



REPORT ORDINARY COUNCIL MEETING 27 NOVEMBER 2017

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 Acting General Manager (C Devitt), the Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Director Economic Development and Business, the Manager Communication and Stakeholder Engagement, the Communications Coordinator, the Manager Airport Operations, the Manager Business Services, the Director Infrastructure and Operations, the Manager Infrastructure Strategy, the Director Planning and Environment, the Manager Building and Development Services, the Statutory Planning Services Team Leader, the Manager Strategic Planning Services, the Strategic Planner and the Director Community and Recreation.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor B Shields.

CCL17/165 CONFIRMATION OF MINUTES (ID17/1974)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 23 October 2017.

Moved by Councillor K Parker and seconded by Councillor G Mohr

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 October 2017 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Acting General Manager.

CARRIED

CCL17/166 LEAVE OF ABSENCE (ID17/1976)

There were no requests for leave of absence recorded.

CCL17/167 PUBLIC FORUM (ID17/1975)

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

- Mr Steve Gooley regarding item PDEC17/6 - Planning Proposal (R16-5) - Southlakes Estate, Dubbo.
- Mr Paul Hagarty regarding item PDEC17/8 - Development Application D17-415 - Registered Club (Alterations And Additions).
- Ms Judy Newton regarding item PDEC17/8 - Development Application D17-415 - Registered Club (Alterations And Additions).
- Mrs Lyn Griffiths regarding the General Manager's contract
- Mr Matthew Gilbert, Dubbo Cycle Club regarding item.
- Mr Robert Riley regarding the General Manager's contract
- Mr Bill Kelly regarding the General Manager's contract
- Mr Josh Black regarding Macleay Street Dubbo and the verges not being sealed.
- Ms Belinda Edmundson regarding street trees.
- Ms Barbra Sutherland regarding street trees.
- Ms Anita Johnstone regarding Implementation of Employment Education and Training Opportunities – Wiradjuri Wellington Aboriginal Town Common Aboriginal Corporation.

Moved by Councillor D Grant and seconded by Councillor S Lawrence

MOTION

That in accordance with clause 10.4(c) of Council's adopted Meeting Procedures, Public Forum be extended for a further ten (10) minutes.

MAYORAL MINUTES:

CCL17/168 CENTENARY OF ARMISTICE DAY (ID17/1960)

The Council had before it the Mayoral Minute regarding Centenary of Armistice Day.

Moved by Councillor B Shields

MOTION

1. That Council form a Centenary of Armistice Committee to oversee the appropriate commemoration of Remembrance Day 2018.
2. That the Committee comprise the Mayor, two (2) Councillors, the General Manager, the Director Corporate Services, the Director Community and Recreation and two (2) representatives of the RSL Sub-Branch.
3. That the Centenary of Armistice Committee be disbanded following Remembrance Day 2018.

CARRIED

CCL17/169 IMPROVING WATER QUALITY IN THE MACQUARIE RIVER (ID17/2034)

The Council had before it the Mayoral Minute regarding Improving Water Quality in the Macquarie River.

Moved by Councillor B Shields

MOTION

That Council undertake an immediate strategic review of its overall approach to enhancing the water quality in the Macquarie River through effective management of stormwater flows from the urban areas of Wellington and Dubbo including:

1. Ensuring the existing 58 Gross Pollutant Traps (GPTs) currently installed in Wellington and Dubbo are effectively managed and maintained to ensure they operate at maximum efficiency to remove litter and other contaminants from entering the river.
2. Identifying the optimal location for installation of additional GPTs in critical catchments in Wellington and Dubbo and developing a program for delivery over the next three to four years.
3. Engage with active community groups such as the Inland Waterways, Mid-Macquarie Landcare, Dubbo Macquarie River Bushcare and Dubbo Field Naturalists along with Dubbo and Wellington Local Aboriginal Land Councils to develop a comprehensive community education program on initiatives to educate the community on the need to reduce littering to minimise the volume of rubbish entering the river as well as identify ways to involve the community on an ongoing basis to raise awareness of improving the health of the Macquarie River.
4. Developing a funding program to deliver this program of works, which includes pursuing opportunities for external funding as well utilisation of existing funding, to be considered in the 2018/2019 Delivery Plan.

