



REPORT ORDINARY COUNCIL MEETING 24 MAY 2021

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Governance and Internal Control Manager, the Community Liaison Officer, the Executive Manager People Culture and Safety, the Communications Partner, the Director Organisational Performance, the Executive Officer Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Growth Planning and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5:30pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor D Grant.

CCL21/91 LEAVE OF ABSENCE (ID21/777)

No requests for leave of absence were received.

CCL21/92 PUBLIC FORUM (ID21/778)

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

- Ms Tina Reynolds – CCL21/95 – Independent Investigator
- Mr Anthony Graham – Community Grants
- Mr Ron Batten – River Street Bridge
- Ms Karina McLachlain – CCL21/96 – Independent Investigator and CCL21/97 – Recruitment – CEO; as per Council's Code of Meeting Practice 4.19 and 4.20, Ms McLachlain was asked to stop speaking.
- Mr Richard Mutton – 2021/2022 Budget

CCL21/93 CONFIRMATION OF MINUTES (ID21/825)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held 4 May 2021 and the Extraordinary Council meeting held 17 May 2021.

Moved by Councillor D Gumley and seconded by Councillor S Lawrence

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 4 May 2021 and the Extraordinary Council meeting held 17 May 2021 comprising pages as attached as Appendix 1 be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

**CCL21/94 REPORT OF THE DUBBO REGIONAL COUNCIL SOLAR AND WIND FARM
CONSULTATIVE COMMITTEE - MEETING 4 MAY 2021 (ID21/823)**

The Council had before it the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held 4 May 2021.

Moved by Councillor K Parker and seconded by Councillor D Grant

MOTION

That the report of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held on 4 May 2021, be adopted, save and except clause SWF21/3 with such matter being dealt with separately.

CARRIED

SWF21/3 ACKNOWLEDGEMENT AND REVIEW OF THE COMMUNITY CONSULTATIVE COMMITTEE'S RECOMMENDATIONS FOR GRANT FUNDING - BODANGORA WIND FARM COMMUNITY BENEFIT FUND - ROUND 6 2020/2021 (ID21/708)

The Council had before it clause SWF21/3 of the Dubbo Regional Council Solar and Wind Farm Consultative Committee meeting held 4 May 2021.

Moved by Councillor K Parker and seconded by Councillor D Grant

MOTION

1. That the successful applications as listed below be submitted to Council for determination:
 - Wellington Junior Rugby \$10,000
 - Gollan Hall Trust \$5,000
 - Wellington Senior Rugby \$5,134
 - Wellington Historical Society \$3,000
 - Cudgegong Jump Club Inc. \$5,740
 - Wellington Bowling Club \$10,000
 - Mid Macquarie Landcare Inc \$4,126
2. That unsuccessful applicants with outstanding acquittal submissions from previous rounds will be ineligible for future funding unless all funds have been expended within 12 months and completed acquittals are received by Council.

CARRIED

Councillor A Jones 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 A Jones' husband, Peter Perry, is a trustee of the Gollan Hall Trust.

NOTICES OF MOTION:

CCL21/95 INDEPENDENT INVESTIGATOR (ID21/820)

Council had before it a Notice of Motion dated 10 May 2021 from Deputy Mayor S Lawrence regarding the Independent Investigator.

Moved by Councillor S Lawrence and seconded by Councillor D Gumley

MOTION

1. That council appoints under a contract for services a person, to be called 'the independent investigator' to be nominated by the CEO of Local Government NSW.
2. That the independent investigator be tasked to audit past code of conduct complaints over the term of council to ascertain that the processes adopted complied with the relevant code of conduct processes.
3. That the independent investigator seek to interview all councillors, all directors and

other staff and community members as they see fit, and prepare a report for the July meeting (or such later meeting as is agreed with council) addressing whether council is and has been over the term of council compliant with its legal and regulatory obligations and to report on any systemic issues arising from the investigation such as might require possible reforms to council policies.

4. That the independent investigator process is to be separate from and not inconsistent with the relevant code of conduct processes.
5. That council reserves its right to promulgate further terms of reference for the independent investigator.

