



# REPORT

## ORDINARY COUNCIL MEETING

### 27 JULY 2023

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**PRESENT:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Director Organisational Performance, the Manager Governance and Internal Control, the Governance Team Leader, the Director Strategy Partnerships and Engagement, the Communications Partner, the IT Infrastructure Specialist, the Director Development and Environment, the Manager Growth Planning, the Manager Resource Recovery and Efficiency (C Jennings), the Director Infrastructure, the Manager Major Projects (I Whipple), the Director Community, Culture and Places, the Manager Regional Experiences and the Manager Recreation and Open Spaces.

Councillor M Dickerson assumed the Chair 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 read by Councillor J Gough.

The Acknowledgement Of Country was given by Councillor L Burns.

**CCL23/176 LEAVE OF ABSENCE (ID23/1096)**

There were no requests for leave of absence.

Councillor D Mahon attended via audio-visual link.

**CCL23/177 CONFLICTS OF INTEREST (ID23/1091)**

The following conflicts of interest were declared:

- Clr J Black – non-pecuniary – less than significant in CCL23/187.
- Clr M Dickerson – non-pecuniary – significant in CCL23/191.
- Clr M Wright – pecuniary – significant in CCL23/198.
- Clr L Burns – non pecuniary - less than significant in CCL23/201

**CCL23/178 PUBLIC FORUM (ID23/1086)**

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

- Anita Johnson regarding CCL23/192 Planning Proposal R23-005 – Administrative Amendments to the Dubbo Regional Local Environmental Plan 2022
- Rebecca Davey regarding CCL23/187 Matters for Consideration Around Provision of land to NSW Health for the purposes of an Alcohol and Other Drug Rehabilitation Facility.
- Peter Duggan regarding CCL23/199 - Tree Preservation Order – Introduction of State Environmental Planning Policy (Biodiversity and Conservation) 2021 and CCL23/201 – Destination Dubbo Funding.
- Rebecca Pearson – regarding water fluoridation.
- Jill Cross Antony regarding CCL23/187 Matters for Consideration Around Provision of land to NSW Health for the purposes of an Alcohol and Other Drug Rehabilitation Facility.
- Rebecca Miller regarding CCL23/187 Matters for Consideration Around Provision of land to NSW Health for the purposes of an Alcohol and Other Drug Rehabilitation Facility.

**CCL23/179 CONFIRMATION OF MINUTES (ID23/1101)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 June 2023 and the Extraordinary Council meeting held on 30 June 2023.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 22 June 2023 and the Extraordinary Council meeting held on 30 June 2023, attached under separate cover, be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**INFORMATION ONLY MATTERS:**

**CCL23/180 MAYORAL APPOINTMENTS AND MEETINGS (ID23/1782)**

The Council had before it the report dated 14 July 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

**MOTION**

**That the information contained in the report be noted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/181 STATUS OF NOTICES OF MOTION - QUARTERLY UPDATE (ID23/1188)**

The Council had before it the report dated 23 May 2023 from the Manager Corporate Governance regarding Status of Notices of Motion - Quarterly Update.

Moved by Councillor J Black and seconded by Councillor M Wright

**MOTION**

**That the report prepared by the Manager Corporate Governance be noted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/182 QUARTERLY REPORT ON COMPLAINT STATISTICS UNDER COUNCIL'S CODE OF CONDUCT (ID23/1189)**

The Council had before it the report dated 23 May 2023 from the Manager Corporate Governance regarding Quarterly Report on Complaint Statistics Under Council's Code of Conduct.

Moved by Councillor R Ivey and seconded by Councillor M Wright

**MOTION**

**That the report of the Manager Corporate Governance, dated 23 May 2023, be noted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**MATTERS CONSIDERED BY COMMITTEES:**

**CCL23/183 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 13 JULY 2023 (ID23/1804)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 13 July 2023.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

**MOTION**

**That the report of the Infrastructure, Planning and Environment Committee meeting held on 13 July 2023 be adopted, save and except IPEC23/28 which will be dealt with separately.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**IPEC23/28 BENOLONG BRIDGE - TEMPORARY LOAD LIMIT DUE TO TIMBER BRIDGE CONDITION (ID23/1705)**

The Council had before it the report dated 3 July 2023 from the Operations Engineer (West) regarding Benolong Bridge - Temporary Load Limit Due to Timber Bridge Condition.

