



AGENDA

EXTRAORDINARY COUNCIL MEETING

10 AUGUST 2021

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

The meeting is scheduled to commence at 5.30 pm.

PRAYER:

O God, Grant that by the knowledge of thy will, all we may resolve shall work together for good, we pray through Jesus Christ our Lord. Amen!

ACKNOWLEDGEMENT OF COUNTRY:

"I would like to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal peoples from other nations who are present".

Page

CCL21/176 LEAVE OF ABSENCE (ID21/1370)

CCL21/177 PUBLIC FORUM (ID21/1371)

MAYORAL MINUTES:

CCL21/178 RECRUITMENT OF PERMANENT CEO (ID21/1428) 2
The Council had before it the Mayoral Minute regarding Recruitment of Permanent CEO

CCL21/179 STRUCTURE OF COUNCIL'S STANDING COMMITTEES (ID21/1429) 4
The Council had before it the Mayoral Minute regarding Structure of Council's Standing Committees

CCL21/180 COUNCILLOR INVOLVEMENT IN ADVISORY PANELS (ID21/1430) 17
The Council had before it the Mayoral Minute regarding Councillor Involvement in Advisory Panels

CCL21/181 COMMITTEE OF THE WHOLE (ID21/1377)



DUBBO REGIONAL
COUNCIL

MAYORAL MINUTE: Recruitment of Permanent CEO

AUTHOR: Mayor
REPORT DATE: 6 August 2021
TRIM REFERENCE: ID21/1428

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

On 24 May 2021, Council resolved (in part):

“2. That council appoint LGNSW (Management Solutions) to undertake the recruitment of a new general manager to be commenced and concluded prior to the expiration of the 12 month term [of temporary CEO Murray Wood].”

With the delay of the Local Government Elections until December 2021, I recommend starting the recruitment process of the permanent CEO immediately. This will allow for the process, as detailed below, to be completed before the end of the current Council Term.

Proposed Timeline

13 August 2021	Advertising of position to commence
8 September 2021	Applications close
10 September 2021	Shortlisting of candidates
20 September 2021	Interviews conducted
Late September 2021	Final interviews with Council at an Extraordinary Meeting, date to be determined

Selection Panel

The Office of Local Government (OLG) has guidelines in place for the appointment and oversight of General Managers (CEO). The guidelines state:

“The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process. The panel will report back to the governing body of council on the process and recommend the most meritorious applicant for appointment by the council. The selection pane should consist of at least the mayor, the deputy mayor, another councillor, and ... a suitably qualified person independent of the council.”

As per the previous resolution of Council, the independent member of the panel will be appointed by Local Government NSW Management Solutions. The Mayor and Deputy Mayor will also be part of the panel, as well as one councillor to be determined by resolution.

RECOMMENDATION

- 1. That the recruitment of permanent position of Chief Executive Officer commence immediately.**
- 2. That a selection committee be formed to assist in the process of identifying a suitable candidate for the role of CEO, comprising the Mayor, the Deputy Mayor, one Councillor representative, to be determined by Council, and one independent representative, being a Local Government Management Solutions representative.**
- 3. That Council adopts the timeline of recruitment as outlined in the Mayoral Minute.**

Councillor S Lawrence
Mayor



MAYORAL MINUTE: Structure of Council's Standing Committees

AUTHOR: Mayor
REPORT DATE: 6 August 2021
TRIM REFERENCE: ID21/1429

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

Council, at its meeting held 12 September 2019, resolved as follows with regard to the appointment of Standing Committees:

“That Council form the following standing committees for the Mayoral term:

(a) Development and Environment Committee

To determine and make recommendations to Council, where appropriate, in relation to the following matters:

<i>Development and Environment</i>	<i>Environmental Compliance Resource Recovery and Efficiency Building and Development Services Growth Planning Services</i>
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comprising the Mayor and nine (9) Councillors with a quorum of four (4) members.

(b) Infrastructure and Liveability Committee

To determine and make recommendations to Council, where appropriate, in relation to the following matters:

<i>Liveability</i>	<i>Operations Recreation and Open Space Aquatic Leisure Centres Community Services Macquarie Regional Library</i>
<i>Infrastructure</i>	<i>Infrastructure Delivery Infrastructure Strategy and Design Water Supply and Sewerage Fleet and Depot Services Transport and Emergency</i>

comprising the Mayor and nine (9) Councillors with a quorum of four (4) members.