Moved by Councillor J Diffey and seconded by Councillor D Gumley

AMENDMENT

1. That Council appoints under a contract for services a person, to be called 'the independent investigator' to be nominated by the CEO of Local Government NSW.
2. That the independent investigator be tasked to audit past code of conduct complaints over the term of council to ascertain that the processes adopted complied with the relevant code of conduct processes.
3. That the independent investigator seek to interview all councillors, all directors and other staff and community members as they see fit, and prepare a report for the July meeting (or such later meeting as is agreed with council) addressing whether council is and has been over the term of council compliant with its legal and regulatory obligations and to report on any systemic issues arising from the investigation such as might require possible reforms to council policies.
4. That the independent investigator process is to be separate from and not inconsistent with the relevant code of conduct processes.
5. That council reserves its right to promulgate further terms of reference for the independent investigator.
6. That the Chief Executive Officer be requested to liaise with Local Government NSW and provide a report regarding financial implications relating to the appointment of an independent investigator, for the consideration of Council at an Extraordinary meeting to be held not before 14 days from the date of this resolution.

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

**CCL21/96 TEMPORARY POLICY PENDING CODE OF CONDUCT PROCESSES UPON THE
MAYOR'S RETURN TO OFFICIAL DUTIES (ID21/819)**

Council had before it a Notice of Motion dated 10 May 2021 from Deputy Mayor S Lawrence regarding the Temporary Policy Pending Code of Conduct Processes Upon the Mayor's Return to Official Duties.

Moved by Councillor S Lawrence and seconded by Councillor B Shields

MOTION

1. That the CEO implement the following policy, should the Mayor return to official duties, to be applied until all outstanding code of conduct allegations against the Mayor are finalised.
2. That the Mayor be provided with suitable facilities to allow him to work from home.
3. That the Mayor only be allowed to access the mayor's office in the Central Administration Building if in the presence of a staff member at the level of director or higher.
4. That the mayor be accompanied by a staff member at all times while on official duties outside of council premises.
5. That the mayor not be in the [REDACTED] at any time.
6. That all letters and emails sent by the mayor in his official capacity be checked [REDACTED] by the CEO prior to transmission.
7. That the mayor only engage in telephone communications with members of the community for official purposes from council premises and always in the presence of a staff member.
8. That the Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors be amended (in a way I consider not to be substantial) to remove the mayor's entitlement [REDACTED].

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

CCL21/97 RECRUITMENT - CHIEF EXECUTIVE OFFICER (ID21/770)

Council had before it a Notice of Motion dated 10 May 2021 from Councillor K Parker regarding the Recruitment - Chief Executive Officer.

Moved by Councillor K Parker and seconded by Councillor S Lawrence

MOTION

1. That Council move to recruitment of permanent position of Chief Executive Officer Dubbo Regional Council.
2. That the recruitment process be managed by Local Government Solutions or as determined by Council.

Moved by Councillor J Ryan and seconded by Councillor A Jones

AMENDMENT

That Council determine the Motion in Committee of the Whole.

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 Gumley
Councillor Etheridge	Councillor Mohr
Councillor Grant	
Councillor Jones	
Councillor Lawrence	
Councillor Parker	
Councillor Shields	
Councillor Ryan	
Total (7)	Total (2)

The 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 Gumley
Councillor Etheridge	Councillor Mohr
Councillor Grant	
Councillor Jones	
Councillor Lawrence	
Councillor Parker	
Councillor Shields	
Councillor Ryan	
Total (8)	Total (2)

REPORTS FROM STAFF:

CCL21/98 ABORIGINAL ELECTORAL ENGAGEMENT STRATEGY 2021 (ID21/698)

The Council had before it the report dated 18 May 2021 from the Chief Executive Officer regarding Aboriginal Electoral Engagement Strategy 2021.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

1. That the report of the Chief Executive Officer, dated 18 May 2021, be noted.
2. That the Draft Aboriginal Electoral Engagement Strategy 2021, as attached at Appendix 1, be endorsed by Council.

CARRIED

CCL21/99 MARCH 2021 QUARTERLY BUDGET REVIEW STATEMENTS (ID21/740)

The Council had before it the report dated 6 May 2021 from the Chief Executive Officer regarding March 2021 Quarterly Budget Review Statements.

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

1. That the Quarterly Budget Review Statements as at 31 March 2021, as attached to the report of the Chief Executive Officer dated 6 May 2021, be adopted and such sums voted for such purpose.
2. That the Statement of the Responsible Accounting Officer that Council is in a satisfactory financial position as at 31 March 2021 after utilising \$4.23M of the COVID-19 reserve, be noted.

CARRIED

CCL21/100 ATTENDANCE AT 2021 NSW LOCAL ROADS CONGRESS (ID21/729)

The Council had before it the report dated 5 May 2021 from the Governance and Internal Control Manager regarding Attendance at 2021 NSW Local Roads Congress.

Moved by Councillor D Grant and seconded by Councillor D Gumley

MOTION

That approval be granted for Councillor G Mohr to attend the 2021 NSW Local Roads Congress to be held in Sydney on 7 June 2021.

