



AGENDA

ORDINARY COUNCIL MEETING

19 APRIL 2021

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

The meeting is scheduled to commence at 5.30pm.

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".

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NOTICES OF MOTION:

- CCL21/56 COUNCIL LIVE CROSS RESOURCES (ID21/586) 30**
Council had before it a Notice of Motion dated 12 April 2021 from Councillor J Ryan regarding the Council Live Cross Resources.

NOTICES OF RESCISSION:

- CCL21/57 FIVE YEAR POST AMALGAMATION BOOK (ID21/597) 32**
Council had before it a Notice of Motion of Rescission dated 8 April 2021 from Councillor's S Lawrence, V Etheridge and J Diffey.

- CCL21/58 COMMENTS AND MATTERS OF URGENCY**

- CCL21/59 COMMITTEE OF THE WHOLE (ID21/595)**



Confirmation of Minutes

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 March 2021 and the Extraordinary Council meeting held 12 April 2021.

RECOMMENDATION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 22 March 2021 comprising pages 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 and the Extraordinary Council meeting held on 12 April 2021 comprising pages 17, 18, 19 and 20 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

Appendices:

- 1 [↓](#) Minutes - Ordinary Council Meeting - 22/03/2021
- 2 [↓](#) Minutes - Committee of the Whole - 22/03/2021
- 3 [↓](#) Minutes - Extraordinary Council Meeting - 12/04/2021



REPORT

ORDINARY COUNCIL MEETING

22 MARCH 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning 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 A Jones.

CCL21/30 LEAVE OF ABSENCE (ID21/370)

There were no requests for leave of absence.

CCL21/31 PUBLIC FORUM (ID21/371)

The Council reports having met with the following persons during Public Forum.

- Margret McDonald – Dubbo Environmental Group – CCL21/43 – Notice of Rescission – Focusing on the Beautification of the Macquarie River Corridor of the Dubbo Central Business District
- Tom Tramby – Development Application D2021-39

CCL21/32 CONFIRMATION OF MINUTES (ID21/338)

Confirmation of the minutes of the proceedings of the Ordinary Council Meeting held on 22 February 2021.

Moved Councillor G Mohr and seconded by Councillor K Parker

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 22 February 2021 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

MAYORAL MINUTES:**CCL21/33 EXTENDED SEASON FOR DALC (ID21/436)**

The Council had before it the Mayoral Minute regarding Extended Season for DALC.

Moved Councillor B Shields

MOTION

1. That the Mayoral Minute, dated 15 March 2021, be noted.
2. That Council consider the requests from Orana Aquatic Swimming Club and Dubbo City Swimtech, for determination.

Moved Councillor V Etheridge and Seconded Councillor S Lawrence

AMENDMENT

That Council advise the Swim Clubs that it is unable to extend the DALC season because of financial and operations requirements associated with the impact of COVID-19.

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

Councillor J Diffey declared a non-pecuniary, but 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's children are paying members of Orana Aquatic Swimming Club and swim weekly with them.

Councillor D Gumley declared a non-pecuniary, but 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 D Gumley's daughter participates in a swim squad at the Dubbo Aquatic Leisure Centre.

Councillor D Grant declared a non-pecuniary, but 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 D Grant's daughter is a paying member of the Wellington Swimming Club.

CCL21/34 EXPRESSIONS OF INTEREST FOR DUBBO CITY REGIONAL AIRPORT COMMERCIAL ACCOMMODATION PROVISION (ID21/446)

The Council had before it the Mayoral Minute regarding Expressions of Interest for Dubbo City Regional Airport Commercial Accommodation Provision.

Moved Councillor B Shields

MOTION

- 1. That the Mayoral Minute, dated 15 March 2021, be noted.**
- 2. That Council commence an Expression of Interest process for an accommodation provider for the Dubbo City Regional Airport by June 2021.**
- 3. That Council monitor for grant opportunities that may be suitable to align with private investment and support infrastructure within the commercial precinct.**

CARRIED

Councillor J Ryan 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 Ryan's brother and sister-in-law operate a motel in Dubbo.

CCL21/35 DUBBO INCLUSION IN SUBSIDISED AIRLINE FLIGHTS (ID21/453)

The Council had before it the Mayoral Minute regarding Dubbo Inclusion in Subsidised Airline Flights.

