



REPORT

ORDINARY COUNCIL MEETING

23 JULY 2018

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 Team Leader Governance, the Internal Ombudsman, the Community Support Officer, the Director Corporate Services, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment, the Manager Building and Development Services, the Manager Strategic Planning Services, the Senior Strategic Planner, the Director Community and Recreation (Ian McAlister), the Youth Development Officer, the Aboriginal Liaison Officer, the Aboriginal Community Advisor and the Community Services Coordinator.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.33pm at the Wellington 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 J Diffey.

CCL18/115 CONFIRMATION OF MINUTES (ID18/1124)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 June 2018.

Moved by Councillor K Parker 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 25 June 2018 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL18/116 LEAVE OF ABSENCE (ID18/1125)

There were no applications for leave of absence.

CCL18/117 PUBLIC FORUM (ID18/1126)

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

- Mr Kevin Besant regarding item CCL18/119 - Solid Waste Services – Petition
- Mr John Cook regarding CCL18/128 – D2013-499 Part 4 – 145 Cobbora Road and 6 Pegasus Place Dubbo, Validity of Developer Contribution Conditions
- Mr Tony Ryals regarding CCL18/128 – D2013-499 Part 4 – 145 Cobbora Road and 6 Pegasus Place Dubbo, Validity of Developer Contribution Conditions

At this juncture it was moved by Councillor G Mohr and seconded by Councillor D Grant the meeting be adjourned, the time being 5.50pm.

The motion on being put to the meeting was carried.

CARRIED

The meeting recommenced at 6.00pm.

- Mr Adam Wells regarding CCL18/131 - Draft Planning Agreement Policy - Results of Public Exhibition
- Mr Ray Tickle regarding letter from Mayor to residents
- Mr Steve Guy regarding CCL18/131 Draft Planning Agreement Policy – Results of Public Exhibition

INFORMATION ONLY MATTERS:

CCL18/118 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - JUNE 2018 (ID18/1122)

The Council had before it the report dated 6 July 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - June 2018.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That the information provided within the report of the Director Corporate Services, dated 6 July 2018 be noted.

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 the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

CCL18/119 SOLID WASTE SERVICES - PETITION (ID18/1135)

The Council had before it the report dated 10 July 2018 from the Manager Solid Waste regarding Solid Waste Services - Petition.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That the petition regarding the new bin services lodged by the six property owners at Geurie be noted.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

CCL18/120 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE MEETING 9 JULY 2018 (ID18/1127)

The Council had before it the report of the Planning, Development and Environment Committee meeting held 9 July 2018.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 9 July 2018, be noted.

CARRIED

CCL18/121 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION COMMITTEE MEETING 9 JULY 2018 (ID18/1128)

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 9 July 2018.

Moved by Councillor S Lawrence and seconded by Councillor D Gumley

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 9 July 2018, be noted, save and except clause ICRC18/58 and ICRC18/59 with such matters being dealt with separately.

CARRIED

**ICRC18/58 DEDICATION AS PUBLIC ROAD OF LAND ADJACENT TO GOLDEN HIGHWAY,
BOOTHENBA (ID18/1027)**

The Council had before it the report dated 25 June 2018 from the Manager Transport and Emergency regarding Dedication as Public Road of Land Adjacent to Golden Highway, Bootherba.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That Council accept dedication of land as public road compulsorily acquired by Roads and Maritime Services and identified as Lot 2 in DP 1224324, being part of the land in Certificate of Title 7003/1019798 as shown in Appendix 1 to the report of the Manager Transport and Emergency dated 25 June 2018.

CARRIED

ICRC18/59 DEDICATION AS PUBLIC ROAD OF LAND AT EUMUNGERIE (ID18/1025)

The Council had before it the report dated 23 June 2018 from the Manager Transport and Emergency regarding Dedication as Public Road of Land at Eumungerie.

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

- 1. That Council accept dedication of land as public road compulsorily acquired by Roads and Maritime Services and identified as:**
 - **Lot 5 in DP 123011, being part of the land in Certificate of Title 7006/1020480**
 - **Lot 6 in DP 1235011, being part of the land in Certificate of Title 7302/1139037**
 - **Lot 8 in DP 1235011, being part of the land in Certificate of Title 7301/1137995 as shown in Appendix 1 to this report.**
- 2. That any necessary documents be executed under the Chief Executive Officer's Power of Attorney.**

CARRIED

**CCL18/122 REPORT OF THE ECONOMIC DEVELOPMENT BUSINESS AND CORPORATE
COMMITTEE - MEETING 9 JULY 2018 (ID18/1129)**

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 9 July 2018.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 9 July 2018, be noted.