CCL17/169a STAFF MATTER

The Council had before it the Mayoral Minute regarding staff matter.

Moved by Councillor B Shields

MOTION

That the matter be deferred to Committee of the Whole.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

**CCL17/170 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 20 NOVEMBER 2017 (ID17/1978)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 20 November 2017.

Moved by Councillor S Lawrence and seconded by Councillor D Grant

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 20 November 2017, be adopted, save and except clauses PDEC17/5, PDEC17/6, PDEC17/7, PDEC17/8 and PDEC17/9 with such matters being dealt with separately.

CARRIED

PDEC17/5 PLANNING PROPOSAL R17-4 - ADDITIONAL PERMITTED USE (DWELLING HOUSE), WARRIE ROAD, DUBBO

APPLICANT: GEOLYSE PTY LTD

OWNER: A J JOYCE-BRANDON AND R M BRANDON (ID17/1803)

The Council had before it the report dated 14 November 2017 from the Manager Strategic Planning Services regarding Planning Proposal R17-4 - Additional Permitted Use (Dwelling House), Warrie Road, Dubbo.

Moved by Councillor S Lawrence and seconded by Councillor K Parker

MOTION

1. That Council supports the Planning Proposal to include a dwelling house as a permissible development activity ancillary to intensive livestock agriculture on the combined area of Lot 147 and Lot 148 DP 754331, Warrie Road, Dubbo.
2. That Council supports a minimum 28 day public exhibition period for the Planning Proposal.
3. That Council resolves to use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.
4. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition 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)

PDEC17/6 PLANNING PROPOSAL (R16-5) - SOUTHLAKES ESTATE, DUBBO (ID17/1913)

The Council had before it the report dated 14 November 2017 from the Manager Strategic Planning Services regarding Planning Proposal (R16-5) - Southlakes Estate, Dubbo. The Committee reports having met with Mr Steve Guy, MAAS Group Family Properties, regarding this matter.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

1. That the Planning Proposal, as exhibited, to undertake the following amendments to the Dubbo Local Environmental Plan 2011 be adopted by Council:
 - That part of the subject land be rezoned from R2 Low Density Residential to R1 General Residential, B1 Neighbour Centre and the existing RE1 Public Recreation zone be reconfigured;
 - That minimum lot sizes be changed from existing 600 m² and 4000 m² to a range of no minimum lot sizes, 450 m², 600 m², 800 m² and 2000 m²;
 - That land situated to the south of the indicative location of the Southern Distributor be zoned RU2 Rural Landscape;
 - That the area of land proposed to be zoned B1 Neighbourhood Centre be subject to a suitable provision in the Dubbo Local Environmental Plan 2011 that limits the total retail floor space of any centre to 5,000 m²; and
 - That the additional use of Recreational Facility (Indoor) be permitted on the subject area of the land proposed to be zoned B1 Neighbourhood Centre under the provisions of the Dubbo Local Environmental Plan 2011.
2. That Council request the Department of Planning and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
3. That following receipt of an Opinion from the Department that the Plan be made, that the General Manager request gazettal of the Plan.
4. That those who made a submission be thanked and advised of Council's determination in this matter.

Moved by Councillor D Gumley and seconded by Councillor A Jones

AMENDMENT

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

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

PDEC17/7 DEVELOPER CONTRIBUTIONS AND ASSOCIATED ISSUES - SOUTHLAKES ESTATE, SOUTH-EAST DUBBO (ID17/1970)

The Council had before it the report dated 16 November 2017 from the Manager Strategic Planning Services regarding Developer Contributions and Associated Issues - Southlakes Estate, South-East Dubbo. The Committee reports having met with Mr Steve Guy, MAAS Group Family Properties, regarding this matter.

