



REPORT ORDINARY COUNCIL MEETING 27 SEPTEMBER 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Governance Team Leader, the Administration Officer Governance, the Communications Partner, the Director Organisational Performance, The Manager Property and Land Development, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment and the Director Liveability.

Councillor S Lawrence assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.31 pm with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor A Jones. This meeting was held by video conference with live web streaming.

CCL21/202 LEAVE OF ABSENCE (ID21/1600)

No requests for leave of absence were received.

CCL21/203 CONFLICTS OF INTEREST (ID21/1665)

The following conflicts were declared:

- Councillor J Diffey declared a pecuniary interest in item CCL21/219. The reason for such interest is that Councillor Diffey's husband is employed by Tom and Kath Harvey.
- Councillor J Diffey declared a non-pecuniary but significant interest in item CW21/17. The reason for such interest is that Councillor Diffey is employed by NSW parliament as a senior electorate officer for the State Member Dugald Saunders.
- Councillor G Mohr declared a non-pecuniary but significant interest in item CCL21/215. The reason for such interest is that Councillor Mohr has been advised by his legal representative that due to his reporting significant issues in regards to the processes and handling of this report to ICAC, he should have no further input.
- Councillor G Mohr declared a non-pecuniary, less than significant interest in item CCL21/220. The reason for such interest is that his residence is located across the road from the proposed closure of Goonoo Street.

CCL21/204 PUBLIC FORUM (ID21/1601)

The Executive Manager Governance and Internal Control read submissions from the following persons:

- Ms Margaret McDonald – CCL21/209 – Tree Preservation Order
- Mr Richard Mutton – CW21/19 – Dubbo Public Library Draft Community Needs Assessment and Feasibility Study

CCL21/205 CONFIRMATION OF MINUTES (ID21/1602)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held 23 August 2021 and Extraordinary Council meeting held 6 September 2021.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 August 2021 comprising pages 6, 7, 8, 9, 10, 11 and 12 of the series, and the Extraordinary Council meeting held on 6 September 2021 comprising pages 13, 14 and 15 of the series, be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

MAYORAL MINUTES:

CCL21/206 MAYORAL APPOINTMENTS FOR SEPTEMBER 2021 (ID21/1510)

The Council had before it the Mayoral Minute regarding Mayoral Appointments for September 2021

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

That the information contained in the Mayoral Minute be noted.

CARRIED

CCL21/206A ACKNOWLEDGEMENT OF ASSISTANT COMMISSIONER GEOFF MCKECHNIE APM NSW POLICE, COMMANDER OF THE WESTERN REGION NSW POLICE FORCE AND HIS SERVICE TO THE DUBBO LOCAL GOVERNMENT AREA (ID21/1664)

The Council had before it the Mayoral Minute regarding Acknowledgement of Assistant Commissioner Geoff McKechnie APM NSW Police, Commander of the Western Region NSW Police Force and his Service to the Dubbo Local Government Area.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

1. That Council acknowledge the service of Assistant Commissioner Geoff McKechnie APM, Commander of the Western Region NSW Police Force.
2. That the Mayor write to Geoff to acknowledge his contribution to Policing and wish him well in his retirement.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

**CCL21/207 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING
13 SEPTEMBER 2021 (ID21/1603)**

The Council had before it the report of the Development and Environment Committee meeting held 13 September 2021.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

That the report of the Development and Environment Committee meeting held on 13 September 2021, be noted.

CARRIED

**CCL21/208 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE -
MEETING 13 SEPTEMBER 2021 (ID21/1604)**

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 13 September 2021.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

That the report of the Culture, Economy and Corporate Committee meeting held on 13 September 2021, be noted.

CARRIED

NOTICES OF MOTION:

CCL21/209 TREE PRESERVATION ORDER (ID21/1508)

Council had before it a Notice of Motion dated 30 August 2021 from Councillor J Ryan regarding the Tree Preservation Order.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

That the CEO provide a report to October 2021 Ordinary Council meeting on the options and indicative costs of the implementation of a Tree Preservation Order.