Moved by Councillor J Black and seconded by Councillor P Wells

**MOTION**

- 1. That it is noted that Council will be undertaking the emergency repair works to the existing Benolong Bridge to allow heavy vehicles to access the bridge with the works to be completed by mid-September 2023.**
- 2. That \$800,000 of Local Roads and Community Infrastructure round 3 funding be reallocated from Comobella Bridge to Benolong Bridge to meet the project completion deadline for the funding deed.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/184 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 13 JULY 2023 (ID23/1805)**

The Council had before it the report of the Culture and Community Committee meeting held 13 July 2023.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

**MOTION**

**That the report of the Culture and Community Committee meeting held on 13 July 2023, be adopted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/185     REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 13 JULY 2023  
(ID23/1806)**

The Council had before it the report of the Corporate Services Committee meeting held 13 July 2023.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

**MOTION**

**That the report of the Corporate Services Committee meeting held on 13 July 2023, be adopted, save and except CSC23/37 which will be dealt with separately.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CSC23/37     LOCAL GOVERNMENT NSW - 2023 ANNUAL CONFERENCE (ID23/1111)**

The Committee had before it the report dated 16 May 2023 from the Governance Team Leader regarding Local Government NSW - 2023 Annual Conference.

Moved by Councillor S Chowdhury and seconded by Councillor J Black

**MOTION**

- 1. That Councillors J Black, S Chowdhury and V Etheridge be selected, alongside the Mayor to act as voting delegates at the Local Government NSW Annual Conference 2023.**
- 2. That Councillors L Burns, J Gough, R Ivey, D Mahon and M Wright, attend the Local Government NSW Annual Conference 2023 as non-voting delegates.**

**CARRIED**

**For:** Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, P Wells and M Wright.

**Against:** Nil.

**NOTICES OF MOTION:**

**CCL23/186     NOTICE OF MOTION FOR EXISTING AND FUTURE REST AREA FOR FREIGHT TRAFFIC (ID23/1814)**

Council had before it a Notice of Motion dated 20 July 2023 from Councillor S Chowdhury regarding the Notice of Motion for Existing and Future Rest Area for Freight Traffic.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

## MOTION

**That the Chief Executive Officer provide a report to the next available council meeting with an update from Transport for NSW on the status of existing and future rest areas for freight traffic surrounding the Dubbo urban area.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

## REPORTS FROM STAFF:

### **CCL23/187 MATTERS FOR CONSIDERATION AROUND PROVISION OF LAND TO NSW HEALTH FOR THE PURPOSES OF AN ALCOHOL AND OTHER DRUG REHABILITATION FACILITY (ID23/1608)**

The Council had before it the report dated 27 June 2023 from the Chief Executive Officer regarding Matters for Consideration Around Provision of Land to NSW Health for the Purposes of an Alcohol and Other Drug Rehabilitation Facility.

Moved by Councillor R Ivey and seconded by Councillor M Wright

## MOTION

1. That based upon the information contained within this report and considering the site specifications of Western NSW LHD and the constraints defined by the NSW Minister for Health; they being no extra expense and no substantial time delays, NSW Health be advised that Council is of the opinion it does not have a suitable site option within its property portfolio for the establishment of an Alcohol and Other Drug Rehabilitation Centre.
2. That it be noted that Council has provided information to Western NSW LHD, on potentially suitable Council owned parcels of land and introduced other landholding stakeholders such as Dubbo Aboriginal Lands Council, Crown Lands NSW and Property NSW to the Western NSW LHD project team. It is understood that Western NSW LHD assessed potential sites against following criteria:
  - a. Appropriate zoning for the proposed facility
  - b. 10-15 minutes travel time from Dubbo Hospital
  - c. Appropriate Land size (suitable to the facility and potential growth)
  - d. If parcel required subdividing
  - e. Existing connection to services such as Water, Sewer, Power and Roads
  - f. Details of surrounding Community (proximity to Residential, Shops, Hotels, Schools, Industrial).
3. That it be noted that the sites proffered for consideration included but were not limited to:
  - 93L Railway Lane, Wongarbron (Railway Lane)

