



REPORT ORDINARY COUNCIL MEETING 4 NOVEMBER 2019

PRESENT: Councillors J Diffey, V Etheridge, D Grant, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Manager Governance Operations, the Internal Ombudsman, the Administration Officer Governance, the Community Support Officer, Project Coordinators – Drought Coordinated Response Team(S Colliver and I McAllister), the Project Officer – Drought Coordinated Response Team the Manager Corporate Image and Communications, the Communications Partners (A Amos and C Earl) the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor V Etheridge.

CCL19/182 CONFIRMATION OF MINUTES (ID19/1431)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 23 September 2019.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 September 2019 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL19/183 LEAVE OF ABSENCE (ID19/1432)

A request for leave of absence was received from Councillor D Gumley who was absent from the meeting due to the personal reasons.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

That such request for leave of absence be accepted and Councillor D Gumley be granted leave of absence from this meeting.

CARRIED

CCL19/184 PUBLIC FORUM (ID19/1433)

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

- Mr Alex White – representing Dubbo Turf Supplies regarding Water Restrictions
- Ms Melissa Grey – regarding Water Restrictions
- Mr Bob Brown – regarding Water Restrictions

MAYORAL MINUTES:

CCL19/185 MEMBERSHIP TO THE ORANA JOINT ORGANISATION (ID19/1404)

The Council had before it the Mayoral Minute regarding Membership to the Orana Joint Organisation

Moved by Councillor B Shields

MOTION

That Council apply to the Minister for membership to the Orana Joint Organisation subject to assurances being formally provided by the Minister that Council will have the opportunity to leave this joint organisation should membership not be achieving Council's desired outcome.

CARRIED

CCL19/186 ONGOING ECONOMIC ISSUES RELATING TO THE DROUGHT (ID19/1453)

The Council had before it the Mayoral Minute regarding Ongoing Economic Issues Relating to the Drought

Moved by Councillor B Shields

MOTION

1. That Council write to both the State and Federal Governments about the need for financial assistance to businesses directly affected by water restrictions.
2. That Council write to both the State and Federal Governments suggesting funding for regional investment and development programs be significantly increased as a way of countering drought-related reputational damage.
3. That Council raise the matter with LGNSW and seek their assistance in highlighting the situation to higher levels of Government.

CARRIED

CCL19/187 DUBBO CITY REGIONAL AIRPORT FINANCIAL SUSTAINABILITY (ID19/1485)

The Council had before it the Mayoral Minute regarding Dubbo City Regional Airport Financial Sustainability

Moved by Councillor B Shields

MOTION

That Council staff investigate options and report to the November 2019 Ordinary meeting of Council to assist in negotiations between Regional Express and Council for a meeting between the parties in December.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

**CCL19/188 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING
8 OCTOBER 2019 (ID19/1428)**

The Council had before it the report of the Development and Environment Committee meeting held 8 October 2019.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That the report of the Development and Environment Committee meeting held on 8 October 2019, be noted.

CARRIED

**CCL19/189 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING 8
OCTOBER 2019 (ID19/1429)**

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 8 October 2019.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the report of the Infrastructure and Liveability Committee meeting held on 8 October 2019, be noted.

CARRIED

**CCL19/190 REPORT OF THE CULTURE ECONOMY AND CORPORATE COMMITTEE -
MEETING 8 OCTOBER 2019 (ID19/1430)**

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 8 October 2019.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the report of the Culture, Economy and Corporate Committee meeting held on 8 October 2019, be noted.

CARRIED

REPORTS FROM STAFF

CCL19/191 WATER RESTRICTION ACTIVITIES (ID19/1461)

The Council had before it the report dated 23 October 2019 from the Chief Executive Officer regarding Water Restriction Activities.

Moved by Councillor J Ryan and seconded by Councillor S Lawrence

MOTION

1. That Council adopt the revised Water Restrictions Table as attached as Appendix 1.
2. That Council endorse further communication with residents and businesses on compliance with Level 4 restrictions.
3. That the full Draft Management Plan be provided in a further report to Council for consideration.

CARRIED

CCL19/192 FORMATION OF OTHER COMMITTEES, WORKING PARTIES AND OTHER GROUPS OF COUNCIL (ID19/1409)

The Council had before it the report dated 10 October 2019 from the Chief Executive Officer regarding Formation of Other Committees, Working Parties and Other Groups of Council.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That the following Advisory Panels be formed for the remainder of the Council term ending September 2020:
 - Dubbo Regional Council Airports Panel
 - Community Benefit Fund community consultation group – Solar Farms
 - Community Benefit Fund community consultation group – Wind Farms
 - Disability Inclusion Advisory Panel
 - Social Justice Advisory Panel
 - Street Tree Advisory Panel
 - Victoria Park Redevelopment Advisory Panel
 - Wellington Caves Advisory Panel
 - Wiradjuri Advisory Panel.
2. That Councillor representation to each of these panels be determined by Council.
3. That representation to external committees, as listed, be determined by Council
 - RMS Regional Consultative Committee
 - Lachlan Regional Transport Committee
 - Newell Highway Taskforce
 - Community Consultative Committee Meeting – Macquarie and Wellington Correctional Centres.
4. That the delegations of authority for the Street Tree Advisory Committee as defined by Council at its meeting held 19 February 2018 be revoked.