CARRIED

CCL21/210 VICTORIA PARK PLAYGROUND REDEVELOPMENT (ID21/1570)

Council had before it a Notice of Motion dated 6 September 2021 from Councillor J Diffey regarding the Victoria Park Playground Redevelopment.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

- 1. That prior to Council installing further infrastructure for a new Victoria Park playground, Council undertaker a two week period of community consultation that allows community to put forward to Council the elements of the existing Livvi's Playground that they value.**
- 2. That a report be provided to the October 2021 Ordinary meeting of Council that provides the results of community consultation and possible design modifications, including costs, that meet the values of the community.**

CARRIED

CCL21/211 COSTS OF RUNNING AQUATIC LEISURE FACILITIES (ID21/1605)

Council had before it a Notice of Motion dated 14 September 2021 from Councillor J Ryan regarding the Costs of Running Aquatic Leisure Facilities.

Moved by Councillor J Ryan and seconded by Councillor J Diffey

MOTION

- 1. That the CEO provide a report to Council in October 2021 detailing the operational costs of running the Aquatic Leisure facilities form the 2016/2017 season to the 2020/2021 season.**
- 2. That the report details the costs of the Dubbo facility independently of other facilities.**

Moved by Councillor D Grant and seconded by Councillor A Jones

AMENDMENT

- 1. That the CEO provide a report to Council in October 2021 detailing the operational costs of running the Aquatic Leisure facilities form the 2016/2017 season to the**

2020/2021 season.

2. That the report details the costs of the Dubbo, Wellington and Geurie facilities independently of each other.

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

CCL21/212 2021 LOCAL GOVERNMENT ELECTION - REFERENDUM (ID21/1624)

Council had before it a Notice of Motion dated 16 September 2021 from Councillor V Etheridge regarding the 2021 Local Government Election – Referendum.

Moved by Councillor V Etheridge and seconded by Councillor J Ryan

MOTION

1. That Council determines a referendum question to be put to the community at the 2021 Local Government Elections that abolishes the ward system.
2. That the Chief Executive Officer be requested to take the necessary action to engage the NSW Electoral Commission to conduct a constitutional referendum on behalf of Council at the December 2021 Ordinary Local Government election addressing the above mentioned question.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

AMENDMENT

1. That the following question be put to the Dubbo Regional Council electors as a referendum:
Currently Dubbo Regional Council is divided into five wards that elect 10 councillors in total; do you favour abolishing this ward system in favour of a single area consisting of all voters that elects 11 councillors?
2. That the Chief Executive Officer be requested to take the necessary action to engage the NSW Electoral Commission to conduct a constitutional referendum on behalf of Council at the December 2021 Ordinary Local Government election addressing the above mentioned question.

The amendment on being put to the meeting was carried.

CARRIED

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

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

Moved by Councillor G Mohr and seconded by Councillor D Grant

FORESHADOWED AMENDMENT

That this item be deferred until it goes on public display for 28 days so that the public can have their say in whether they'd like this referendum and what they want in it.

The amendment on being put to the meeting was lost.

LOST

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

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

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

CARRIED

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

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

REPORTS FROM STAFF:

CCL21/213 DRAFT COUNCIL POLICY - COUNCILLOR AND STAFF INTERACTION - RESULTS OF PUBLIC EXHIBITION (ID21/1509)

The Council had before it the report dated 13 September 2021 from the Chief Executive Officer regarding Draft Council Policy - Councillor and Staff Interaction - Results of Public Exhibition.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

1. That the report of the Chief Executive Officer, dated 13 September 2021, be noted.
2. That the Council Policy Councillor and Staff interaction, as attached at Appendix 1, be adopted.
3. That the Office of Local Government be informed of Council's decision in accordance with Council's final compliance report submitted under the Performance Improvement Order.

CARRIED

CCL21/214 DISCLOSURE OF INTEREST RETURNS (ID21/1568)

The Council had before it the report dated 20 September 2021 from the Executive Manager Governance and Internal Control regarding Disclosure of Interest Returns.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

That the tabling of the Disclosure of Interest Returns, as detailed in the report of the Executive Manager Governance and Internal Control dated 20 September 2021, be noted and the Office of Local Government be advised accordingly.