- 20R Bunglegumbie Road, Dubbo (Various lots)
  - Pine Avon Road, Wongarbon (Pine Avon)
  - Green Grove, Dubbo
  - 6L Furneys Road, Terramungamine
  - 85 Cobbora Road, Dubbo
  - Apex Cottage Dubbo (Cemetery Land)
  - Welchman Street, Dubbo (Welchman St)
  - Devil's Hole Reserve, Dubbo
  - Old Dubbo Road, Dubbo
  - Police Paddock Dubbo
  - Angle Park Reserve
  - Land belonging to CSU site
  - Zoological Parks Board Land, Obley Road Dubbo
  - Whylandra Reserve
  - 3L Westview Road, Dubbo (2 sites)
  - 29 Hawthorn Street, Dubbo
  - North Burrabadine Road, Dubbo (Local Land Services land)
4. That, as detailed in the report, that it be noted that the parcels of council owned lands typically would require sub division and the provision of essential services infrastructure at an extra cost and increase in time to the AOD Project.
5. That in recent meetings between staff of council and Western NSW LHD there was consideration of the North Bunglegumbie site, confirming the requirement of \$1.5 – \$1.7 million expenditure to provide sewer and water services and that this was outside the project funding remit of the Western NSW LHD.
6. That in regards to the development consent process it be noted that:
- a. Any related Development Application submitted to Council by or on behalf of the Crown with a capital investment value greater than \$5 million, is required by State Environmental Planning Policy (Planning Systems) 2021, to be determined by the Western Regional Planning Panel (WRPP).
  - b. Council's staff have the responsibility to carry out a professional assessment of the proposal for the WRPP's subsequent determination of the development application. This will include the public exhibition of the application and assessment of submissions received.
  - c. The elected body of Council could choose to make representation in this process by submitting any relevant resolution during the formal exhibition period, for general consideration.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

#### AMENDMENT 1

1. That based upon the information contained within this report and considering the site specifications of Western NSW LHD and the constraints defined by the NSW Minister for Health; they being no extra expense and no substantial time delays, NSW Health be advised that Council is of the opinion it does not have a suitable site option within its

- property portfolio for the establishment of an Alcohol and Other Drug Rehabilitation Centre.
2. That it be noted that Council has provided information to Western NSW LHD, on potentially suitable Council owned parcels of land and introduced other landholding stakeholders such as Dubbo Aboriginal Lands Council, Crown Lands NSW and Property NSW to the Western NSW LHD project team. It is understood that Western NSW LHD assessed potential sites against following criteria:
    - Appropriate zoning for the proposed facility
    - 10-15 minutes travel time from Dubbo Hospital
    - Appropriate Land size (suitable to the facility and potential growth)
    - If parcel required subdividing
    - Existing connection to services such as Water, Sewer, Power and Roads
    - Details of surrounding Community (proximity to Residential, Shops, Hotels, Schools, Industrial).
  3. That, it be noted that the sites proffered for consideration included but were not limited to:
    - 93L Railway Lane, Wongarbone (Railway Lane)
    - 20R Bunglegumbie Road, Dubbo (Various lots)
    - Pine Avon Road, Wongarbone (Pine Avon)
    - Green Grove, Dubbo
    - 6L Furneys Road, Terramungamine
    - 85 Cobbora Road, Dubbo
    - Apex Cottage Dubbo (Cemetery Land)
    - Welchman Street, Dubbo (Welchman St)
    - Devil's Hole Reserve, Dubbo
    - Old Dubbo Road, Dubbo
    - Police Paddock Dubbo
    - Angle Park Reserve
    - Land belonging to CSU site
    - Zoological Parks Board Land, Obley Road Dubbo
    - Whylandra Reserve
    - 3L Westview Road, Dubbo (2 sites)
    - 29 Hawthorn Street, Dubbo
    - North Burrabadine Road, Dubbo (Local Land Services land)
  4. That, as detailed in the report, that it be noted that the parcels of council owned lands typically would require sub division and the provision of essential services infrastructure at an extra cost and increase in time to the AOD Project.
  5. That in recent meetings between staff of council and Western NSW LHD there was consideration of the North Bunglegumbie site, confirming the requirement of \$1.5 – \$1.7 million expenditure to provide sewer and water services and that this was outside the project funding remit of the Western NSW LHD.
  6. That in regards to the development consent process it be noted that:
    - Any related Development Application submitted to Council by or on behalf of the Crown with a capital investment value greater than \$5 million, is required by State Environmental Planning Policy (Planning Systems) 2021, to be determined by the Western Regional Planning Panel (WRPP).

- Council's staff have the responsibility to carry out a professional assessment of the proposal for the WRPP's subsequent determination of the development application. This will include the public exhibition of the application and assessment of submissions received.
  - The elected body of Council could choose to make representation in this process by submitting any relevant resolution during the formal exhibition period, for general consideration.
7. That the CEO will take all necessary steps to facilitate the Western NSW LHD and/or NSW Health assessing land in the North Bunglegumbie Road area and at Green Grove for suitability for the construction of the Alcohol and Other Drug Rehabilitation Centre, including providing land access, technical advice, and another necessary and reasonable information and advice.
8. That Council will decide the question as to whether such land is to be provided, if necessary, and after such assessment has occurred.

The amendment on being put to the meeting carried.

CARRIED

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

The amendment then became the motion.

