16/2322)

The Council has before it the report of the Works and Services Committee meeting held 12 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

That the report of the Works and Services Committee meeting held on 12 December 2016, be adopted.

CARRIED

CCL16/230 REPORT OF THE FINANCE AND POLICY COMMITTEE - MEETING 12 DECEMBER 2016 (ID16/2321)

The Council has before it the report of the Finance and Policy Committee meeting held 12 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

That the report of the Finance and Policy Committee meeting held on 12 December 2016, be adopted.

CARRIED

REPORTS FROM STAFF:

CCL16/231 PROGRESS ON COUNCIL MERGER PROJECTS (ID16/2314)

The Council has before it the report dated 13 December 2016 from the Interim General Manager regarding Progress on Council Merger Projects.

Moved by Mr M Kneipp (Administrator)

MOTION

That the information contained within the report of the Interim General Manager dated 13 December 2016 noted.

CARRIED

CCL16/232 SUCCESSFUL PROJECTS UNDER THE STRONGER COMMUNITIES MAJOR PROJECT ROUND (ID16/2324)

The Council has before it the report dated 13 December 2016 from the Transition Project Leader regarding Successful Projects under the Stronger Communities Major Project Round.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That Council endorse the following projects to receive an allocation from the Stronger Communities Fund – Major Projects Round:

i. Wellington Caves Visitor Experience Centre	\$2,500,000
ii. Cameron Park Regional Playground	\$280,000
iii. Wellington Pool	\$3,000,000
iv. Moxon Park Improvements, Stuart Town	\$85,000
v. Euchareena Local Projects	\$84,700
vi. Geurie Multi Court Facility and Playground Equipment	\$245,000
vii. Dubbo Regional Botanic Garden Adventure Playground	\$1,300,000
viii. Dubbo Regional Botanic Garden – Carpark	\$240,000
ix. Installation of a new GPT – to be located at the West Dubbo Main Drain outfall into Macquarie River	\$198,540
x. Dubbo Aquatic and Leisure Centre Aquatic Playground	\$800,000

2. That in respect of the Wellington Pool allocation of \$3 million out of a total project cost of an estimated \$7.5 million, Council proceed to apply for funding of \$3,750,000 under the Building Better Regions Fund (formerly National Stronger Regions Fund) as one of the two applications Council is allowed to submit and further allocate \$750,000 from the former Wellington Council Uncommitted Asset Management Reserve and that such funding allocation be included in Council's 2017/2018 Operational Plan and Budget.

3. That Council seek alternative funding for the following projects from the identified potential sources:

- i. Convention Centre Upgrades – ClubGRANTS, Cultural Infrastructure funding
- ii. WPCC Large Object Storage – ClubGRANTS, Cultural Infrastructure funding
- iii. Boundary Road Infrastructure – Housing Acceleration Fund, Restart NSW, Building Better Regions Fund
- iv. Road Network Flood Damage Resilience Program –alternative road funding
- v. Regular Public Transport RPT Apron Extension – Restart NSW
- vi. Dubbo State Emergency Service Local Unit Headquarters – emergency services infrastructure funding
- vii. Victoria Park 2 and 3 Car Park – Sport and Recreation, ClubGRANTS
- viii. Improve lighting in Council's off-street car parking areas within the CBD – community safety funding
- ix. Sandy Beach Boatshed - Sport and Recreation, ClubGRANTS
- x. Wiradjuri Park - Aboriginal Cultural Park – Tourism, Cultural Infrastructure funding
- xi. Wellington Police Station and Gaol - ClubGRANTS, Cultural Infrastructure funding
- xii. Rygate Park Stage 2 - Sport and Recreation, ClubGRANTS

4. That Council respond in writing to community members who made direct submissions to thank them and explain why their proposals were not proceeding under the Stronger Communities Fund – Major Projects round.

CARRIED

CCL16/233 DUBBO STREET TREE MASTER PLAN (ID16/2306)

The Council has before it the report dated 12 December 2016 from the Director Parks and Landcare Services regarding Dubbo Street Tree Master Plan.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That the information contained within the report of the Director Parks and Landcare Services dated 12 December 2016 be noted.
2. That the Dubbo Street Tree Master Plan be adopted with an amendment that includes the survey results and explanation derived from the 2015 Community Needs Survey that identifies the importance and satisfaction level of the community on street trees.
3. That those respondents who submitted feedback on the Dubbo Street Tree Master Plan be thanked for their submissions and advised of any outcomes.

CARRIED

CCL16/234 DUBBO REGIONAL SPORTS COUNCIL (ID16/2309)

The Council has before it the report dated 12 December 2016 from the Manager Recreation Planning and Programs regarding Dubbo Regional Sports Council.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That the new framework for the Dubbo Regional Sports Council be adopted and commence 1 January 2017.
2. That an Annual General Meeting for the new Dubbo Regional Sports Council be held on the first Tuesday in February 2017 to elect the new management committee and adopt the new constitution.
3. That the Dubbo Regional Sports Council Membership Fee of \$55 including GST, be tabled at the Dubbo Regional Sports Council Annual General Meeting and amended in the Dubbo Regional Council Revenue Policy Fees and Charges for 2017/2018.
4. That a review of the Dubbo Sports Council Sporting Facilities Improvement Fund occur considering sporting preparation fees and distribution of these fees within the Dubbo Regional Council Parks and Landcare budget with the aim to streamline the Improvement Fund across the Local Government Area. Until the 30 June 2017 only Dubbo Sporting Clubs will be able to apply for the Sporting Facilities Improvement Fund.

CARRIED

CCL16/235 WELLINGTON POOL - DEVELOPMENT OF MASTER PLAN (ID16/2304)

The Council has before it the report dated 10 December 2016 from the Director Parks and Landcare Services regarding Wellington Pool - Development of Master Plan.

Moved by Mr M Kneipp (Administrator)

MOTION

1. That \$60,000 be identified for the development of a master plan for the Wellington Pool Complex with \$36,000 being transferred from the "Wellington – Strategic Plan for Pools" Restricted Asset and a further \$24,000 from the Wellington – Asset Maintenance – Restricted Asset and that such allocations be made at the December 2016 Operational Plan and Budget Quarterly Review.
2. That a community consultation process be designed and implemented to develop a Master Plan for the Wellington Pool Complex.
3. That following the development of the Wellington Pool Master Plan a report be presented to the March 2017 Ordinary meeting of Council proposing a funding strategy and timeline for the replacement of the Wellington Pool Complex.

CARRIED

CCL16/236 ECONOMIC DEVELOPMENT STRATEGY QUARTER ONE REPORT (ID16/2307)

The Council has before it the report dated 12 December 2016 from the Director Corporate Development regarding Economic Development Strategy Quarter One Report.

Moved by Mr M Kneipp (Administrator)

MOTION

That information contained within this report of the Director Corporate Development dated 12 December 2016 be noted.

CARRIED

CCL16/237 COMMENTS AND MATTERS OF URGENCY (ID16/2319)

There were no matters recorded under this clause.

At this junction it was moved by Mr M Kneipp (Administrator) that the Council resolves into the Committee of the Whole Council, the time being 6.53pm.

The meeting resumed at 6.58pm.

CCL16/238 COMMITTEE OF THE WHOLE COUNCIL

The Director Organisational Services read to the meeting of the Report of Committee of the Whole held on 19 December 2016.

Moved by Mr M Kneipp (Administrator)

MOTION

That the report of the meeting of the Committee of the Whole held on 19 December 2016 be adopted.

CARRIED

The meeting closed at 7.02pm.

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CHAIRMAN