Moved Councillor B Shields

MOTION

1. That Council make urgent representations to our local Federal Members of Parliament Mark Coulton, Member for Parkes, and Andrew Gee, Member for Calare, urging that the Dubbo City Regional Airport be included on the list of subsidised routes.
2. That Council also make representation to Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development; and Dan Tehan MP, Minister for Trade, Tourism and Investment, urging that Dubbo City Regional Airport be included on the list of subsidised routes.

CARRIED

CCL21/36 LOCAL NEWS SERVICE FOR WESTERN NSW (ID21/457)

The Council had before it the Mayoral Minute regarding Local News Service for Western NSW.

Moved Councillor B Shields

MOTION

1. That the Mayoral Minute, dated 17 March 2021, be noted.
2. That Council write to the owners of WIN Television requesting that the re-establish a comprehensive Local News Service for Western NSW.

CARRIED

INFORMATION ONLY MATTERS:**CCL21/37 AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING MINUTES 20 NOVEMBER 2020 (ID20/1536)**

The Council had before it the report dated 23 November 2020 from the Administration Officer - Governance and Internal Control regarding Audit and Risk Management Committee - Meeting Minutes 20 November 2020.

Moved Councillor A Jones and seconded by Councillor K Parker

MOTION

That the report of the Audit and Risk Management Committee meeting held on 20 November 2020, be noted.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:**CCL21/38 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 8 MARCH 2021 (ID21/391)**

The Council had before it the report of the Development and Environment Committee meeting held 8 March 2021.

Moved Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Development and Environment Committee meeting held on 8 March 2021, be noted.

CARRIED

CCL21/39 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING 8 MARCH 2021 (ID21/392)

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 8 March 2021.

Moved Councillor G Mohr and seconded by Councillor K Parker

MOTION

That the report of the Infrastructure and Liveability Committee meeting held on 8 March 2021, be noted.

CARRIED

CCL21/40 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE - MEETING 8 MARCH 2021 (ID21/393)

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 8 March 2021.

Moved Councillor D Gumley and seconded by Councillor J Ryan

MOTION

That the report of the Culture, Economy and Corporate Committee meeting held on 8 March 2021, be noted.

CARRIED

NOTICES OF MOTION:**CCL21/41 HOUSING AVAILABILITY (ID21/394)**

Council had before it a Notice of Motion dated 10 March 2021 from Councillor S Lawrence regarding Housing Availability.

Moved Councillor S Lawrence and seconded by Councillor D Grant

MOTION

That the matter be deferred.

CARRIED

CCL21/42 APEX OVAL PARKING (ID21/396)

Council had before it a Notice of Motion dated 11 March 2021 from Councillor D Gumley regarding the Apex Oval Parking.

Moved Councillor D Gumley and seconded by Councillor J Ryan

MOTION

- 1. That the CEO be requested to prepare conceptual plans for the construction of sealed car parking around Kokoda Place on Council land, Wingewarra Street entrance to Apex Oval.**
- 2. That once the conceptual plans are completed and approved, Council actively seeks grant funding for the construction.**

CARRIED

NOTICES OF RESCISSION:**CCL21/43 FOCUSING ON THE BEAUTIFICATION OF THE MACQUARIE RIVER CORRIDOR OF THE DUBBO CENTRAL BUSINESS DISTRICT (ID21/448)**

Council had before it a Notice of Motion of Rescission dated 11 March 2021 from Councillor's B Shield, G Mohr and K Parker.

Moved Councillor G Mohr and seconded by Councillor K Parker

MOTION

- 1. That Council determine this Notice of Motion of Rescission.**
- 2. That the modified Regand Park Master plan of 2013 be withdrawn.**

CARRIED

As one or more Councillors voted against the motion, in accordance with Clause 11.5 of Council's Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Diffey	Councillor Jones
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (9)	Total (1)

CCL21/43a MATTER OF URGENCY - REVIEW OF THE REGAND PARK MASTER PLAN

Moved Councillor J Ryan and seconded Councillor S Lawrence

MOTION

That the Director Liveability provide a further report regarding the Review of the Regand Park Master Plan along with the River Corridor Masterplan for Dubbo and incorporate environmental related activities, sporting and leisure related activities.