- (c) *Culture, Economy and Corporate Committee*
To determine and make recommendations to Council, where appropriate, in relation to the following matters:

<i>Culture and Economy</i>	<i>Airport Operations Saleyards and Showgrounds Economic Development and Marketing Regional Events Regional Experiences</i>
<i>Organisational Performance</i>	<i>Property Assets Financial Operations Information Services Customer Experience</i>
<i>Executive Services</i>	<i>Governance and Risk People, Culture and Safety Communications and Stakeholder Engagement</i>

comprising the Mayor and nine (9) Councillors with a quorum of four (4) members.”

Key points to note are that committees were adopted until the end of the Mayoral Term. With Local Government Elections now postponed until December 2021 due to the COVID-19 pandemic, this Council Term will now extend beyond the end of the current Mayoral Term, which will end on 4 September 2021.

Additionally, with the recent resignation of some Councillors, we no longer have the Mayor plus nine councillors specified in the resolution.

I believe that it is important that we continue to revise and update the structure of our Standing Committees to ensure good governance, and that Council continue to perform its duties and functions in an efficient matter.

Pursuant to Section 377 of the Local Government Act 1993 (the Act), Council may, by resolution, delegate to another body (Standing Committees) any of the functions of the Council under the Act, with some exceptions. Specific delegations were adopted by Council at its meeting on 26 February 2018 and are shown in **Appendix 1, Appendix 2, and Appendix 3.**

RECOMMENDATION

That Council determines the structure and chairs of any Dubbo Regional Council Standing Committees, to determine and make recommendations to Council in relation to matters regarding Development and Environment, Infrastructure, Liveability, Culture and Economy, Organisational Performance and Executive Services for the remainder of the Council Term.

Councillor S Lawrence
Mayor

Appendices:

- 1 [↓](#) Delegation to the Development and Environment Committee - Adopted February 2018
- 2 [↓](#) Delegation to the Infrastructure and Liveability Committee - Adopted February 2018
- 3 [↓](#) Delegation to the Culture, Economy and Corporate Committee - Adopted February 2018



**DUBBO REGIONAL
COUNCIL**

**Delegation of Authority to the
Development and Environment
Committee**

**(Formerly: Planning, Development and
Environment Committee)**

**DELEGATION TO THE PLANNING, DEVELOPMENT AND ENVIRONMENT
COMMITTEE OF COUNCIL**

PURSUANT TO SECTION 377 OF THE LOCAL GOVERNMENT ACT, 1993

That, subject to compliance with the requirements of the Local Government Act 1993, and Regulations thereunder, the Environmental Planning and Assessment Act 1979, and any Regulations, Policies, Plans or Directions thereunder, and subject to any direction given by the Council, the Council, pursuant to the provisions of Section 377 of the Local Government Act 1993, and every other enabling legislation hereby delegates to the Planning, Development and Environment Committee to exercise and perform on behalf of the Council the following powers, authorities, duties and functions:

Environmental Planning and Assessment Act, 1979

Development Assessment

1. To assess and determine any application in accordance with Part 4, Divisions 2 and 5 of the Environmental Planning and Assessment Act, 1979 (NSW) and Part 6, Divisions 1, 2, 3, 4, 7, 8, 10, 11, 12 & 13 of the Environmental Planning and Assessment Regulation, 2000 (NSW).
2. To assume the concurrence of the Director-General of the Department of Planning pursuant to s64 of the Environmental Planning and Assessment Regulation, 2000 (NSW) in relation to deciding that it is unnecessary to require compliance with a development standard pursuant to State Environmental Planning Policy No. 1 - Development Standards.
3. To endorse support for a development application and refer the application to the Director Planning and Environment for determination with or without a recommendation for the imposition of proposal specific conditions of consent.
4. To review a determination, pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, of a development application by staff under delegation. *The Committee may utilise this delegated authority to determine a review of determination made by staff under delegation but cannot review a determination made by the Council using this delegated authority.*
5. To modify a development consent pursuant to Section 96(1), (1A) and (2) of the Environmental Planning and Assessment Act, 1979.
6. To extend the period after which a development consent lapses in accordance with Section 95A of the Environmental Planning and Assessment Act, 1979.
7. To revoke or modify a development consent pursuant to section 96A and 96AA of the Environmental Planning and Assessment Act, 1979.