CARRIED

At this stage, nominations were invited for a Council Representative on the RMS Regional

Consultative Committee. The following nomination was received:

Councillor G Mohr nominated by Councillor J Ryan and seconded by Councillor S Lawrence.
Councillor G Mohr accepted the nomination.

MOTION

That Councillor G Mohr be the nominated Council representative on the RMS Regional Consultative Committee.

CARRIED

At this stage, nominations were invited for a Council Representative on the Lachlan Regional Transport Committee. The following nomination was received:

Councillor V Etheridge nominated by Councillor S Lawrence and seconded by Councillor G Mohr. Councillor V Etheridge accepted the nomination.

MOTION

That Councillor V Etheridge be the nominated Council representative on the Lachlan Regional Transport Committee.

CARRIED

At this stage, nominations were invited for a Council Representative on the Newell Highway Taskforce. The following nomination was received:

Councillor V Etheridge nominated by Councillor G Mohr and seconded by Councillor J Ryan.
Councillor V Etheridge accepted the nomination.

MOTION

That Councillor V Etheridge be the nominated Council representative on the Newell Highway Taskforce.

CARRIED

At this stage, nominations were invited for a Council Representative on the Community Consultative Committee – Macquarie and Wellington Correctional Centres. The following nomination was received:

Councillor S Lawrence nominated by Councillor V Etheridge and. Seconded by Councillor G Mohr. Councillor S Lawrence accepted the nomination.

MOTION

That Councillor S Lawrence be the nominated Council representative on the Community Consultative Committee – Macquarie and Wellington Correctional Centres.

CARRIED

CCL19/193 VARIANCE OF NUMBER OF ELECTORS IN COUNCIL WARDS (ID19/1448)

The Council had before it the report dated 18 October 2019 from the Executive Manager Governance and Internal Control regarding Variance of Number of Electors in Council Wards.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That Council note that a variance of more than 10% of the number of electors in the wards of the Dubbo Regional Council local government area exists.
2. That Council continue to monitor this variance up until September 2021.
3. That should a variance of more than 10% between the number of electors in each of Council's wards exist as at September 2021 and in accordance with Section 211(2) of the Local Government Act 1993, Council alter the ward boundaries to achieve a variance of less than 10% between the number of electors in Council's wards.

CARRIED

**CCL19/194 AUSTRALIAN AIRPORTS ASSOCIATION NATIONAL CONFERENCE - 2019
(ID19/1408)**

The Council had before it the report dated 9 October 2019 from the Manager Governance Operations regarding Australian Airports Association National Conference - 2019.

Moved by Councillor V Etheridge and seconded by Councillor J Ryan

MOTION

1. That the attendance by the Chair of the Dubbo Regional Airports Committee, Councillor Greg Mohr and Mayor Councillor Ben Shields at the 2019 Australian Airport Association Conference to be held at the Gold Coast, Queensland, from 19-22 November 2019 be approved by Council.
2. That the Chief Executive Officer approve attendance by staff at the 2019 Australian Airport Association Conference.

CARRIED

CCL19/195 DUBBO DAY TONY MCGRANE AWARD - CHANGE OF CRITERIA (ID19/1457)

The Council had before it the report dated 22 October 2019 from the Manager Governance Operations regarding Dubbo Day Tony McGrane Award - change of Criteria.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

That the amended criteria, as attached as Appendix 1 to the report of Manager Governance Operations, dated 22 October 2019, for the awarding of the Dubbo Day Tony McGrane award be adopted and for it to come into effect for the 2019 Dubbo Day Awards to be held on Friday 22 November 2019.

CARRIED

CCL19/196 REALIGNMENT OF OVERHEAD ELECTRICITY POWER LINES AT KESWICK ESTATE (ID19/1406)

The Council had before it the report dated 8 October 2019 from the Manager Property Assets regarding Realignment of Overhead Electricity Power Lines at Keswick Estate.

Moved by Councillor D Grant and seconded by Councillor V Etheridge

MOTION

- 1. That easements be created over the Essential Energy overhead power lines, once constructed.**
- 2. That a bank guarantee for the amount of \$10,000 be provided by Council to Essential Energy in relation to the realignment of overhead power lines at Keswick Estate.**
- 3. That any documentation in relation to this matter be executed under the Power of Attorney to the chief Executive Officer.**

CARRIED

**CCL19/197 ROAD CLOSURE AND DISPOSAL AGREEMENT - CURRA CREEK BRIDGE,
RENSHAW MCGIRR WAY, CURRA CREEK (ID19/1437)**

The Council had before it the report dated 17 October 2019 from the Property Development Officer regarding Road Closure and Disposal Agreement - Curra Creek Bridge, Renshaw McGirr Way, Curra Creek.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

1. That Council execute the closure of the excess portions of Council Public Road (Renshaw McGirr Way) detailed within this report.
2. That upon closure of the subject portions of road, the land be classified operational.
3. That Council dispose of the subject portions of road to Mr David Stewart, the owner of the adjoining property 122 Curra Creek Road, Curra Creek, for \$1,980 excluding GST.
4. That the Chief Executive Officer be authorised to complete any documentation under the Power of Attorney.