#### **FORESHADOWED AMENDMENT**

During the discussion of the Amendment 1, Councillor S Chowdhury foreshadowed the following to become an addition to the Amendment 1

9. That it be noted:
- a. That the Mayor has responded to Ministerial correspondence in a letter dated 7 July 2023 that sought a guarantee that if Council provided land that the AOD facility would be moved from the Spears Drive site.
  - b. That the Mayoral letter of 7 July 2023 be included in the minutes of the July Ordinary Meeting of Council.

Moved by Councillor S Chowdhury and seconded by J Gough

#### **AMENDMENT 2**

1. That based upon the information contained within this report and considering the site specifications of Western NSW LHD and the constraints defined by the NSW Minister for Health; they being no extra expense and no substantial time delays, NSW Health be advised that Council is of the opinion it does not have a suitable site option within its property portfolio for the establishment of an Alcohol and Other Drug Rehabilitation Centre.
2. That it be noted that Council has provided information to Western NSW LHD, on

potentially suitable Council owned parcels of land and introduced other landholding stakeholders such as Dubbo Aboriginal Lands Council, Crown Lands NSW and Property NSW to the Western NSW LHD project team. It is understood that Western NSW LHD assessed potential sites against following criteria:

- Appropriate zoning for the proposed facility
  - 10-15 minutes travel time from Dubbo Hospital
  - Appropriate Land size (suitable to the facility and potential growth)
  - If parcel required subdividing
  - Existing connection to services such as Water, Sewer, Power and Roads
  - Details of surrounding Community (proximity to Residential, Shops, Hotels, Schools, Industrial).
3. That, it be noted that the sites proffered for consideration included but were not limited to:
- 93L Railway Lane, Wongarbon (Railway Lane)
  - 20R Bunglegumbie Road, Dubbo (Various lots)
  - Pine Avon Road, Wongarbon (Pine Avon)
  - Green Grove, Dubbo
  - 6L Furneys Road, Terramungamine
  - 85 Cobbora Road, Dubbo
  - Apex Cottage Dubbo (Cemetery Land)
  - Welchman Street, Dubbo (Welchman St)
  - Devil's Hole Reserve, Dubbo
  - Old Dubbo Road, Dubbo
  - Police Paddock Dubbo
  - Angle Park Reserve
  - Land belonging to CSU site
  - Zoological Parks Board Land, Obley Road Dubbo
  - Whylandra Reserve
  - 3L Westview Road, Dubbo (2 sites)
  - 29 Hawthorn Street, Dubbo
  - North Burrabadine Road, Dubbo (Local Land Services land)
4. That, as detailed in the report, that it be noted that the parcels of council owned lands typically would require sub division and the provision of essential services infrastructure at an extra cost and increase in time to the AOD Project.
5. That in recent meetings between staff of council and Western NSW LHD there was consideration of the North Bunglegumbie site, confirming the requirement of \$1.5 – \$1.7 million expenditure to provide sewer and water services and that this was outside the project funding remit of the Western NSW LHD.
6. That in regards to the development consent process it be noted that:
- Any related Development Application submitted to Council by or on behalf of the Crown with a capital investment value greater than \$5 million, is required by State Environmental Planning Policy (Planning Systems) 2021, to be determined by the Western Regional Planning Panel (WRPP).
  - Council's staff have the responsibility to carry out a professional assessment of the proposal for the WRPP's subsequent determination of the development application. This will include the public exhibition of the application and assessment

- of submissions received.
- The elected body of Council could choose to make representation in this process by submitting any relevant resolution during the formal exhibition period, for general consideration.
7. That the CEO will take all necessary steps to facilitate the Western NSW LHD and/or NSW Health assessing land in the North Bunglegumbie Road area and at Green Grove for suitability for the construction of the Alcohol and Other Drug Rehabilitation Centre, including providing land access, technical advice, and another necessary and reasonable information and advice.
  8. That Council will decide the question as to whether such land is to be provided, if necessary, and after such assessment has occurred.
  9. That it be noted:
    - a. That the Mayor has responded to Ministerial correspondence in a letter dated 7 July 2023 that sought a guarantee that if Council provided land that the AOD facility would be moved from the Spears Drive site.
    - b. That the Mayoral letter of 7 July 2023 be included in the minutes of the July Ordinary Meeting of Council.

The amendment on being put to the meeting was carried.