Moved by Councillor S Lawrence and seconded by Councillor D Gumley

MOTION

1. That it be noted that in respect of the Southlakes Estate, the Keswick on the Park Estate and the Magnolia Grove Estate, Council has not overcharged Section 94 Developer Contributions for any development application pursuant to the following Section 94 Developer Contributions Plans:
 - Section 94 Contributions Plan for Open Space and Recreation Facilities, 1998 (former Section 94 Plan);
 - Section 94 Contributions Plan for Open Space and Recreation Facilities, 2016; and
 - Section 94 Contributions Plan Urban Stormwater Drainage Headworks, 1995.
2. That Council proceed to enter into a Works-In-Kind Agreement for the first 950 lots included in Stage 2 of the Southlakes Estate (Hillview Land) with Maas Group Family Properties for the provision of Open Space and Recreation Facilities in accordance with the following:
 - Embellishment of the Council-owned land situated within the Stage 2 Southlakes Estate area to the value of \$2 million;
 - Embellishment of the Council-owned land to be undertaken in compliance with the Furniture and Equipment Standard of the Community and Recreation Division;

- Payment of a City-wide contribution of \$1,436.78 per lot; and
3. That Council enter into a Maintenance Agreement with the proponent for the ongoing maintenance of open space within Stage 2 (including Lot 2 DP 880413) of the Southlakes Estate by the developer for a period of 10 years in conjunction with any future development application(s) for subdivision in Stage 2 in accordance with the Dubbo Development Control Plan 2013.
 4. That following receipt of the consultancy assessment from Cardno Pty Ltd in respect of trunk stormwater drainage requirements in Catchment 3.1 under the provisions of the Section 94 Contributions Plan Urban Stormwater Drainage Headworks, a further report be provided to Council in February 2018 including the following:
 - Details of trunk stormwater infrastructure delivered;
 - Infrastructure required to be delivered and infrastructure costs; and
 - Further consideration as to whether amendment of the Section 94 Contributions Plan is required or any other mechanism, both in respect of development in the catchment and Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.
 5. That Council not enter into a Voluntary Planning Agreement in accordance with the request to enter into a Voluntary Planning Agreement as provided by GLN Planning Pty Ltd, dated 3 November 2016 and provided here in Appendix 4.
 6. That Council commence the acquisition of 52,116.77m² of Lot 36 DP 1233637 for the purpose of the future development of the Southern Distributor Road under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, with a further report forwarded to Council in due course.
 7. That Council undertake a land swap with Maas Group Family Properties to exchange 3.152 hectares of Council owned land for approximately 5.817 hectares of land owned by Maas Group Family Properties as shown here in Appendix 8.
 8. That the land swap included in item 7 be at no cost to Council (ie a direct swap of land with no monetary compensation).
 9. That the land swap included in item 7 not be formalised until the Minister for Planning has gazetted the Planning Proposal for the Southlakes Estate (R16/5).
 10. That consideration of a Works-In-Kind Agreement for the provision of sewer and water infrastructure be deferred pending completion and adoption of the complete Structure Plan for Southlakes Estate including Lot 2 DP 880413.
 11. That Council not accede to the request to enter into a Voluntary Planning Agreement (VPA) in respect of road infrastructure for Stage 2 including Lot 2 DP 880413 of the Southlakes Estate.
 12. That any necessary documentation to facilitate the land swap be executed under the Common Seal of Council.

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)

Councillor A Jones assumed chairmanship of the meeting for consideration of this matter.