CARRIED

REPORTS FROM STAFF:

CCL21/44 DRAFT PLANNING AGREEMENT - UUNGULA WIND FARM - RESULTS OF PUBLIC EXHIBITION (ID21/150)

The Council had before it the report dated 15 March 2021 from the Manager Growth Planning regarding Draft Planning Agreement - Uungula Wind Farm - Results of Public Exhibition.

Moved Councillor D Grant and seconded by Councillor J Ryan

MOTION

- 1. That the report of the Manager Growth Planning, dated 15 March 2021, be noted.**
- 2. That Council enter into a Planning Agreement with Uungula Wind Farm Pty Ltd, in accordance with the agreement attached in Appendix 1.**
- 3. That the Chief Executive Officer be authorised to enter into a Planning Agreement and complete any documentation under Power of Attorney.**
- 4. That those who made a submission be acknowledged and advised of Council's 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
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

CCL21/45 POST EXHIBITION - PLANNING PROPOSAL 2R GILGANDRA ROAD AND 63 FITZROY STREET, DUBBO (ID21/232)

The Council had before it the report dated 3 March 2021 from the Growth Planning Projects Leader - Digital Futures regarding Post Exhibition - Planning Proposal 2R Gilgandra Road and 63 Fitzroy Street, Dubbo.

Moved Councillor V Etheridge and seconded by Councillor K Parker

MOTION

1. That the Report of the Growth Planning Projects Leader – Digital Futures, dated 3 March 2021, be noted.
2. That Council approve the Planning Proposal for 63 Fitzroy Street and 2R Gilgandra Road, Dubbo, as shown at Appendix 2, to be made as an amendment to Dubbo Local Environmental Plan 2011 under Section 3.36 of the Environmental Planning and Assessment Act 1979.
3. That Council delegates authority to the CEO to make minor amendments to the draft Planning Proposal to correct any minor errors or omissions prior to finalisation.

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
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	

Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

CCL21/46 PLANNING PROPOSAL KESWICK RSL (ID21/294)

The Council had before it the report dated 8 March 2021 from the Growth Planning Projects Leader - Digital Futures regarding Planning Proposal Keswick RSL.

Moved Councillor G Mohr and seconded by Councillor D Gumley

MOTION

1. That the report of the Growth Planning Projects Leader – Digital Futures, dated 8 March 2021, be noted.
2. That the Planning Proposal provided here in Appendix 1 and supporting information, be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination, to identify registered clubs and outdoor recreation facilities as additional permitted uses on part Lot 500 DP 1260295 Boundary Road, Dubbo.
3. That Council seek authority from the Department of Planning Industry and Environment to exercise its Delegations in relation to the plan making functions under Section 3.36 of the *Environmental Planning & Assessment Act 1979*.
4. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

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
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (10)	Total (0)

CCL21/47 DUBBO-BALLINA FLIGHT (ID21/283)

The Council had before it the report dated 25 February 2021 from the Manager Dubbo City Regional Airport regarding Dubbo-Ballina Flight.

Moved Councillor G Mohr and seconded by Councillor J Ryan

MOTION

1. That the report from the Manager Dubbo City Regional Airport, dated 25 February 2021, be noted.
2. That the Mayor of the Dubbo Region, Councillor Ben Shields, provide a letter of thanks to the Mayor of Ballina Shire Council and Chief Executive Officer FlyPelican.

CARRIED

CCL21/48 INVESTMENT POLICY AND STRATEGY REVIEW - 2021 (ID21/234)

The Council had before it the report dated 8 March 2021 from the Chief Financial Officer regarding Investment Policy and Strategy Review - 2021.

Moved Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

1. That the draft Investment Policy March 2021 and the draft Investment Strategy March 2021 attached to this report of the Chief Financial Officer, dated 8 March 2021 as Appendix 1 and Appendix 2, be adopted.
2. That Council's Investment Policy and Investment Strategy be again reviewed and submitted to Council for determination in March 2022.

CARRIED

Councillor K Parker declared a pecuniary, 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 K Parker is an employee of the Bank of Queensland and Council has investments with the Bank of Queensland, Dubbo.

CCL21/49 COMMENTS AND MATTERS OF URGENCY (ID21/372)

There were no matters recorded under this clause.