CARRIED

CCL21/215 INDEPENDENT INVESTIGATION FINDINGS (ID21/1623)

The Council had before it the report dated 21 September 2021 from the Executive Manager Governance and Internal Control regarding Independent Investigation Findings.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

1. That the information in the report of the Executive Manager Governance and Internal Control, dated 21 September 2021, be noted.
2. That the matter be returned to a further meeting of council when a response is

received from the Office of Local Government.

CARRIED

Councillor G Mohr declared a non-pecuniary, but significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor G Mohr has been advised by his legal representative that due to his reporting significant issues in regards to the processes and handling of this report to ICAC, he should have no further input.

CCL21/216 LGNSW BOARD ELECTIONS AND ANNUAL CONFERENCE (ID21/1571)

The Council had before it the report dated 10 September 2021 from the Governance Team Leader regarding LGNSW Board Elections and Annual Conference.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

1. That Council nominates four councillors as voting delegates for voting on Standing Orders and the Treasurer's Report at the 2021 LGNSW Annual Conference.
2. That Council nominates four councillors as voting delegates for the LGNSW Board election.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

AMENDMENT

1. That Councillors J Diffey, V Etheridge, S Lawrence and K Parker be the nominated voting delegates, for voting on Standing Orders and the Treasurer's Report at the 2021 LGNSW Annual Conference to be held on 29 November 2021.
2. That Councillors J Diffey, V Etheridge, S Lawrence and K Parker be the nominated voting delegates, for the LGNSW Board elections.
3. That Council advise Local Government NSW (LGNSW) the details of its nominated voting delegates for both the LGNSW Annual Conference and the LGNSW Board election by 12 noon on 5 October 2021.

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

**CCL21/217 RE-INSTATING THE COVID-19 RATES FINANCIAL ASSISTANCE POLICY
(ID21/1580)**

The Council had before it the report dated 3 September 2021 from the Chief Financial Officer regarding Re-Instating the COVID-19 Rates Financial Assistance Policy.

Moved by Councillor K Parker and seconded by Councillor G Mohr

MOTION

1. That the information contained within the report of the Chief Financial Officer, dated 3 September 2021, be noted.
2. That the amended COVID-19 Rates Financial Assistance Policy, as attached to the report of the Chief Financial Officer dated 3 September 2021 as Appendix 1, be adopted.
3. That no interest be applied to outstanding Rates and Charges to Ratepayers who make a successful application under the COVID-19 Rates Financial Assistance Policy for the period 1 December 2021 to 30 June 2022.

CARRIED

CCL21/218 EVENT ASSISTANCE PROGRAM - 2021/2022 - ROUND 1 COMMUNITY EVENTS FUND AND EMERGING EVENTS FUND (ID21/1563)

The Council had before it the report dated 8 September 2021 from the Manager Regional Events regarding Event Assistance Program - 2021/2022 - Round 1 Community Events Fund and Emerging Events Fund.

Moved by Councillor K Parker and seconded by Councillor J Ryan

MOTION

1. That the information within the report from the Manager Regional Events dated 14 September 2021, be noted.
2. That event funding applicants be advised on the outcome of their applications.
3. That funding be determined and conditional to each event supplying COVID-19 Safety Plans and meeting any conditions and restrictions in place under Public Health Orders.
4. That should any funded events not proceed the funds be returned to Council, and applicants requested to reapply for future events, with no further assessment weightings be applied to such applications after 2021.

CARRIED

CCL21/219 PROPOSED ROAD CLOSURE - CAMPANIA ROAD RAWSONVILLE (ID21/1579)

The Council had before it the report dated 10 September 2021 from the Road Services Engineer regarding Proposed Road Closure - Campania Road Rawsonville.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

1. That Council consent to the closure of this section of road as indicated in Appendix 1.

2. That Council undertake the Roads Act Council Road Closure Process: Closing of Council Public Roads by Councils, Part 4 Division 3 of the Roads Act 1993.
3. That Council provide appropriate easements for the Essential Energy overhead asset.
4. That all documentation in relation to this matter be executed under power of Attorney.