PDEC17/8 DEVELOPMENT APPLICATION D17-415 - REGISTERED CLUB (ALTERATIONS AND ADDITIONS)
PROPERTY: 82 WHYLANDRA STREET, DUBBO
APPLICANT: CLUB DUBBO
OWNER: WEST DUBBO BOWLING CLUB LTD (ID17/1911)

The Council had before it the report dated 14 November 2017 from the Senior Strategic Planner regarding Development Application D17-415 - Registered Club (Alterations and Additions). The Committee reports having met with Ms Alicia Rich regarding this matter.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

1. That Development Application D17-415 for alterations and additions to a registered club at Lot 229 DP 753233, 82 Whylandra Street, Dubbo, be granted approval subject to the conditions of consent included as Appendix 1 to the report of the Senior Strategic Planner dated 14 November 2017.
2. That Council accede to the request for the reduction in the Section 94 contribution for Urban Roads from \$138,769.64 to \$65,303.36 based on the traffic analysis prepared by Stanbury Traffic Planning and dated August 2017 as submitted with Development Application D17-415.
3. That those who made submissions in this matter be advised of Council's determination.

Moved by Councillor J Ryan and seconded by Councillor D Gumley

AMENDMENT

1. That the report of the Senior Strategic Planner dated 14 November 2017 be noted.
2. That the applicant be requested to:
 - To install double-glazed windows on all parts of the new development's exterior walls, and retrofit double-glazed windows in any other areas where sound can escape towards neighbours.
 - Install a man-proof fence and self-closing, locking gate where pedestrians can gain access from Stonehaven Avenue to Club Dubbo, for the purposes of discouraging patrons from parking in Stonehaven Avenue to access the club (Note: Club Dubbo to design a plan whereby residents from Stonehaven Avenue and other affected nearby residences have access to the gate's code with access to any other parties needs to be strictly limited and controlled).
 - Pay the costs for DRC to obtain an independent noise/audio study so we have unbiased baseline information to give us a solid and ethical foundation upon which to base any noise complaints about Club Dubbo into the future.
3. That upon receipt of the response from the applicant a further report be provided to the Ordinary Meeting of Council in December 2017 for determination.

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 Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Total (9)	Total (0)

Councillor B Shields declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during Council's consideration. The reason for such interest is that Councillor B Shields is a former employee of Club Dubbo and was employed by Club Dubbo in the past 12 months.

Councillor B Shields resumed chairmanship of the meeting.

**PDEC17/9 DEVELOPMENT APPLICATION D2017-462 - TWO (2) LOT SUBDIVISION, MULTI DWELLING HOUSING AND FOUR (4) LOT STRATA SUBDIVISION
PROPERTY: 197 WINGEWARRA STREET, DUBBO
APPLICANT: MR R STEVENSON
OWNER: RACEBAIL PTY LTD (ID17/1982)**

The Council had before it the report dated 15 November 2017 from the Statutory Planning Services Team Leader regarding Development Application D2017-462 - Two (2) Lot Subdivision, Multi Dwelling Housing and Four (4) Lot Strata Subdivision.

Moved by Councillor S Lawrence and seconded by Councillor J Diffey

MOTION

1. That Development Application D2017-462 for a two (2) lot subdivision, multi dwelling housing (four (4) terrace dwellings) and four (4) lot strata subdivision at Lot 1 Sec 40 DP 758361, 197 Wingewarra Street, Dubbo, be refused for the following reasons:
 - a. The proposed development does not represent the orderly development of land. (Section 5(a) Environmental Planning and Assessment Act, 1979).
 - b. The proposed strata subdivision fails to meet the minimum lot size requirements as stated in Dubbo Local Environmental Plan 2011, Clause 4.1. The request to vary the development standard in Clause 4.6 cannot be supported due to the proposal's failure against subclauses (3) and (4) and a number of requirements in Dubbo Development Control Plan 2013, Chapter 2.1 Residential Development and Subdivision. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
 - c. The subject development requires an exemption to the minimum lot size standard in accordance with Clause 4.6 (4) of the Dubbo Local Environmental Plan. The subject application is contrary to Clause 4.6 on the basis that Council is not satisfied the proposal meets the requirements of Clause 4.6. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
 - d. The proposed driveways of terraces 1 and 2 are located within three (3) metres of the existing power pole, contrary to the requirements of Essential Energy. (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
 - e. Proposed Lot 12 (being 528 m² in area) is below the minimum lot size of 700 m² as required for multi dwelling housing development, in accordance with Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
 - f. The private open space areas proposed for the four (4) terrace dwellings fail to achieve the minimum required hours of direct sunlight in accordance with Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
 - g. The private open space areas of the existing dwelling, together with terraces 2 and 3 fail to meet the minimum area requirements specified in the Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).