At this junction it was moved by Councillor V Etheridge and seconded by Councillor D Grant that the Council resolves into the Committee of the Whole Council, the time being 7.03 pm.

The meeting resumed at 7.05 pm.

CCL21/50 COMMITTEE OF THE WHOLE (ID21/373)

The Executive Manager CEO read to the meeting the Report of the Committee of the Whole meeting held on 22 March 2021.

Moved Councillor V Etheridge and seconded by Councillor D Grant

MOTION

That the report of the meeting of the Committee of the Whole held on 22 March 2021, be adopted.

CARRIED

The meeting closed at 7.07 pm.

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CHAIRMAN



REPORT

COMMITTEE OF THE WHOLE COUNCIL

22 MARCH 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Communications Partner, 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 7.03 pm.

CW21/3 ACQUISITION OF EASEMENTS FOR WELLINGTON NON-POTABLE PIPELINE PROJECT (ID21/322)

The Committee had before it the report dated 1 March 2021 from the Property Specialist regarding Acquisition of Easements for Wellington Non-Potable Pipeline Project.

Moved by Councillor V Etheridge and seconded by Councillor D Grant

MOTION

That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor D Gumley and seconded by Councillor D Grant

MOTION

1. That Council acquire an easement area of 9,079.54m² for a pipeline over Lot 2 DP 1136578 from the land owner for \$10,000 exc. GST.
2. That Council acquire an easement with an area of 2,487.69m² for a pipeline over Lot 2 DP 806578 from the land owner for \$10,000 exc. GST.
3. That Council acquire an easement area of 1,540.97m² for a pipeline over Lot 272 DP 560497 from the land owner for \$7,000 exc. GST.
4. That the purchase prices be adjusted on a pro-rata basis if adjustments to the size of the area to be acquired are necessary.
5. That Council be responsible for all surveying costs associated with the registration of the easements.
6. That the Chief Executive Officer be authorised to finalise the acquisition of the three easements.
7. That all documentation in relation to the acquisition of this easement be executed under Power of Attorney.
8. That all documents and considerations in regard to this matter remain confidential to Council.

CARRIED

The meeting closed at 7.05 PM.

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CHAIRMAN



REPORT

EXTRAORDINARY COUNCIL MEETING

12 APRIL 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager People Culture and Safety, the Executive Manager Governance and Internal Control, the Governance and Internal Control Manager, the Administration Officer Governance, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Executive Officer Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment (D Quigley) and the Director Liveability.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 12.01pm 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 Diffey.

At this juncture a minute of silence was held in honour of Prince Philip Duke of Edinburgh.

CCL21/50 LEAVE OF ABSENCE (ID21/550)

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

Moved by Councillor G Mohr 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

Clause CCL21/53 was brought forward for consideration and was dealt with at this juncture.

REPORTS FROM STAFF:

CCL21/53 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR B SHIELDS (ID21/554)

The Council had before it the report dated 6 April 2021 from the Chief Executive Officer regarding Request for Leave of Absence - Councillor B Shields.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

That Councillor B Shields' application for Leave of Absence from Wednesday 31 March 2021 to Wednesday 26 May 2021, where Councillor Shields will be absent due to personal reasons, be granted.

CARRIED

CCL21/51 PUBLIC FORUM (ID21/551)

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

- Mr Shields regarding support for Mayor Councillor Ben Shields.
- Donna Flack regarding support for Mayor Councillor Ben Shields.

MAYORAL MINUTES:

CCL21/52 THE REPUTATION OF COUNCIL AND THE PROTECTION OF THE COMMUNITY (ID21/565)

The Council had before it the Mayoral Minute regarding The Reputation of Council and the Protection of the Community.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

1. **That Council condemns and will not tolerate abuse of power, bullying, harassment, threats and intimidation by any councillor or council staff member.**
2. **That Council is open to an independent investigator being appointed to examine any such complaints, suggestions and allegations of misconduct and the operation and integrity of council complaint processes over the term of the current council.**
3. **That Council's meeting schedule as previously resolved be amended so that there be additional Ordinary meetings of Council on 19 April 2021 and 3 May 2021.**
4. **That a confidential report be prepared for councillors for the 19 April 2021 Ordinary meeting of Council advising to the extent reasonably possible on;**
 - a) **any and all complaints, allegations and suggestions of misconduct on behalf of any councillor, that have at any stage of the term of council been brought to the attention of any council staff and not been the subject of a code of conduct process, and**
 - b) **code of conduct complaints against any councillor that have been**

withdrawn or dismissed without action.