CARRIED

**CCL18/123 REPORT OF THE STREET TREE ADVISORY COMMITTEE - MEETING 3 JULY 2018
(ID18/1123)**

The Council had before it the report of the Street Tree Advisory Committee meeting held 3 July 2018.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

That the report of the Street Tree Advisory Committee meeting held on 3 July 2018, be noted.

CARRIED

NOTICES OF MOTION:

CCL18/124 TRANSPARENCY AND OVERSIGHT OF VARIATIONS TO DEVELOPER CONTRIBUTIONS (ID18/1182)

Council had before it a Notice of Motion dated 18 July 2018 from Councillor S Lawrence regarding the Transparency and Oversight of Variations to Developer Contributions as follows:

“It is noted that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.

It is also noted that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff (Appendix 1 and 2 respectively contain the staff advice and the relevant part of the report of the meeting of Council of 27 July 2015).

Further, it is noted that the subject Councillor declared an interest in this matter and left the room when it was before the Planning and Development Committee on 20 July 2015 and was absent when the matter was determined by Council on 27 July 2015.

Accordingly, I would like to place the following notice of motion on the agenda for the July 2018 Ordinary meeting of Council.

“Noting that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff.

Noting that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.

That the following policy be adopted and applied:

1. For any development application or complying development certificate where a Councillor is a development proponent or property owner and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.

2. For any development application or complying development certificate where a Councillor has a relevant relationship with the development proponent and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.
3. The third-party review in either case will then be considered by a Committee comprised of the Chief Executive Officer, Internal Ombudsman, Director Planning and Environment and relevant Director relating to the origin of the Developer Contributions Plan, who, after considering the third- party review, will make a recommendation to Council whose role it will be to make the determination.
4. That the third-party review and the recommendation of the Committee be included in the Business Paper for the Council meeting where the matter is to be determined”.”

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

Noting that on 27 July 2015 Council waived a contribution of \$147,284.03 at the request of a son of a then Councillor and that the waiver was made against the advice of staff.

Noting that under the Local Government Act Council cannot delegate to the Chief Executive Officer, any other person or Committee the power to make a charge or fix a fee.

That the following policy be adopted and applied:

1. For any development application or complying development certificate where a Councillor is a development proponent or property owner and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.
2. For any development application or complying development certificate where a Councillor has a relevant relationship with the development proponent and where a variation is sought to an existing Developer Contributions Plan, a third-party review of the request will be undertaken by a suitably qualified and experienced professional.
3. The third-party review in either case will then be considered by a Committee comprised of the Chief Executive Officer, Internal Ombudsman, Director Planning and Environment and relevant Director relating to the origin of the Developer Contributions Plan, who, after considering the third- party review, will make a recommendation to Council whose role it will be to make the determination.
4. That the third-party review and the recommendation of the Committee be included in the Business Paper for the Council meeting where the matter is to be determined.

CARRIED

REPORTS FROM STAFF:

CCL18/125 CHIEF EXECUTIVE OFFICER SPONSORSHIP FUND (ID18/1147)

The Council had before it the report dated 12 July 2018 from the Chief Executive Officer regarding Chief Executive Officer Sponsorship Fund.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

1. That a Chief Executive Officer Sponsorship Fund of \$50,000 per annum be established to allow the Chief Executive Officer the ability to reimburse not-for-profit or charity organisations costs incurred by hiring Council facilities or using Council services to a maximum value of \$1,000.
2. That applicants only be entitled to one successful application for sponsorship under this program per financial year
3. That a report be provided to Council in June and December of each year detailing any sponsorships provided under this program.

CARRIED

CCL18/126 ATTENDANCE AT 2018 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS (ID18/1131)

The Council had before it the report dated 6 July 2018 from the Executive Manager Governance and Internal Control regarding Attendance at 2018 National Local Roads and Transport Congress.

Moved by Councillor J Ryan and seconded by Councillor D Grant

MOTION

That approval be granted for Councillors V Etheridge and A Jones to attend the 2018 National Local Roads and Transport Congress to be held in Alice Springs, NT from 20 to 22 November 2018.

CARRIED

CCL18/127 DRAFT - COMPLAINT MANAGEMENT AND INTERNAL OMBUDSMAN POLICIES (ID18/1134)

The Council had before it the report dated 9 July 2018 from the Internal Ombudsman regarding Draft - Complaint Management and Internal Ombudsman Policies.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

MOTION

1. That the draft Complaints Management Policy as attached to the report of the Internal Ombudsman dated 9 July 2018, be adopted.
2. That the draft Internal Ombudsman Policy as attached to the report of the Internal Ombudsman dated 9 July 2018, be adopted.