CARRIED

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

The amendment then became the motion.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

### AMENDMENT 3

1. **That based upon the information contained within this report and considering the site specifications of Western NSW LHD and the constraints defined by the NSW Minister for Health; they being no extra expense and no substantial time delays, NSW Health be advised that Council is of the opinion it does not have a suitable site option within its property portfolio for the establishment of an Alcohol and Other Drug Rehabilitation Centre.**
2. **That it be noted that Council has provided information to Western NSW LHD, on potentially suitable Council owned parcels of land and introduced other landholding stakeholders such as Dubbo Aboriginal Lands Council, Crown Lands NSW and Property NSW to the Western NSW LHD project team. It is understood that Western NSW LHD assessed potential sites against following criteria:**
  - **Appropriate zoning for the proposed facility**
  - **10-15 minutes travel time from Dubbo Hospital**
  - **Appropriate Land size (suitable to the facility and potential growth)**
  - **If parcel required subdividing**
  - **Existing connection to services such as Water, Sewer, Power and Roads**
  - **Details of surrounding Community (proximity to Residential, Shops, Hotels,**

- Schools, Industrial).
3. That, it be noted that the sites proffered for consideration included but were not limited to:
    - 93L Railway Lane, Wongarbone (Railway Lane)
    - 20R Bunglegumbie Road, Dubbo (Various lots)
    - Pine Avon Road, Wongarbone (Pine Avon)
    - Green Grove, Dubbo
    - 6L Furneys Road, Terramungamine
    - 85 Cobbora Road, Dubbo
    - Apex Cottage Dubbo (Cemetery Land)
    - Welchman Street, Dubbo (Welchman St)
    - Devil's Hole Reserve, Dubbo
    - Old Dubbo Road, Dubbo
    - Police Paddock Dubbo
    - Angle Park Reserve
    - Land belonging to CSU site
    - Zoological Parks Board Land, Obley Road Dubbo
    - Whylandra Reserve
    - 3L Westview Road, Dubbo (2 sites)
    - 29 Hawthorn Street, Dubbo
    - North Burrabadine Road, Dubbo (Local Land Services land)
  4. That, as detailed in the report, that it be noted that the parcels of council owned lands typically would require sub division and the provision of essential services infrastructure at an extra cost and increase in time to the AOD Project.
  5. That in recent meetings between staff of council and Western NSW LHD there was consideration of the North Bunglegumbie site, confirming the requirement of \$1.5 – \$1.7 million expenditure to provide sewer and water services and that this was outside the project funding remit of the Western NSW LHD.
  6. That in regards to the development consent process it be noted that:
    - Any related Development Application submitted to Council by or on behalf of the Crown with a capital investment value greater than \$5 million, is required by State Environmental Planning Policy (Planning Systems) 2021, to be determined by the Western Regional Planning Panel (WRPP).
    - Council's staff have the responsibility to carry out a professional assessment of the proposal for the WRPP's subsequent determination of the development application. This will include the public exhibition of the application and assessment of submissions received.
    - The elected body of Council could choose to make representation in this process by submitting any relevant resolution during the formal exhibition period, for general consideration.
  7. That the CEO will take all necessary steps to facilitate the Western NSW LHD and/or NSW Health assessing land in the North Bunglegumbie Road area and at Green Grove for suitability for the construction of the Alcohol and Other Drug Rehabilitation Centre, including providing land access, technical advice, and another necessary and reasonable information and advice.
    - a. That the Western NSW Health Local Health District be requested to provide a formal publically available response of the council owned parcels as above.

8. That Council will decide the question as to whether such land is to be provided, if necessary, and after such assessment has occurred.
9. That it be noted:
  - a. That the Mayor has responded to Ministerial correspondence in a letter dated 7 July 2023 that sought a guarantee that if Council provided land that the AOD facility would be moved from the Spears Drive site.
  - b. That the Mayoral letter of 7 July 2023 be included in the minutes of the July Ordinary Meeting of Council.

The amendment on being put to the meeting was carried.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

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

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

*Councillor J Black declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room and during the Council's consideration of this matter. The reason for such interest is that Councillor J Black is employed by Parliament of NSW and assigned to the Office of Stephen Lawrence MLC which he was part of the instrumental advocacy for a Rehab Centre and therefore will not affect his decision making on this item.*

#### **CCL23/188 COALITION OF REGIONAL ENERGY MAYORS (COREM) (ID23/1808)**

The Council had before it the report dated 19 July 2023 from the Chief Executive Officer regarding Coalition of Regional Energy Mayors (CoREM).

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

#### **MOTION**

**That Council does not accept the invitation to join the Coalition of Regional Energy Mayors (CoREM).**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil

**CCL23/189 DRAFT BINDARI ESTATE DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/1199)**

The Council had before it the report dated 12 July 2023 from the Team Leader Growth Planning Projects regarding Draft Bindari Estate Development Control Plan - Results of Public Exhibition.