CARRIED

Councillor J Diffey declared a non-pecuniary, less than significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey's husband is employed by Tom and Kath Harvey.

**CCL21/220 PROPOSED CLOSURE OF UNFORMED ROAD - SECTION OF GOONOO STREET
WONGARBON (ID21/1581)**

The Council had before it the report dated 13 September 2021 from the Road Services Engineer regarding Proposed Closure of Unformed Road - Section of Goonoo Street Wongarbron.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

1. That Council consent to the closure of this section of road as indicated in Appendix 1.
2. That Council undertake the Roads Act Council Road Closure Process: Closing of Council Public Roads by Councils - Part 4 Division 3 Roads Act 1993.
3. That a 100 mm water main easement be provided for Council maintenance.
4. That all documentation in relation to this matter be executed under power of attorney.

CARRIED

Councillor G Mohr declared a non-pecuniary, less than significant interest in the matter now before the Council and remain in the room during the Council's consideration of this matter. The reason for such interest is that Councillor G Mohr's residence is located across the road from the proposed closure of Goonoo Street.

CCL21/221 COMMENTS AND MATTERS OF URGENCY (ID21/1606)

There were no matters recorded under this clause.

At this junction it was moved by Councillor J Ryan and seconded by Councillor K Parker that the Council resolves into the Committee of the Whole Council, the time being 7.12 pm.

The meeting resumed at 7.16 pm.

CCL21/222 COMMITTEE OF THE WHOLE (ID21/1637)

The Executive Manager Governance and Internal Control read to the meeting the Report of the Committee of the Whole meeting held on 27 September 2021.

Moved by Councillor K Parker and seconded by Councillor J Ryan

MOTION

That the report of the meeting of the Committee of the Whole held on 27 September 2021, be adopted, save and except clause CW21/17 with such matter being dealt with separately.
CARRIED

CW21/17 TNSW LEASE AND ACQUISITION OF COUNCIL OWNED AND CONTROLLED LAND FOR RIVER STREET BRIDGE PROJECT (ID21/1612)

The Committee had before it the report dated 14 September 2021 from the Manager Property and Land Development regarding TNSW Lease and Acquisition of Council Owned and Controlled Land for River Street Bridge Project.

Moved by Councillor K Parker and seconded by Councillor D Grant

MOTION

1. That the report of the Manager Property and Land Development, dated 14 September, be noted.
2. That Council agree to TNSW's acquisition of the following Council-owned properties:
 - a. the whole of Lot 100 on DP261729;
 - b. part of Lot 1 on DP250606;
 - c. part of Lot 2 on DP250606;
 - d. part of Lot 2 on DP1114367;
 - e. part of Lot 4 on DP1114367; and
 - f. part of Lot 1 on DP1039425,on the basis that compensation, calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, will be paid by TNSW for such acquisitions.
3. That Council agree to TNSW's acquisition of Council-controlled Lot 2 on DP1039425, on the basis that compensation, calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, will be paid by TNSW for such acquisition.
4. That Council agree to lease to TNSW:
 - a. part of Lot 2 on DP958250; and
 - b. part of Lot 2 on DP250606,on the basis that TNSW will pay fair rent for the leased areas.
5. That the Chief Executive Officer be authorised to negotiate and finalise all matters relating to this report, including:
 - a. the area/s to be acquired by TNSW;
 - b. the area/s to be leased by TNSW; and
 - c. the amount of compensation and rent to be paid to Council.

6. That all documentation in relation to this matter be executed by the Chief Executive Officer under Power of Attorney.
7. That the considerations in relation to this matter remain confidential to Council.

CARRIED

Councillor J Diffey declared a non-pecuniary, but significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed by NSW parliament as a senior electorate officer for the State Member Dugald Saunders.

The meeting closed at 7.21 pm.

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CHAIRMAN