5. That a report be prepared for the 3 May 2021 Ordinary meeting of Council that advises on council's bullying and harassment policies and any reforms needed in order for them to be best practise.
6. That a report be prepared for the 3 May 2021 Ordinary meeting of Council (if the Mayor Ben Shields has not resigned from council within that period or his position otherwise become vacant), with the CEO to provide a report on;
 - a) what powers of the mayor in between council meetings can be lawfully removed or reduced,
 - b) whether the mayoral fees, expenses and facilities as provided for in the 'Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors' and determined annually by council resolution can be lawfully reduced or eliminated.
7. That a report be prepared for the 3 May 2021 Ordinary meeting of Council advising on options for the appointment of an independent investigator.
8. That Council calls upon the Mayor to resign from council as soon as reasonably practicable to allow council to move forward in the best interests of the community.

CARRIED

As one or more Councillors voted against the motion, in accordance with Clause 11.5 of Council's Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Diffey	Councillor Grant
Councillor Etheridge	Councillor Mohr
Councillor Jones	
Councillor Lawrence	
Councillor Parker	
Councillor Ryan	
Total (6)	Total (2)

Moved by Councillor D Grant and seconded by Councillor G Mohr

AMENDMENT

That each point of the recommendation be dealt with separately.

The amendment on being put to the meeting was lost.

LOST

As one or more Councillors voted against the motion, in accordance with Clause 11.5 of Council’s Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Etheridge	Councillor Diffey
Councillor Grant	Councillor Jones
Councillor Mohr	Councillor Lawrence
	Councillor Parker
	Councillor Ryan
Total (3)	Total (5)

The meeting closed at 12.25pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

MAYORAL MINUTE: Change of Ordinary Council Meeting Date - May 2021

AUTHOR: Acting Mayor
REPORT DATE: 14 April 2021
TRIM REFERENCE: ID21/613

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

Council, at its Extraordinary Council meeting held 12 April 2021, resolved in part;

“3. That Council’s meeting schedule as previously resolved be amended so that there be additional Ordinary meetings of Council on 19 April 2021 and 3 May 2021.”

I propose that the Ordinary Council meeting scheduled for Monday, 3 May 2021 be moved to Tuesday, 4 May 2021.

RECOMMENDATION

That the Ordinary Council meeting scheduled for Monday, 3 May 2021 be moved to Tuesday, 4 May 2021.

Councillor S Lawrence
Acting Mayor



MAYORAL MINUTE: Letter to the NSW Premier in Relation to the Minister for Local Government

AUTHOR: Acting Mayor
REPORT DATE: 16 April 2021
TRIM REFERENCE: ID21/638

To the Council
Ladies and Gentlemen

Office of the Mayor
Civic Administration Building
Church Street, Dubbo

On 14 April 2021 I wrote a letter to the NSW Premier, the Hon. Gladys Berejiklian MP, outlining recent events concerning Dubbo Regional Council (DRC) and expressing concerns over the conduct of NSW Minister for Local Government, the Hon. Shelley Hancock MP.

This letter is attached as **Appendix 1**.

RECOMMENDATION

That the information contained within this Mayoral Minute, dated 16 April 2021, be noted.

Councillor S Lawrence
Acting Mayor

Appendices:

[1](#) Letter from Acting Mayor to NSW Premier



DUBBO REGIONAL COUNCIL
Office of the Mayor

FILE12/1947
SL:sf
ED21/65886

14 April 2021

The Hon. Gladys Berejiklian, MP
GPO Box 5341
SYDNEY NSW 2001

Dear Premier

I write to you for two purposes.

Firstly, to provide you with information on recent events concerning Dubbo Regional Council (DRC) that have been the subject of media coverage and to explain how DRC intends to respond to them.

Secondly, to bring to your attention serious concerns I have that conduct engaged in by your Minister for Local Government, the Hon. Shelley Hancock MP, has directly undermined the investigation of possible misconduct.

On the 16 March 2021 serious allegations of abuse of power came to my attention concerning Mayor Ben Shields.