Moved by Councillor M Wright and seconded by Councillor J Black

**MOTION**

1. That Council adopt the draft Bindari Estate Development Control Plan as attached as Appendix 1 to the report.
2. That Council note the submissions received during the public exhibition period as attached as Appendix 2 to the report.
3. That the draft Bindari Estate Development Control Plan come into effect on 31 July 2023.

**CARRIED**

**For:** Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

(absent: Councillor L Burns)

Councillor L Burns left the room with the time being 7.04 pm

Councillor L Burns returned to the room with the time being 7.07pm

**CCL23/190 DRAFT NET ZERO FRAMEWORK FOR COUNCIL OPERATIONS (ID23/1566)**

The Council had before it the report dated 11 July 2023 from the Manager Resource Recovery and Efficiency regarding Draft Net Zero Framework for Council Operations.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

**MOTION**

1. That the draft Net Zero Framework for Council Operations as attached as Appendix 1 to the report be adopted by Council for the purposes of public exhibition and consultation only.
2. That the draft Net Zero Framework for Council Operations be placed on public exhibition for a period of not less than 28 days and education and consultation activities be undertaken across the community.
3. That following completion of the consultation process, a further report be presented to Council for consideration, including the results of the public exhibition.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil

The Mayor who has an interest in this item left the room time being 7.08 pm

At this juncture the Deputy Mayor Clr Ivey will chair the meeting time being 7.08 pm.

**CCL23/191 DRAFT JOIRA ROAD PLANNING AGREEMENT - RESULTS OF PUBLIC EXHIBITION (ID23/1712)**

The Council had before it the report dated 12 July 2023 from the Development Contributions Planner regarding Draft Joira Road Planning Agreement - Results of Public Exhibition.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**MOTION**

- 1. That Council enter into a Planning Agreement as attached as Appendix 1 to the report, with the Trustees of the Roman Catholic Church for the Diocese of Bathurst.**
- 2. That Council note the submission received during the public exhibition period as attached as Appendix 2 to the report.**
- 3. That Council execute the Planning Agreement by affixing the Common Seal of Council.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

*Councillor M Dickerson 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 M Dickerson sits on an advisory-only panel for the Catholic Diocese of Bathurst. This is a volunteer position.*

The Mayor returned to the room and resumed the chair time being 7.11 pm.

**CCL23/192 PLANNING PROPOSAL R23-005 - ADMINISTRATIVE AMENDMENTS TO THE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2022 (ID23/1619)**

The Council had before it the report dated 18 July 2023 from the Graduate Growth Planner regarding Planning Proposal R23-005 - Administrative Amendments to the Dubbo Regional Local Environmental Plan 2022.

Moved by Councillor V Etheridge and seconded by Councillor P Wells

**MOTION**

1. That Council note the process and key steps for amending the Dubbo Regional Local Environmental Plan 2022 as attached as Appendix 1 to the report.
2. That Council endorse the Planning Proposal as attached as Appendix 2 to the report, to amend the Dubbo Regional Local Environmental Plan 2022.
3. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
5. That Council support a minimum 28 days public exhibition period for the Planning Proposal, subject to the conditions of a Gateway Determination.
6. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil

**CCL23/193 AMENDMENTS TO THE KINTYRE HEIGHTS ESTATE DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/1637)**

The Council had before it the report dated 10 July 2023 from the Graduate Growth Planner regarding Amendments to the Kintyre Heights Estate Development Control Plan - Results of Public Exhibition.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

1. That Council adopt the amended Kintyre Heights Estate Development Control Plan as attached as Appendix 1 to the report.
2. That the amended Kintyre Heights Estate Development Control Plan come into effect on 31 July 2023.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/194 DUBBO REGIONAL COUNCIL REPRESENTATION TO THE TARONGA CONSERVATION SOCIETY AUSTRALIA BOARD (ID23/1815)**

The Council had before it the report dated 20 July 2023 from the Director Organisational Performance regarding Dubbo Regional Council Representation to the Taronga Conservation Society Australia Board.

Moved by Councillor J Gough and seconded by Councillor P Wells

**MOTION**

**That Council nominate the Councillors that hold the positions of, Mayor; Deputy Mayor; and the three Standing Committee chairs and the staff that hold the positions of Chief Executive Officer and Director Strategy, Partnerships and Engagement, to be submitted to the NSW Minister for Environment to be considered for selection to fill the allocated Board position of the Taronga Conservation Society Australia Board.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/195 DRAFT CODE OF CONDUCT POLICY AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT (ID23/1713)**

The Council had before it the report dated 5 July 2023 from the Manager Corporate Governance regarding Draft Code of Conduct Policy and Procedures for the Administration of the Code of Conduct.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

**MOTION**

**That the draft Code of Conduct Policy and the Procedures for the Administration of the Code of Conduct Policy, attached as Appendix 1 and 2 to the report, be adopted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/196 DRAFT COUNCIL POLICY - CODE OF MEETING PRACTICE (ID23/1780)**

The Council had before it the report dated 14 July 2023 from the Governance Team Leader regarding Draft Council Policy - Code of Meeting Practice.