CARRIED

**CCL19/198 PLANNING PROPOSAL OPERATIONAL REVIEW OF THE WELLINGTON LOCAL
ENVIRONMENTAL PLAN 2012 - RESULTS OF PUBLIC EXHIBITION (ID19/1273)**

The Council had before it the report dated 18 October 2019 from the Growth Planner regarding Planning Proposal Operational Review of the Wellington Local Environmental Plan 2012 - Results of Public Exhibition.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

1. That the Planning Proposal to undertake amendments to the Wellington Local Environmental Plan 2012, be adopted.
2. That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Wellington Local Environmental Plan 2012 and provide Council with an Opinion that the Plan can be made.
3. That those who made a submission be advised of Council's determination in this matter.
4. That Council request Parliamentary Counsel to prepare the draft amendment to the Wellington Local Environmental Plan 2012 under Section 3.36(1) of the Environmental Planning and Assessment Act, 1979.

CARRIED

CCL19/199 DUBBO CITY REGIONAL AIRPORT LEASE - HANGAR SITE 17 (ID19/1413)

The Council had before it the report dated 15 October 2019 from the Manager Airport Precinct regarding Dubbo City Regional Airport Lease - Hangar Site 17.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That Council enter into 4 consecutive 5 year lease for Hangar Site 17 at Dubbo City Regional Airport commencing 10 November 2019 with Mr Jeffrey John Temesvary, Mr David Ryan and Mr George Mitchel Richmond until its expiry on 10 November 2039, with the second, third and fourth lease commencing upon the expiry of the previous lease, with all four (4) leases signed at the commencement of the first lease.
2. That all documentation in relation to this matter be executed under Power of Attorney.
3. That the legal fees associated with the preparation of the lease be borne by the lessee.

CARRIED

Councillor J Ryan declared a non-pecuniary, less than significant interest in the matter now before the Council and left the room during the Council's consideration of this matter. The reason for such interest is that Councillor J Ryan's brother is one of the parties seeking to lease this hangar.

CCL19/200 WATERING OF DUBBO REGIONAL COUNCIL SPORTING AND OPEN SPACE ASSETS (ID19/1463)

The Council had before it the report dated 23 October 2019 from the Director Liveability regarding Watering of Dubbo Regional Council sporting and open space assets.

Moved by Councillor J Diffey and seconded by Councillor S Lawrence

MOTION

That monitored and rigidly restricted irrigation be permitted for sporting and open space assets impacted by published level 3 and level 4 water restrictions, to prevent turf deterioration.

CARRIED

CCL19/201 COMMENTS AND MATTERS OF URGENCY (ID19/1434)

There were no matters recorded under this clause.

At this junction it was moved by Councillor G Mohr and seconded by D Grant that the Council resolves into the Committee of the Whole Council, the time being 6.35pm.

The meeting resumed at 7.06pm.

CCL19/202 COMMITTEE OF THE WHOLE (ID19/1487)

The Executive Manager Governance and Internal Control read to the meeting of the report of Committee of the Whole held on 4 November 2019.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

MOTION

That the report of the meeting of the Committee of the Whole held on 4 November 2019 be adopted, save and except CW19/24 which will be dealt with separately.

CARRIED

CCL19/24 CODE OF CONDUCT MATTER

The Council had before it the report dated 22 October 2019 from the Internal Ombudsman regarding Code of Conduct Matter.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

That the Committee recommends that the recommendations 1 ,2, 3, 4 and 5 of the Internal Ombudsman's Investigation report be adopted.

CARRIED

Councillor S Lawrence declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Councils consideration of this matter. The reason for such interest is that Councillor S Lawrence has a personal connection to the subject matter of the conduct into the making of the complaint.

Councillor J Diffey declared a non-pecuniary, less than significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is that the matter could have affected Councillor Diffey's employment with NSW Parliament.

Councillor B Shields declared a non-pecuniary, less than significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor B Shields is named within the report.

As the Mayor and Deputy Mayor have left the meeting , council was required to elect a chairperson for the consideration of this matter. The election of the chairperson was performed by the Chief Executive Officer.

Councillor G Mohr nominated by Councillor J Ryan and seconded by Councillor V Etheridge. Councillor G Mohr accepted the nomination.

As no other nominations were received Councillor G Mohr was elected unopposed
Councillor G Mohr assumed Chairmanship of the meeting for consideration of this matter.

Councillor B Shields assumed the chair.

The meeting closed at 7.14pm.

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CHAIRMAN