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 Gumley	Councillor Etheridge
Councillor Mohr	Councillor Jones
Councillor Shields	Councillor Lawrence
	Councillor Parker
	Councillor Ryan
Total (4)	Total (6)

Moved by Councillor S Lawrence and seconded by Councillor A Jones

ALTERNATE MOTION

That no Councillor representative attend the 2021 NSW Local Roads Congress.

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 Gumley
Councillor Jones	Councillor Mohr
Councillor Lawrence	
Councillor Parker	
Councillor Shields	
Councillor Ryan	
Total (7)	Total (3)

CCL21/101 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - APRIL 2021 (ID21/623)

The Council had before it the report dated 3 May 2021 from the Chief Financial Officer regarding Investments Under Section 625 of the Local Government Act - April 2021.

Moved by Councillor D Gumley and seconded by Councillor A Jones

MOTION

That the information contained within the report of the Chief Financial Officer dated 3 May 2021 be noted.

CARRIED

Councillor K Parker declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor K Parker is an employee of the Bank of Queensland and Council has funds invested with the Institution.

CCL21/102 RATES HARMONISATION COMMUNITY REFERENCE GROUP REPORT (ID21/678)

The Council had before it the report dated 5 May 2021 from the Revenue Accountant regarding Rates Harmonisation Community Reference Group Report.

Moved by Councillor K Parker and seconded by Councillor D Gumley

MOTION

- 1. That the report of the Revenue Accountant, dated 5 May 2021, be noted.**
- 2. That the outcome and final report of the Rates Harmonisation Community Reference Group engagement undertaken on the options for rates harmonisation, as attached at Appendix 1 be noted.**
- 3. That Council note that the group gave support of the proposed Draft Rate Structure to be included in the 2021/2022 Draft Operational Plan.**
- 4. That Council note that the group agreed to Rates Harmonisation Phase 2 being undertaken to give further consideration to Council's rating structure.**
- 5. That the members of the group be thanked for their input and contributions to the Rates Harmonisation Reference Group.**

CARRIED

CCL21/103 BUILDING SUMMARY - APRIL 2021 (ID21/673)

The Council had before it the report dated 29 April 2021 from the Director Development and Environment regarding Building Summary - April 2021.

Moved by Councillor J Diffey and seconded by Councillor D Grant

MOTION

that the information contained within the report of the Director Development and Environment, dated 29 April 2021, be noted.

CARRIED

CCL21/104 CONSOLIDATED DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN (ID21/581)

The Council had before it the report dated 11 May 2021 from the Manager Growth Planning regarding Consolidated Dubbo Regional Local Environmental Plan.

Moved by Councillor J Diffey and seconded by Councillor J Ryan

MOTION

- 1. That the report from the Manager Growth Planning, dated 11 May 2021, be noted.**
- 2. That Council endorse the amended Planning Proposal, draft Dubbo Regional Local Environmental Plan and associated documentation, provided as Appendix 1, for the purposes of public exhibition.**
- 3. That Council support a minimum 28 day public exhibition period for the Planning Proposal.**
- 4. That it be noted that Council cannot use its delegation to process the Planning Proposal as the Department of Planning, Industry and Environment does not permit delegation of Consolidated Local Environmental Plans to Councils.**
- 5. That following completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition period and for further consideration of the Planning Proposal.**
- 6. That a review of the proposed Dubbo Regional Local Environmental Plan 2021 be undertaken one year following gazettal of the new instrument. The review will address any operational or administrative issues that may arise during the new Plan's initial working period.**

CARRIED

CCL21/105 POST EXHIBITION - NANIMA VILLAGE SEWAGE TREATMENT PLANT PLANNING PROPOSAL (ID21/271)

The Council had before it the report dated 23 April 2021 from the Growth Planning Projects Leader - Digital Futures regarding Post Exhibition - Nanima Village Sewage Treatment Plant Planning Proposal.

Moved by Councillor D Gumley and seconded by Councillor D Grant

MOTION

1. That the report of the Growth Planning Projects Leader – Digital Futures, dated 23 April 2021, be noted.
2. That Council approve the Planning Proposal for No. 300 Nanima Village Road, Wellington as shown at Appendix 2, to be made as an amendment to the Wellington Local Environmental Plan 2012 under Section 3.36 of the Environmental Planning and Assessment Act 1979.
3. That Council delegates authority to the Chief Executive Officer to make minor amendments to the draft Planning Proposal to correct any minor errors or omissions prior to finalisation.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

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

CCL21/106 DRTCC PHOTOGRAPHY POLICY REVIEW (ID21/447)

The Council had before it the report dated 15 March 2021 from the Manager Dubbo Regional Theatre and Convention Centre regarding DRTCC Photography Policy Review.