- h. The vehicle access arrangements for the four (4) terrace dwellings does not permit vehicles to enter and leave in a forward direction, nor is there any provision for the required visitor car parking space onsite, as required in Dubbo Development Control Plan 2013. (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
- i. The proposed four (4) terrace dwellings' driveways to Fitzroy Street are located such that they are deemed dangerous to the road network, the travelling public and the future occupants of the terraces, and in contravention of Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
- j. The existing dwelling's proposed driveway to Wingewarra Street is located such that it is deemed dangerous to the road network, the travelling public and the adjoining occupant at 199 Wingewarra Street, as required in Dubbo Development Control Plan 2013 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).
- k. The proposed development (Stages 2 and 3) is deemed unsuitable for the subject site based on the areas of non-compliance with the Development Control Plan identified as it constitutes an over-development of the site. (Section 79C(1)(c) Environmental Planning and Assessment Act, 1979).
- l. The proposed development is not deemed to be in the public interest, given the numerous non-compliances of the proposal together with the potential detrimental impacts on the road network and the property to the south (184 Fitzroy Street). (Section 79C(1)(e) Environmental Planning and Assessment Act, 1979).

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

AMENDMENT

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

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 D Grant declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during Council's consideration. The reason for such interest is that Councillor D Grant is an employee of Elders Insurance who have business dealings with the proponent of the application.

CCL17/171 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE - MEETING 20 NOVEMBER 2017 (ID17/1979)

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 20 November 2017.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 20 November 2017, be adopted, save and except clauses ICRC17/17, ICRC17/21 and ICRC17/23, with such matters being dealt with separately.

CARRIED

ICRC17/17 DRAFT POLICY RELATING TO WATER CONNECTION, BACKFLOW PREVENTION AND PRICING POLICY - PUBLIC EXHIBITION (ID17/1905)

The Committee had before it the report dated 25 October 2017 from the Director Infrastructure and Operations regarding Draft Policy Relating to Water Connection, Backflow Prevention and Pricing Policy - Public Exhibition.

Moved by Councillor S Lawrence and seconded by Councillor K Parker

MOTION

1. That the information contained within the report of the Director Infrastructure and Operations dated 25 October 2017 be noted.
2. That the Water Connection, Backflow Prevention and Pricing Policy attached to the report of the Director Infrastructure and Operations dated 25 October 2017, as Appendix 1, be adopted.
3. That the people who made submissions be advised of the outcome of Council's considerations and thanked for their submission.

Moved by Councillor J Diffey and seconded by Councillor G Mohr

AMENDMENT

That the matter be deferred to the Ordinary Meeting of Council to be held in December 2017.

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

ICRC17/21 OPPORTUNITIES TO IMPROVE STREET TREE CANOPY OF DUBBO (ID17/1962)

The Council had before it the report dated 7 November 2017 from the Manager Recreation and Open Space regarding Opportunities to Improve Street Tree Canopy of Dubbo.

Moved by Councillor J Ryan and seconded by Councillor A Jones

MOTION

The Committee recommends:

1. That Council form a Committee to review proposed removal and/or replacement of trees required to complete infrastructure projects comprising the Mayor, interested Councillors, the General Manager, the Director Community and Recreation or his nominee, the Director Infrastructure and Operations or his nominee, the Director Planning and Environment or her nominee, and four (4) community representatives.
2. That the Committee undertake a review of Council's strategic master plan for the city's tree scape for the consideration of Council following a community consultation process.
3. That the Director Community and Recreation be requested to develop a draft Council Policy for Urban Street Tree Removal for the review of the Committee and consideration of Council following a community consultation process.
4. That all activities relevant to the Urban Street Tree Removal Policy be reported to the Committee and Council on a quarterly basis.
5. That the proposed removal of and/or replacement of trees required as part of Council's infrastructure projects, apart from any projects which are well advanced and subject to contractual obligations, (being the Boundary Road Extension project, the Bultje Street - Dubbo CBD Heat Island Amelioration project and the Cobra/Fitzroy Street Signalisation Project and Erskine Street, west of Darling Street) be postponed until a community committee has been established to review such proposed tree removal and/or replacement with recommendations to Council's Infrastructure, Community and Recreation Committee.