Preparation of a Planning Proposal for a Draft Local Environmental Plan in Accordance with the Environmental Planning and Assessment Act, 1979

1. Section 55
To prepare a Planning Proposal.
2. Section 57
To undertake community consultation

Preparation of a Development Control Plan (DCP) or Amendment thereto in Accordance with the Environmental Planning and Assessment Act, 1979

1. Section 74C and D
To prepare or amend or revoke a Development Control Plan

Entering into a Voluntary Planning Agreement in Accordance with the Environmental Planning and Assessment Act, 1979

1. Section 93F – 93L
To enter into or amend a Voluntary Planning Agreement (VPA)

Notices and Orders

To exercise the provisions of Division 2A of the Environmental Planning and Assessment Act, 1979 and Chapter 7 Part 2 of the Local Government Act, 1993 in particular but not limited to:

- The unauthorised use of land and structures
- Compliance with conditions of development consent
- Other matters listed in the respective Tables of Section 121B of the Environmental Planning and Assessment Act, 1979 and Section 124 of the Local Government Act, 1993.

Local Government Act, 1993 (NSW)

The Council pursuant to the provisions of Section 377 of the Local Government Act 1993, delegates to the Planning, Development and Environment Committee of the Council to exercise, or perform on behalf of the Council, all of the Council's powers, authorities, duties and functions in relation to such matters as the General Manager, or his delegate, shall from time to time refer to that Committee for consideration.

This delegation excludes the following functions expressly reserved in Section 377, which cannot be delegated:

- (a) the appointment of a general manager,
- (b) the making of a rate,
- (c) a determination under section 549 as to the levying of a rate,
- (d) the making of a charge,
- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders to provide services currently provided by members of the staff of the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,

- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons, unless the financial assistance is part of a specified program in council's Operational Plan for the year,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council (*including decisions to use Council's Common Seal*)

Exercising of delegations are subject to the following limitations and conditions:

1. That the Delegated Authority of the Committee to make a delegated decision may only be exercised on consideration of a report from the Mayor or the proper employee of the Council with those matters being included on the Business Paper of the Committee as prepared and distributed in accordance with the requirements of the Local Government Act 1993, and Regulations thereunder.
2. The Committee shall not make any decision under delegated authority where an unbudgeted financial contribution from Council's fund is sought or income is to be forgone. This includes the variations of required developer contributions.
3. Any decision in respect of matters being considered in terms of the delegated authority shall be in accordance with a decision by majority vote of all members of the Committee in attendance at the Committee meeting. Any decision that does not receive a majority vote of all members present shall be deferred to the next meeting of Council for determination.
4. A decision made under delegated authority shall not take effect as a decision of the Council until 12.00pm on the second working day following the date of the meeting at which the Committee makes the decision.
5. If any three duly elected Councillors advise the General Manager or the Director Corporate Services prior to the time specified in clause 4, that they seek the rescission of any such decision, the decision shall not take effect and the decision will be referred to the next Ordinary Meeting of the Council for consideration and determination.
6. If a decision is rescinded in accordance with clause 5 the decision shall be treated as a recommendation to the Council from the Committee.
7. Notwithstanding the provisions of clause 3, the Committee may, by Majority vote of all members in attendance, refer for further consideration or report, any item/s or matter on the Committee's Business Paper, to any future Standing Committee or Council meeting.



**Delegation of Authority to the
Infrastructure and Liveability
Committee
(Formerly: Infrastructure,
Community and Recreation
Committee)**

**DELEGATION TO THE INFRASTRUCTURE, COMMUNITY AND RECREATION
COMMITTEE OF COUNCIL**

PURSUANT TO SECTION 377 OF THE LOCAL GOVERNMENT ACT, 1993

That, subject to compliance with the requirements of the Local Government Act 1993, and Regulations thereunder, any expressed policy of the Council, and subject to any direction given by the Council, the Council pursuant to the provisions of Section 377 of the Local Government Act 1993, and every other enabling legislation, delegates to the Infrastructure, Community and Recreation Committee of the Council to exercise, or perform on behalf of the Council, all of the Council's powers, authorities, duties and functions in relation to such matters as the General Manager, or his delegate, shall from time to time refer to that Committee for consideration.