Moved by Councillor A Jones and seconded by Councillor K Parker

MOTION

1. That the report from Manager Dubbo Regional Theatre and Convention Centre dated 15 March 2021, be noted.
2. That the DRTCC Photography Policy be updated to reflect a penalty for policy breaches to a maximum of 14 month ban for the use of the DRTCC.
3. That communication with hirers be undertaken to advise of the policy breach penalties, and DRTCC hire agreements be updated to reflect this change.
4. That signage is erected in identified areas as per the Photography Policy specify that penalties apply.

CARRIED

CCL21/107 LIFTING OF WATER RESTRICTIONS (ID21/641)

The Council had before it the report dated 19 April 2021 from the Manager Water Supply and Sewerage regarding Lifting of Water Restrictions.

Moved by Councillor J Diffey and seconded by Councillor D Gumley

MOTION

1. That the information contained within the report 19 April 2021 of the Manager Water Supply and Sewerage, dated 19 April 2021, be noted.
2. That Council remove the current Level 1 water restrictions for the Dubbo Local Government Area.
3. That continued education and communication initiatives be implemented with regard to water conservation throughout the Local Government Area.

CARRIED

CCL21/108 WELLINGTON PEDESTRIAN FOOTBRIDGE - FUNDING AND DESIGN (ID21/664)

The Council had before it the report dated 25 April 2021 from the Director Liveability regarding Wellington Pedestrian Footbridge – Funding and Design.

Moved by Councillor D Grant and seconded by Councillor A Jones

MOTION

1. That the report of the Director Liveability, dated 25 April 2021, be noted.
2. That the truss arch bridge design be formally adopted for installation at the Bell River crossing, between Cameron Park and Pioneer Park.

CARRIED

**CCL21/109 REQUEST FOR WAIVING OF SPORTING ORGANISATION FEES AND CHARGES
(ID21/821)**

The Council had before it the report dated 19 May 2021 from the Recreation Coordinator regarding Request for Waiving of Sporting Organisation Fees and Charges.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

- 1. That the report from the Recreation Coordinator, dated 19 May 2021, be noted.**
- 2. That a decision be made to uphold the Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club sporting organisation fees and charges as per the Dubbo Regional Council 2021/2022 Revenue Policy, once adopted.**
- 3. That the Recreation Coordinator advise the Wellington Cowboys Rugby League Football Club and Wellington Cowboys Junior Rugby League Football Club of the Council resolution.**

CARRIED

Councillor D Grant declared a non-pecuniary, but significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor D Grant is the treasurer of the Wellington Senior Soccer Club, which also uses the grounds.

**CCL21/110 CROWN LAND REVIEW - OPERATIONAL LAND REPORT FOLLOWING PUBLIC
EXHIBITION (ID21/663)**

The Council had before it the report dated 25 April 2021 from the Liveability Projects Officer regarding Crown Land Review - Operational Land Report Following Public Exhibition.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

- 1. That the report from the Liveability Projects Officer, dated 25 April 2021, be noted.**
- 2. That following the mandatory public exhibition, the Crown Land Review – Operational Land Report, August 2020, be adopted.**
- 3. That the adopted Crown Land Review - Operational Land Report August 2020 be sent to the Minister for the CLM Act, requesting ministerial consent to formally classify the 32 reserves as operational land.**
- 4. That community members who contributed submissions during the public exhibition period be sent formal correspondence and acknowledged for providing their respective feedback.**

CARRIED

CCL21/111 COMMENTS AND MATTERS OF URGENCY (ID21/790)

There were no matters recorded under this clause.

At this junction it was moved by Councillor D Grant and seconded by Councillor S Lawrence that the Council resolves into the Committee of the Whole Council, the time being 6.39 pm.

The meeting resumed at 7.05 pm.

CCL21/112 COMMITTEE OF THE WHOLE (ID21/818)

The Director Organisational Performance read to the meeting the Report of the Committee of the Whole meeting held on 24 May 2021.

Moved by Councillor V Etheridge and seconded by Councillor S Lawrence

MOTION

That the report of the meeting of the Committee of the Whole held on 26 April 2021, be adopted.

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 Gumley
Councillor Jones	Councillor Mohr
Councillor Lawrence	Councillor Shields
Councillor Parker	
Councillor Ryan	
Total (6)	Total (4)

The meeting closed at 7.11 pm.

.....
CHAIRMAN