CARRIED

**CCL18/128 D2013-499 PART 4 - 145 COBBORA ROAD AND 6 PEGASUS PLACE, DUBBO.
VALIDITY OF DEVELOPER CONTRIBUTION CONDITIONS.
APPLICANT/OWNER: RYALS HOLDINGS PTY. LTD.
CONSULTANT: J & M COOK ENGINEERING (ID18/983)**

The Council had before it the report dated 10 July 2018 from the Manager Building and Development regarding D2013-499 Part 4 - 145 Cobbora Road and 6 Pegasus Place, Dubbo. Validity of Developer Contribution Conditions.

Applicant/Owner: Ryals Holdings Pty. Ltd.

Consultant: J & M Cook Engineering.

Moved by Councillor K Parker and seconded by Councillor G Mohr

MOTION

That the proposed modified application D2013-499 Part 4 be refused on the basis that D2013-499(3) Condition No's 2, 3, 4 and 5 relating to contributions under Section 64 of the Local Government Act 1993 and Section 94 (now Section 7.11) of the Environmental Planning and Assessment Act 1979, have been correctly levied.

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 Shields	
Total (9)	Total (0)

Councillor J Ryan declared a non-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 J Ryan has been a friend of the consultant John Cook for more than years.

CCL18/129 DRAFT POLICY - DEALING WITH DEVELOPMENT APPLICATIONS FOR COUNCILLORS AND EMPLOYEES (ID18/1120)

The Council had before it the report dated 9 July 2018 from the Manager Building and Development regarding Draft Policy - Dealing with Development Applications for Councillors and Employees.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the revised draft Policy, Dealing with Development Applications for Councillors and Employees attached as Appendix 2 to the report of the Manager Building and Development dated 9 July 2018, be adopted.

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)

CCL18/130 DRAFT POLICY - INCOMPLETE AND INADEQUATE DEVELOPMENT APPLICATION MANAGEMENT (ID18/1121)

The Council had before it the report dated 9 July 2018 from the Manager Building and Development regarding Draft Policy - Incomplete and Inadequate Development Application Management.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

That the revised draft Policy, Incomplete and Inadequate Development Application Management, attached as Appendix 2 to the report of the Manager Building and Development dated 9 July 2018, be adopted.

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)

CCL18/131 DRAFT PLANNING AGREEMENT POLICY - RESULTS OF PUBLIC EXHIBITION (ID18/890)

The Council had before it the report dated 14 June 2018 from the Manager Strategic Planning Services regarding Draft Planning Agreement Policy - Results of Public Exhibition.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

1. That the Interim Planning Agreement Policy, as amended and provided in Appendix 2, be adopted for an operation period of 12 months only.
2. That a review of the Interim Planning Agreement Policy be undertaken by Council by June 2019.
3. That an advertisement be placed in local print media advising of Council's adoption of the Interim Planning Agreement Policy.
4. That the Interim Planning Agreement Policy commence operation from the date it is advertised in the local print media.
5. That those who made submissions be acknowledged and advised of Council's determination in this matter.

Moved by Councillor J Ryan and seconded by Councillor A Jones

AMENDMENT

1. That a comprehensive review be undertaken of all development contributions and a report be presented to the February 2019 Ordinary Meeting of Council.
2. That there be an ongoing consultation process with all relevant stakeholders whilst the review is being undertaken.

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**

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 Etheridge	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (7)	Total (0)

Councillor J Diffey 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 J Diffey is a member of the Real Estate Institute of NSW and a financial contribution was made to her council election campaign by one of the submission applicants.

Councillor G Mohr declared a non-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 G Mohr currently has business dealings with one of the applicants who put in a submission.

Councillor D Grant 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 D Grant has direct links with some of the applicants who provided a submission and there are direct links with the company he works for.

**CCL18/132 DRAFT DUBBO AQUATIC LEISURE CENTRE MASTER PLAN 2017-2036
(ID18/1118)**

The Council had before it the report dated 10 July 2018 from the Senior Strategic Planner regarding Draft Dubbo Aquatic Leisure Centre Master Plan 2017-2036.