This delegation excludes the following functions expressly reserved in Section 377, which cannot be delegated:

- (a) the appointment of a general manager,
- (b) the making of a rate,
- (c) a determination under section 549 as to the levying of a rate,
- (d) the making of a charge,
- (e) the fixing of a fee,
- (f) the borrowing of money,
- (g) the voting of money for expenditure on its works, services or operations,
- (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
- (i) the acceptance of tenders to provide services currently provided by members of the staff of the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons, unless the financial assistance is part of a specified program in council's Operational Plan for the year,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council (*including decisions to use Council's Common Seal*)

Exercising of delegations are subject to the following limitations and conditions:

1. That the Delegated Authority of the Committee to make a delegated decision may only be exercised on consideration of a report from the Mayor or the proper employee of the Council with those matters being included on the Business Paper of the Committee as prepared and distributed in accordance with the requirements of the Local Government Act 1993, and Regulations thereunder.
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**DUBBO REGIONAL
COUNCIL**

**Delegation of Authority to the
Culture, Economy and Corporate
Committee
(Formerly: Economic Development,
Business and Corporate
Committee)**

DELEGATION TO THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE OF COUNCIL

PURSUANT TO SECTION 377 OF THE LOCAL GOVERNMENT ACT, 1993

That, subject to compliance with the requirements of the Local Government Act 1993, and Regulations thereunder, any expressed policy of the Council, and subject to any direction given by the Council, the Council pursuant to the provisions of Section 377 of the Local Government Act 1993, and every other enabling legislation, delegates to the Economic Development, Business and Corporate Committee of the Council to exercise, or perform on behalf of the Council, all of the Council's powers, authorities, duties and functions in relation to such matters as the General Manager, or his delegate, shall from time to time refer to that Committee for consideration.

This delegation excludes the following functions expressly reserved in Section 377, which cannot be delegated:

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6. If a decision is rescinded in accordance with clause 5 the decision shall be treated as a recommendation to the Council from the Committee.
7. Notwithstanding the provisions of clause 3, the Committee may, by Majority vote of all members in attendance, refer for further consideration or report, any item/s or matter on the Committee's Business Paper, to any future Standing Committee or Council meeting.



DUBBO REGIONAL
COUNCIL

MAYORAL MINUTE: Councillor Involvement in Advisory Panels

AUTHOR: Mayor
REPORT DATE: 6 August 2021
TRIM REFERENCE: ID21/1430

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

With the recent announcement of the postponement of the Local Government Elections until December 2021, further extending this Term of Council by three months and after an initial extension on 12 months from September 2020, I believe it is important for Council to revisit the role of its advisory panels and committees, particular the role that Councillors play.

The role of Councillors is more strategic in nature, compared to the operational roles and responsibilities of the CEO and council staff. Many of our working parties and committees seek to inform and influence operational matters, a role which sits with council staff, rather than Councillors.

Reports from Advisory Panels, when considering matters such as policy, strategy, fees and charges, shall be brought to Council for consideration in accordance with obligations under the Local Government Act.

The below list of Advisory Panels and Committees currently include Councillor representation:

Panel or Committee	Formed by Council	Councillor representatives nominated
Dubbo Regional Council Airports Panel	4 November 2019	24 February 2020: Mayor and V Etheridge D Gumley S Lawrence G Mohr J Ryan
Dubbo Regional Council Solar and Wind Farm Consultative Committee	24 February 2020	24 February 2020: Mayor and A Jones (Wellington) J Ryan (Dubbo)
Disability Inclusion Advisory Panel	4 November 2019	24 February 2020: J Diffey V Etheridge

Panel or Committee	Formed by Council	Councillor representatives nominated
Social Justice Advisory Panel	4 November 2019	24 February 2020: Mayor and V Etheridge A Jones S Lawrence J Ryan
Street Tree Advisory Panel	4 November 2019	24 February 2020: J Ryan
Wiradjuri Technical Advisory Panel	4 November 2019	Mayor
Dubbo Regional Livestock markets Technical Advisory Panel	14 September 2020	28 September 2020: Mayor J Diffey K Parker

RECOMMENDATION

1. That the Dubbo Regional Airports Panel, given its operational focus, be abolished and replaced by appropriate organisational arrangements, with any necessary reports being submitted to Council as required.
2. That the CEO provide advice on the question of Councillor representation on the Dubbo Regional Livestock Markets Technical Advisory Panel, and other similar panels and committees run by Council.

Councillor S Lawrence
Mayor