Since then a large number of further complaints have come to the attention of myself and other Councillors.

I referred a number of these complaints to the NSW Police on 6 April 2021. Others are also the subject of complaints under the local government code of conduct process.

On 31 March 2021 seven of the ten DRC Councillors requested the Mayor to stand down. The Mayor later that day was hospitalised following a reported medical episode. He has remained in hospital since and on 12 April 2021 was granted extended medical leave by council.

I note that on 31 March 2021 the same seven Councillors also issued a public statement calling upon members of the public who may have had inappropriate interactions with any Councillor to come forward and utilise council complaint processes.

On 12 April DRC met in an Extraordinary Council meeting and passed the enclosed resolution. We believe it is an appropriate response to the allegations that have been made.

I note that earlier on 12 April the Daily Telegraph reported that allegations against Ben Shields had been referred to the NSW Police.

 CORRESPONDENCE TO BE ADDRESSED TO:
PO Box 81 Dubbo NSW 2830
T (02) 6801 4101 M 0418 639 053 E mayor@dubbo.nsw.gov.au
Civic Administration Building Church St Dubbo NSW 2830
W dubbo.nsw.gov.au W mayorofdubbo.com.au



Subsequent to that story being published Minister Hancock made media statements (audio of which is obtainable on the ABC Western Plains website page in the episode of the 'Nic Healey morning show' of 13.04.2021) in which she:

- Suggested that Mayor Ben Shields had been the subject of "bullying and harassment" from councillors which, "had to stop".
- Suggested DRC had been a "good council" and Ben Shields, a "great mayor", who she, "has had a lot to do with".
- Threatened "further action" against the council if we proceeded with intended motions.
- Stated she had "never seen anything so appalling" and "would not sit back and let it happen".
- Stated that she was, "warning councillors" that their "bullying and harassment must not go on".

I note Minister Hancock wrote to myself and DRC interim CEO Dean Frost that day in somewhat similar terms. I enclose that letter.

I raise with you the following serious concerns:

- That Minister Hancock has thoroughly prejudged issues concerning DRC and threatened use of her statutory powers despite having so prejudged the issues;
- That Minister Hancock's media statements have a direct tendency to discourage possible complainants from complaining about Mayor Ben Shields, or indeed any other councillor; and
- That Minister Hancock's statements could be seen as a threat of reprisal against a person for making a police report.

Please be assured that DRC will not be dissuaded from responding appropriately to allegations of misconduct.

We will not tolerate, facilitate or condone abuse of power in any form.

Yours sincerely



Councillor Stephen Lawrence
Acting Mayor

Cc: The Hon. Shelley Hancock, MP
Mr Dugald Saunders, MP

Attachments: 1. Minutes of Extra Ordinary Council Meeting – 12 April 2021 – Please refer to CCL21/52
2. Letter from Minister Hancock



**REPORT
EXTRAORDINARY COUNCIL MEETING
12 APRIL 2021**

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager People Culture and Safety, the Executive Manager Governance and Internal Control, the Governance and Internal Control Manager, the Administration Officer Governance, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Executive Officer Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment (D Quigley) and the Director Liveability.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 12.01pm 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 Diffey.

At this juncture a minute of silence was held in honour of Prince Philip Duke of Edinburgh.

CCL21/50 LEAVE OF ABSENCE (ID21/550)

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

Moved by Councillor G Mohr 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

EXTRAORDINARY COUNCIL MEETING - 12 APRIL 2021
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Clause CCL21/53 was brought forward for consideration and was dealt with at this juncture.

REPORTS FROM STAFF:

CCL21/53 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR B SHIELDS (ID21/554)

The Council had before it the report dated 6 April 2021 from the Chief Executive Officer regarding Request for Leave of Absence - Councillor B Shields.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

That Councillor B Shields' application for Leave of Absence from Wednesday 31 March 2021 to Wednesday 26 May 2021, where Councillor Shields will be absent due to personal reasons, be granted.

CARRIED

CCL21/51 PUBLIC FORUM (ID21/551)

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

- Mr Shields regarding support for Mayor Councillor Ben Shields.
- Donna Flack regarding support for Mayor Councillor Ben Shields.