Moved by Councillor J Ryan and seconded by Councillor S Lawrence

AMENDMENT

That the item be deferred to the Ordinary Meeting of Council to be held in December 2017 to allow for the formation of the Committee and not stop current infrastructure projects whilst this is occurring.

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

ICRC17/23 RYGATE PARK MASTER PLAN (ID17/1967)

The Council had before it the report dated 9 November 2017 from the Manager Recreation and Open Space regarding Rygate Park Master Plan.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

- 1. That the report from Manager Recreation and Open Space dated 9 November 2017 be noted.**
- 2. That the draft Rygate Park Master Plan be adopted and the Wellington Tennis Club thanked for their further contribution in its development.**

CARRIED

Councillor D Grant 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 Grant's wife is a Committee member of Little Athletics and his children participate in Little Athletics at this facility and that such conflict of interest will not influence his decision.

CCL17/172 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 20 NOVEMBER 2017 (ID17/1980)

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 20 November 2017.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 20 November 2017, be adopted, save and except clauses EDBAC17/15, EDBAC17/17 and EDBAC17/19 with such matters being dealt with separately.

CARRIED

**EDBC17/15 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT
(ID17/1988)**

The Council had before it the report dated 14 November 2017 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the information provided within the report of the Director Corporate Services, dated 14 November 2017 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 Council's consideration. 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.

EDBC17/17 POLICY FOR ACCESS TO COUNCILLOR EMAIL MESSAGES (ID17/1966)

The Council had before it the report dated 8 November 2017 from the Manager Governance and Risk regarding Policy for Access to Councillor Email Messages.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the draft policy titled Access to Councillor Email Messages be adopted.

Moved by Councillor J Ryan and seconded by Councillor D Grant

AMENDMENT

That the draft policy titled Access to Councillor Email Messages be adopted with the inclusion of the word "written" in the last paragraph so that it reads:

"Email messages that have been sent to, or by, Councillors in their duties of a Councillor, may only be accessed after the express written permission of Council's General Manager has been granted. Councillors will be advised when access to their email messages has been granted and provided with the reason why the access was required."

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 A Jones assumed chairmanship of the meeting for consideration of this matter.

**EDBC17/19 KESWICK STAGE 4 RELEASE 3B - SALE PRICES AND ADVERTISING SCHEDULE
(ID17/1956)**

The Council had before it the report dated 1 November 2017 from the Manager Property Assets regarding Keswick Stage 4 Release 3B - Sale prices and advertising schedule.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That the 29 single dwelling residential allotments that form Keswick Estate Stage 4 Release 3B be marketed for sale effective 9.00 am Friday 1 December 2017 at the prices as detailed in Table 1 in this report and further, that the General Manager be authorised to take the necessary action in respect of such sales as also detailed in this report.
2. That the minimum floor space building requirement as detailed in the restrictive covenant for Keswick Estate Stage 4 remain at 150 m² (excluding dual occupancy dwellings).
3. That local real estate agencies be invited to enter into open agency agreements with Council to sell Keswick Lots on behalf of Council.
4. That each licensed builder be permitted to buy a maximum of four (4) single residential Lots and a further two (2) dual occupancy Lots in the release with no more than two of these allotments, with the same street frontage, adjoining each other.
5. That builders be permitted options to set aside up to four allotments with a 5% deposit for a period of 3 months to promote and market house land packages, noting that on successful completion, the builder's client for the house land package settle the purchase of the land transaction directly themselves with Dubbo Regional Council and at the end of the three month period of the builder option, notice be given to the builder to settle the purchase of the allotment set aside.
6. That any necessary documents be executed under the Common Seal of the Council.
7. That the documents and considerations in regard to this matter remain confidential to Council.