Moved by Councillor V Etheridge and seconded by Councillor G Mohr

MOTION

- 1. That the draft Dubbo Aquatic Leisure Centre Master Plan (Appendix 1) be adopted for the purposes of public exhibition and stakeholder consultation.**
- 2. That the draft Dubbo Aquatic Leisure Centre Master Plan be placed on public exhibition for a period of not less than 28 days.**
- 3. That the Engagement Strategy (Appendix 2) be endorsed by Council to enable public and stakeholder engagement to commence.**
- 4. That as part of the public exhibition and consultation process that Council consult with the Dubbo RSL and all learn to swim providers in Dubbo.**
- 5. That as part of the public exhibition and consultation process that Council examine opportunities for water play infrastructure to be provided at the Dubbo Aquatic Leisure Centre.**
- 6. That following completion of the public exhibition process, a further report be presented to Council for consideration at the November 2018 meeting, addressing the outcomes of the public exhibition period and any submissions received.**

CARRIED

CCL18/133 WIRADJURI TOURISM EXPERIENCE CONSULTATION PLAN AND PROGRESS REPORT (ID18/1119)

The Council had before it the report dated 5 July 2018 from the Director Community and Recreation regarding Wiradjuri Tourism Experience Consultation Plan and Progress Report.

Moved by Councillor D Grant and seconded by Councillor G Mohr

MOTION

1. That Council formally confirms its request to the Office of Local Government for an extension to the grant funding completion deadline from December 2018 to December 2019.
2. That the Local Aboriginal Land Councils in Dubbo and Wellington shall be the coordination point for feedback from the broader community.
3. That staff present a report to Council at its December 2018 Ordinary meeting that provides:
 - a) Details of all feedback from the community provided to the Dubbo and Wellington Local Aboriginal Lands Councils and Dubbo Regional Council.
 - b) Concept plans for the Dubbo and Wellington Tourism Experience.
 - c) Business cases for the Dubbo and Wellington Tourism Experience.

CARRIED

CCL18/134 ACQUISITION OF LAND FOR ROAD WIDENING - PORTION (W) ANNEXED FROM LOT 118 DP 756920 - 8089 BURRENDONG WAY, DRIPSTONE (ID18/1112)

The Council had before it the report dated 3 July 2018 from the Property Development Officer regarding Acquisition of Land for Road Widening - Portion (W) annexed from Lot 118 DP 756920 - 8089 Burrendong Way, Dripstone.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

1. That Council pay compensation of \$11,652.00 to Mrs Roberta C Playford, owner of Lot 118 DP 756920, for the acquisition of portion (W) of 917.6m² for road widening of Burrendong Way.
2. That the compensation be paid to Mrs Playford on exchange of contracts for the land, noting that portion (W) has already been fenced into the road reserve.
3. That the Chief Executive Officer be authorised to complete any documentation under delegated "Power of Attorney".

CARRIED

CCL18/135 STRONGER COMMUNITIES FUND - COMMUNITY GRANTS PROGRAM (ROUND 3) (ID18/1137)

The Council had before it the report dated 10 July 2018 from the Economic Project and Grants Officer regarding Stronger Communities Fund - Community Grants Program (Round 3).

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the \$317,500 available in 2018/2019 is allocated to the following 23 community organisations:

Applicant Organisation	Grant Funding
1st Dubbo Scout Group	\$12,473
Brotherhood of the Good Shepherd Council	\$8,248
Central West Barrel Horse Club	\$14,784
Dubbo Aero Club	\$1,000
Dubbo Cycle Club	\$15,000
Dubbo Dirt Bike Club Inc.	\$6,846
Dubbo Golf Club	\$14,389
Dubbo Hockey Association Inc.	\$4,802
Dubbo Horse and Pony Club	\$6,999
Dubbo Netball Association	\$8,961
Dubbo Triathlon Club	\$11,134
Mumbil District Progress Association Inc.	\$4,800
OEC Community Garden (Auspiced by Orana Education & Training Co-operative Ltd)	\$800
Royal Flying Doctor Service South Eastern Section	\$37,397
Stuart Town Advancement Association Inc.	\$50,000
Talbragar Country Women's Association	\$5,387
Wellington and District Cricket Association	\$15,000
Wellington Bowling Club Ltd	\$41,450
Wellington Connect Inc. (Wellington Men's Shed)	\$23,705
Wellington Information and Neighbourhood Services Inc. (WINS)	\$17,125
Wellington Senior Citizens Club Inc.	\$7,600
Wellington Warriors Football Club Inc.	\$5,200
Wongarbon Country Women's Association	\$4,400

CARRIED

Councillor D Grant 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 D Grant has business dealings with three of the successful applicants and is also a member of Wellington Warriors Football Club.

CCL18/136 COMMENTS AND MATTERS OF URGENCY (ID18/1130)

There were no matters recorded under this clause.

The meeting closed at 6.50pm.

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CHAIRMAN