MAYORAL MINUTES:

CCL21/52 THE REPUTATION OF COUNCIL AND THE PROTECTION OF THE COMMUNITY (ID21/565)

The Council had before it the Mayoral Minute regarding The Reputation of Council and the Protection of the Community.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

1. That Council condemns and will not tolerate abuse of power, bullying, harassment, threats and intimidation by any councillor or council staff member.
2. That Council is open to an independent investigator being appointed to examine any such complaints, suggestions and allegations of misconduct and the operation and integrity of council complaint processes over the term of the current council.
3. That Council's meeting schedule as previously resolved be amended so that there be additional Ordinary meetings of Council on 19 April 2021 and 3 May 2021.
4. That a confidential report be prepared for councillors for the 19 April 2021 Ordinary meeting of Council advising to the extent reasonably possible on;
 - a) any and all complaints, allegations and suggestions of misconduct on behalf of any councillor, that have at any stage of the term of council been brought to the attention of any council staff and not been the subject of a code of conduct

EXTRAORDINARY COUNCIL MEETING - 12 APRIL 2021
REPORT

- process, and
- b) code of conduct complaints against any councillor that have been withdrawn or dismissed without action.
5. That a report be prepared for the 3 May 2021 Ordinary meeting of Council that advises on council's bullying and harassment policies and any reforms needed in order for them to be best practise.
6. That a report be prepared for the 3 May 2021 Ordinary meeting of Council (if the Mayor Ben Shields has not resigned from council within that period or his position otherwise become vacant), with the CEO to provide a report on;
- a) what powers of the mayor in between council meetings can be lawfully removed or reduced,
- b) whether the mayoral fees, expenses and facilities as provided for in the 'Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors' and determined annually by council resolution can be lawfully reduced or eliminated.
7. That a report be prepared for the 3 May 2021 Ordinary meeting of Council advising on options for the appointment of an independent investigator.
8. That Council calls upon the Mayor to resign from council as soon as reasonably practicable to allow council to move forward in the best interests of the community.

CARRIED

As one or more Councillors voted against the motion, in accordance with Clause 11.5 of Council's Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Diffey	Councillor Grant
Councillor Etheridge	Councillor Mohr
Councillor Jones	
Councillor Lawrence	
Councillor Parker	
Councillor Ryan	
Total (6)	Total (2)

Moved by Councillor D Grant and seconded by Councillor G Mohr

AMENDMENT

That each point of the recommendation be dealt with separately.

The amendment on being put to the meeting was lost.

LOST

EXTRAORDINARY COUNCIL MEETING - 12 APRIL 2021
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As one or more Councillors voted against the motion, in accordance with Clause 11.5 of Council's Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Etheridge	Councillor Diffey
Councillor Grant	Councillor Jones
Councillor Mohr	Councillor Lawrence
	Councillor Parker
	Councillor Ryan
Total (3)	Total (5)

The meeting closed at 12.25pm.

.....
CHAIRMAN



The Hon. Shelley Hancock MP
Minister for Local Government

Ref: A767132

Clr Stephen Lawrence and Mr Dean Frost
Deputy Mayor and Acting General Manager
Dubbo Regional Council

clrstephen.lawrence@dubbo.nsw.gov.au

dean.frost@dubbo.nsw.gov.au

Dear Clr Lawrence and Mr Frost

I am writing to express my concern about the situation at Dubbo Regional Council.

I am most concerned to hear comments that have been made on the radio and in the print media in relation to the circumstances regarding Clr Shield's medical condition and Council's functioning going forward.

I was most concerned to hear that some councillors are considering not granting Clr Shields a leave of absence, particularly under the circumstances in which he finds himself. I remind all councillors of your obligations under the Model Code of Meeting Practice (Code). Clause 5.6 of that Code requires:

The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

The Government will be watching closely as the Council holds an extraordinary meeting today and I strongly urge councillors to act reasonably and get on with the job they were elected to do serving the local community. Should I view Council's actions at its meeting to be unreasonable then I will consider enacting further intervention options available to me.

I expect all councillors to be committed to the high standard of behaviour required of people in local government, and view with great concern councils that do not act in the best interests of the community. Your time and efforts as a councillor are best directed to this end, rather than to internal disputes.

I ask that this letter is provided to all councillors and tabled at Council's extraordinary meeting on Monday 12 April 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley Hancock'.