CARRIED

Councillor B Shields declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during Council's consideration. The reason for such interest is that Councillor B Shields owns property and resides in Keswick Estate.

Councillor B Shields resumed chairmanship of the meeting.

CCL17/173 REPORT OF THE AIRPORT/AIRSTRIP WORKING PARTY - MEETING 25 OCTOBER 2017 (ID17/2028)

The Council had before it the report of the Airport/Airstrip Working Party meeting held 25 October 2017.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

That the report of the Airport/Airstrip Working Party meeting held on 25 October 2017, be adopted.

CARRIED

REPORTS FROM STAFF:

CCL17/174 ABOLITION OF WARDS AND POPULARLY ELECTED MAYOR (ID17/1922)

The Council had before it the report dated 31 October 2017 from the General Manager regarding Abolition of Wards and Popularly Elected Mayor.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

1. That the report of the General Manager dated 31 October 2017 be noted.
2. That Council notes that the Local Government Act 1993 (NSW) currently requires that wards be of approximately equal population size and elect the same number of councillors.
3. That Council notes that this prevents the creation of a two ward system in the local government area, which might otherwise consist of separate Dubbo and Wellington wards, electing different numbers of councillors according to population size.
4. That Council make representations to the Minister of Local Government to consider the feasibility and appropriateness of an amendment to the Local Government Act 1993 (NSW) to allow a process for the creation of electoral wards with variations of population of more than 10% and electing different numbers of councillors, so long as the councillor/elector ratio is such as to maintain the principle of democratic representation across the local government area.
5. That Council submit a motion to the 2018 NSW Local Government Conference in support of the above with the wording of such motion being submitted to Council prior to lodgement.

CARRIED

CCL17/175 DUBBO CITY REGIONAL AIPORT - AUSTRALIAN AIRPORT ASSOCIATION - AIRPORT INNOVATION AND EXCELLENCE AWARDS (ID17/2020)

The Council had before it the report dated 20 November 2017 from the Director Economic Development and Business regarding Dubbo City Regional Aiport - Australian Airport Association - Airport Innovation and Excellence Awards.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the report of the Director Economic Development and Business dated 20 November 2017 be noted and that past and present staff of Dubbo City Regional Airport as well as the staff who have contributed to the preparation and delivery of the Runway Strengthening and Lighting Upgrade project be congratulated on the attainment of these awards.

CARRIED

CCL17/176 RAIL MAINTENANCE FACILITY - AGREEMENT WITH TRANSPORT FOR NSW TO ACQUIRE COUNCIL OWNED LAND AT LOT 100 DP 710487, WHITE STREET (ID17/2027)

The Council had before it the report dated 21 November 2017 from the Manager Property Assets regarding Rail Maintenance Facility - agreement with Transport for NSW to acquire Council owned land at Lot 100 DP 710487, White Street.

Moved by Councillor J Diffey and seconded by Councillor A Jones

MOTION

- 1. That the Terms Sheet attached to the report of the Manager Property Assets dated 21 November 2017 as Appendix 2, between Transport for NSW and Council, be approved and executed.**
- 2. That all necessary documentation in relation to this matter be executed under the Common Seal of the Council.**

CARRIED

CCL17/177 COMMENTS AND MATTERS OF URGENCY (ID17/1981)

There were no matters recorded under this clause.

At this junction it was moved by Councillor S Lawrence and seconded by Councillor D Grant that the Council resolves into the Committee of the Whole Council, the time being 6.59pm.

The meeting resumed at 7.56pm.

CCL17/178 COMMITTEE OF THE WHOLE

The Director Corporate Services read to the meeting of the Report of Committee of the Whole held on 27 November 2017.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That the report of the meeting of the Committee of the Whole held on 27 November 2017 be adopted, be adopted.

CARRIED

The meeting closed at 8.00pm.

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CHAIRMAN