Moved by Councillor J Black and seconded by Councillor M Wright

**MOTION**

That the draft Council Policy "Code of Meeting Practice", as attached as Appendix 1 to the report, be adopted by Council for the purposes of Public Exhibition for a period of 28 days, with Clauses 3.11 and 3.12, 3.12(a) and 3.12(b) being replaced with the following prior to being placed on Public Exhibition:

**3.11** If the Chief Executive Officer considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the chief executive officer may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

**3.12** A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the chief executive officer must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

**3.9** A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted eight business days before the meeting is to be held.

**20.25** The minutes of meetings of each Committee of the Council must be confirmed at the next Ordinary Council meeting.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/197 ROAD CLOSURE AND DISPOSAL AGREEMENT - CLASSIFICATION AS OPERATIONAL LAND - CAMPANIA ROAD, RAWSONVILLE (ID23/1711)**

The Council had before it the report dated 4 July 2023 from the Property Development Officer regarding Road Closure and Disposal Agreement - Classification as Operational Land - Campania Road, Rawsonville.

Moved by Councillor J Black and seconded by Councillor M Wright

**MOTION**

- 1. That Council execute the closure of the subject part of Campania Road, Rawsonville, being Lot 1 of 6.8 hectares in the unregistered deposited plan as attached to this report.**

2. That Council execute the road closure and disposal agreement for the subject land with Mr Thomas John Harvey and Mrs Catherine Michelle Harvey, under the Common Seal of Council.
3. That Council execute the Plan of First Title Creation and Road Closing under the *Roads Act 1993*, and Easement for Overhead Power Lines, under the Common Seal of Council.
4. That upon closure of the road noted in resolution no. 1, that such land be classified as operational land under the *Local Government Act 1993*.
5. That Council delegate to the Chief Executive Officer the power to finalise and execute any documents necessary to complete the matter.
6. That any documents relating to the matter and which cannot be executed by the Chief Executive Officer under delegation, are executed under the Common Seal of Council.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/198 EXECUTION OF PLAN OF SUBDIVISION - KESWICK ESTATE STAGE 5 RELEASE 2 (ID23/1765)**

The Council had before it the report dated 10 July 2023 from the Property Development Officer regarding Execution of Plan of Subdivision - Keswick Estate Stage 5 Release 2.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

**That the Plan of Subdivision of Lot 1012 in DP1261855 be executed under the Common Seal of Council.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon and P Wells.

**Against:** Nil.

(Absent: Councillor M Wright)

*Councillor M Wright declared a 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 M Wright and his wife purchased a property in this stage of Keswick estate.*

**CCL23/199 TREE PRESERVATION ORDER - INTRODUCTION OF STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 (ID23/647)**

The Council had before it the report dated 23 May 2023 from the Manager Recreation and Open Space regarding Tree Preservation Order - Introduction of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

**MOTION**

1. That the report dated 23 May 2023 be noted.
2. That Council undertake community consultation regarding the options contained within the report for urban tree management regulation on private and public property including:
  - a. Urban tree height and size options to which the regulations would apply,
  - b. Administration fee structure options including a no fee option.
3. That a report be provided to Council's Ordinary Meeting in October 2023 that provides details on:
  - a. outcome of community consultation,
  - b. options for what a potential Tree Preservation Order structure could look like given that community consultation,
  - c. impact on resource allocation within Council to service a new policy setting, and
  - d. financial adjustments required for the 2023/2024 budget.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/200 COMMUNITY SERVICES FUNDING 2023/2024 - COMMUNITY BENEFIT FUNDING IN ACCORDANCE WITH SECTION 356 LOCAL GOVERNMENT ACT 1993 (ID23/1772)**

The Council had before it the report dated 12 July 2023 from the Manager Community Services regarding Community Services Funding 2023/2024 - Community Benefit Funding in Accordance with Section 356 Local Government Act 1993.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury

**MOTION**

1. That it be noted that the first round of 'Community Services Fund' and 'Community Assistance Fund' for financial year 2023/2024 has been paused pending consideration of this report.
2. That it be noted that under the current framework the Community Services Fund is for all community organisations including Not For Profits, whilst the Community Assistance Fund is for Not-for-Profit organisations only.
3. That to enable access to the budgeted funds by community groups as soon as possible Council resolve to:
  - a. Create one funding pool under the Community Services Fund noting it allows for Not For Profits community based organisations to apply.
4. That Council maintain a maximum of two rounds per financial year noting the administration and governance required for grant programs that distribute public monies to external organisations.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/201 DESTINATION DUBBO FUNDING (ID23/1770)**

The Council had before it the report dated 11 July 2023 from the Manager Regional Experiences regarding Destination Dubbo Funding.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

1. That the following funding strategy be undertaken as the preferred option to enable Council to complete the Destination Dubbo Projects:
  - a. That Council make a formal submission to Infrastructure NSW that all remaining Infrastructure NSW funds are allocated to complete the Macquarie River Events Precinct and the Heritage Plaza projects.
  - b. That Council prepares an Expression of Interest application for the Growing Regions Program to fund up to 50% of the Wiradjuri Tourism Centre, utilising the Create NSW funds as part of Council's match funding contribution
  - c. That the EOI as expressed in point (b) requires Council to contribute \$2.2 million resourced via an internal loan and that the detailed funding strategy will be developed and provided to Council prior to the full application.
2. That it be noted that this funding strategy would see all three Destination Dubbo projects being completed.
3. That it be noted that should the EOI be unsuccessful an alternate funding strategy for the completion of the Wiradjuri Tourism Centre will be brought to council for further consideration.
4. That Council, recognising the need for this to be a community led experience, continue to engage community and government agencies to establish formal partnerships with Aboriginal owned organisation/s for the future ongoing operations of the Wiradjuri Tourism Centre.

**CARRIED**

**For:** Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** L Burns.

*Councillor L Burns declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor L Burns as he is a Traditional Owner and this matter considers a Wiradjuri Cultural item and I will remain in the room.*

**CCL23/202 GROWING REGIONS PROGRAM ROUND 1 - EXPRESSIONS OF INTEREST (ID23/1807)**

The Council had before it the report dated 19 July 2023 from the Chief Executive Officer regarding Growing Regions Program Round 1 - Expressions of Interest.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

1. That the Chief Executive Officer submit the four Expressions of Interest, to the Growing Regions Program Round 1 being:
  - a. Wiradjuri Tourism Centre;
  - b. Animal Shelter Rebuild;
  - c. Macquarie River Sandy Beach Erosion Control works;
  - d. Shared pathway, Wellington (Pioneer Park to Brennans Way).
2. That the Expression of Interest for the Wiradjuri Tourism Centre is submitted by council's determination by item CCL23/201.
3. That Councillors be advised and updated as to the status of submissions as the information becomes available.

**CARRIED**

**For:** Councillors J Black, L Burns, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

(Absent: Councillor S Chowdhury)

Councillor S Chowdhury left the room time being 8.11pm.

**CCL23/203 DRAFT 2023-2027 COMMUNITY ENGAGEMENT STRATEGY (INCLUDING COMMUNITY PARTICIPATION PLAN) (ID23/1801)**

The Council had before it the report dated 18 July 2023 from the Manager Customer Experience and Engagement regarding Draft 2023-2027 Community Engagement Strategy (including Community Participation Plan).

Moved by Councillor P Wells and seconded by Councillor M Wright

**MOTION**

1. That the Draft 2023 – 2027 Community Engagement Strategy (including Participation Plan) be adopted by Council for the purpose of public exhibition.
2. That the Draft 2023 – 2027 Community Engagement Strategy (including Participation Plan) be placed on public exhibition for a period of not less than 28 days.
3. That following completion of public exhibition and community consultation, a further report be presented to Council for consideration, including the results of the public exhibition and community consultation.

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

Councillor S Chowdhury returned to the room time being 8.13pm.

**CCL23/204 QUESTIONS ON NOTICE - COUNCILLOR RICHARD IVEY (ID23/1764)**

The Council had before it the report dated 10 July 2023 from the Councillor regarding Questions on Notice - Councillor Richard Ivey.

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

**MOTION**

**That the information contained in the report be noted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/205 QUESTIONS ON NOTICE - COUNCILLOR SHIBLI CHOWDHURY (ID23/1771)**

The Council had before it the report dated 11 July 2023 from the Councillor regarding Questions on Notice - Councillor Shibli Chowdhury.

Moved by Councillor S Chowdhury and seconded by Councillor J Black

**MOTION**

**That the information contained in the report be noted.**

**CARRIED**

**For:** Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**CCL23/206 COMMENTS AND MATTERS OF URGENCY (ID23/1151)**

There were no matters recorded under this clause.

The meeting closed at 8.34pm.

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CHAIRPERSON