The Hon. Shelley Hancock MP
Minister for Local Government



DUBBO REGIONAL
COUNCIL

NOTICE OF MOTION: Council Live Cross Resources

REPORT DATE: 12 April 2021

FILE: ID21/586

Council had before it a Notice of Motion dated 12 April 2021 from Councillor J Ryan regarding the Council Live Cross Resources as follows:

- “1. That Dubbo Regional Council makes the live-cross camera and other resources, including relevant staff members subject to Council operational priorities, available for use by our local federal and state MPs.*
- 2. That the CEO be requested to provide a report at a future meeting of Council, including breakdown of costs, resources required and availability within Council’s operational priorities for the provision of this resource, for any other government or non-government organisation acting in the interest of the local community.”*

RECOMMENDATION

- 1. That Dubbo Regional Council makes the live-cross camera and other resources, including relevant staff members subject to Council operational priorities, available for use by our local federal and state MPs.**
- 2. That the CEO be requested to provide a report at a future meeting of Council, including breakdown of costs, resources required and availability within Council’s operational priorities for the provision of this resource, for any other government or non-government organisation acting in the interest of the local community.**

Councillor J Ryan
Councillor

Appendices:

- [1↓](#) Notice of Motion - Clr J Ryan - Council live cross resources

Councillor John Ryan
PO Box 81
DUBBO NSW 2830

12 April 2021

The Chief Executive Officer
Dubbo Regional Council
PO Box 81
DUBBO NSW 2830

Dear Dean

NOTICE OF MOTION – COUNCIL LIVE CROSS RESOURCES

I would like to place the following notice of motion on the agenda for the April 2021 Ordinary meeting of Council.

"1. That Dubbo Regional Council makes the live-cross camera and other resources, including relevant staff members subject to Council operational priorities, available for use by our local federal and state MPs.

2. That the CEO be requested to provide a report at a future meeting of Council, including breakdown of costs, resources required and availability within Council's operational priorities for the provision of this resource, for any other government or non-government organisation acting in the interest of the local community."

Yours faithfully



John Ryan
Councillor



DUBBO REGIONAL
COUNCIL

NOTICE OF MOTION OF RESCISSION: Five Year Post Amalgamation Book

REPORT DATE: 8 April 2021

FILE: ID21/597

Council had before it a Notice of Motion of Rescission dated 8 April 2021 from Councillor's S Lawrence, V Etheridge and J Diffey as follows:

We the undersigned give notice that we intend to move a motion to rescind the following resolution (Clause CEC21/7) regarding Five Year Post Amalgamation Book.

"That the following resolution of Council from its Culture and Economy meeting held on 8 March 2021, Clause CEC21/7, be rescinded:

- "1. That the report of the Manager Corporate Image and Communications, dated 1 March 2021, be noted.*
- 2. That Council approve production of a newspaper style five year post amalgamation print project.*
- 3. That Council approve a budget of \$50,000 for Corporate Image and Communications to manage the overall production, print, and delivery of the newspaper style five year post amalgamation print project with any unspent budget returned to Council's consolidated revenue."*

RECOMMENDATION

That Council determine this Notice of Motion of Rescission.

Councillor S Lawrence
Acting Mayor

Councillor V Etheridge
Councillor

Councillor J Diffey
Councillor

Appendices:

- [1](#) Notice of Motion of Rescission - CEC21/7 - Five Year Post Amalgamation Book

8 April 2021

Mr Dean Frost
Chief Executive Officer
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Dear Dean

CEC21/7 – NOTICE OF MOTION OF RESCISSION

FIVE YEAR POST AMALGAMATION BOOK

We, the undersigned, give notice that we intend to move the following Notice of Motion of Rescission:

“That the following resolution of Council from its Culture and Economy meeting held on 8 March 2021, Clause CEC21/7, be rescinded:

- 1. That the report of the Manager Corporate Image and Communications, dated 1 March 2021, be noted.*
- 2. That Council approve production of a newspaper style five year post amalgamation print project.*
- 3. That Council approve a budget of \$50,000 for Corporate Image and Communications to manage the overall production, print, and delivery of the newspaper style five year post amalgamation print project with any unspent budget returned to Council’s consolidated revenue.”*

Yours faithfully



Councillor



Councillor



Councillor