



REPORT ORDINARY COUNCIL MEETING 27 OCTOBER 2022

PRESENT: Councillors J Black, 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 Chief Financial Officer, the Manager Corporate Governance, the Governance Team Leader, the Director Strategy, Partnerships and Engagement, the Executive Officer Strategy, Partnerships and Engagement, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.31 pm 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 P Wells.

CCL22/249 LEAVE OF ABSENCE (ID22/2180)

A request for leave of absence was received from Councillor L Burns who was absent from the meeting due to personal reasons.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That such request for Leave of Absence be accepted and Councillor L Burns be granted leave of absence from this meeting.

CARRIED

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

Against: Nil

CCL22/250 CONFLICTS OF INTEREST (ID22/2181)

The following conflicts of interest were declared:

- Clr S Chowdhury declared a pecuniary significant interest in CCC22/54
- Clr M Wright declared a pecuniary significant interest in CCL22/273

CCL22/251 PUBLIC FORUM (ID22/2182)

The Council reports having heard from the following persons during Public Forum:

- Mr Alex Ferguson, regarding Lifeline.
- Mrs Barbara Sutherland regarding the North and South Macquarie River Precinct masterplan.
- Mark Conn, regarding CCL22/259 Saxa Road Temporary Road Closure and Access Restrictions.
- Mr Peter Duggan, regarding future city planning and development.
- Ms Margaret McDonald Dubbo Environment group president, regarding Regand Park, Wiradjuri Park, Walk for Hope.

CCL22/252 CONFIRMATION OF MINUTES (ID22/2183)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 21 September 2022.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the minutes of the proceedings of Dubbo Regional Council at the Ordinary meeting held on 21 September 2022 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

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

Against: Nil

CCL22/253 CENTRAL WEST AND ORANA RENEWABLE ENERGY ZONE UPDATE (ID22/2205)

The Committee was provided with a presentation by Cleo Andrews, Christopher Swain and Mike Young on this project.

INFORMATION ONLY MATTERS:

CCL22/254 MAYORAL APPOINTMENTS AND MEETINGS (ID22/2143)

The Council had before it the report dated 13 October 2022 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

That the information contained in the report be noted.

CARRIED

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

Against: Nil

MATTERS CONSIDERED BY COMMITTEES:

**CCL22/255 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT
COMMITTEE - MEETING 13 OCTOBER 2022 (ID22/2184)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 13 October 2022.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 13 October 2022, be adopted.

CARRIED

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

Against: Nil

**CCL22/256 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 13
OCTOBER 2022 (ID22/2185)**

The Council had before it the report of the Culture and Community Committee meeting held 13 October 2022.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

That the report of the Culture and Community Committee meeting held on 13 October 2022 be adopted, save and except CCC22/54 which will be dealt with separately.

CARRIED

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

Against: Nil

CCC22/54 SOUTHLAKES MAINTENANCE AGREEMENT WITH MAAS GROUP PROPERTIES SOUTHLAKES PTY LTD (ID22/1906)

The Council had before it the report dated 8 September 2022 from the Manager Recreation and Open Space regarding Southlakes Maintenance Agreement with Maas Group Properties Southlakes Pty Ltd.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

That the Open Space Maintenance Deed, Southlakes Development, Boundary Road Dubbo be executed under the Common Seal of the Council.

CARRIED

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

Against: Nil

Councillor S Chowdhury 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 S Chowdhury owns property in Southlakes.

CCL22/257 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 13 OCTOBER 2022 (ID22/2186)

The Council had before it the report of the Corporate Services Committee meeting held 13 October 2022.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That the report of the Corporate Services Committee meeting held on 13 October 2022, be adopted.

CARRIED

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

Against: Nil

CCL22/258 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 27 SEPTEMBER 2022 (ID22/2187)

The Council had before it the report of the Audit and Risk Management Committee meeting held 27 September 2022.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

That the report of the Audit and Risk Management Committee meeting held on 27 September 2022, be adopted.

CARRIED

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

Against: Nil

REPORTS FROM STAFF:

CCL22/259 SAXA ROAD - TEMPORARY ROAD CLOSURE AND ACCESS RESTRICTIONS (ID22/2191)

The Council had before it the report dated 20 October 2022 from the Senior Traffic Engineer regarding Saxa Road - Temporary Road Closure and Access Restrictions.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

1. **That Council approve the implementation of a temporary road closure with the exception of local access to rural properties accessed from Saxa Road between the Golden Highway and Gollan Road and Muronbung Road to the Mitchell Highway.**
2. **That Council install adequate signage being; 'Road Closed', 'Local Traffic Only', 'No Truck Entry' and '4.5 tonne GVM' signs.**
3. **That if approved a widespread communications program be implemented, specifically including but not limited to:**
 - a. **the National Heavy Vehicle Regulator be advised to update their route planner advising of the closure of Saxa Road**
 - b. **that VMS Boards be placed in strategic locations to allow adequate warning to all motorists.**
 - c. **That council notify residents in that area.**

CARRIED

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

Against: Nil

CCL22/260 PREPARATION OF RENEWABLE ENERGY BENEFIT FRAMEWORK (ID22/1986)

The Council had before it the report dated 14 October 2022 from the Manager Growth Planning regarding Preparation of Renewable Energy Benefit Framework.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

1. That Council endorse the preparation of a Renewable Energy Benefit Framework to ensure community benefits are realised from renewable energy projects in the Region.
2. That a report in respect of the draft Renewable Energy Framework be provided to Council for consideration at the December 2022 Council meeting.
3. That the Planning Agreement Policy for Solar and Wind Farms be substituted with a renewable energy benefit framework.
4. It should be noted that all Planning Agreements are required to be considered by Council and placed on public display in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.

CARRIED

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

Against: Nil

CCL22/261 DRAFT PLANNING PROPOSAL POLICY - RESULTS OF PUBLIC EXHIBITION (ID22/1880)

The Council had before it the report dated 13 October 2022 from the Team Leader Growth Planning Projects regarding Draft Planning Proposal Policy - Results of Public Exhibition.

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

1. That Council note the submission received during the public exhibition period (attached in Appendix 2).
2. That the draft Planning Proposal Policy (attached in Appendix 1) be adopted and replace the existing Planning Proposal Policy.

CARRIED

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

Against: Nil

CCL22/262 EVENT ASSISTANCE PROGRAM - 2022/2023 - ROUND 1 COMMUNITY EVENTS FUND AND DESTINATION EVENTS FUND. (ID22/2070)

The Council had before it the report dated 4 October 2022 from the Manager Regional Events regarding Event Assistance Program - 2022/2023 - Round 1 Community Events Fund and Destination Events Fund.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

That each applicant be advised of the outcome of their application in accordance with the Financial Assistance Policy.

CARRIED

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

Against: Nil

CCL22/263 RESULTS OF PUBLIC EXHIBITION - DRAFT SOCIAL MEDIA POLICY (ID22/2073)

The Council had before it the report dated 4 October 2022 from the Director Strategy, Partnerships and Engagement regarding Results of Public Exhibition - Draft Social Media Policy.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

- 1. That the amendments to the Draft Social Media Policy be noted, including the clarification and definitions of; 'Council official', 'Council-corporate social media account'.**
- 2. That the submitters be thanked for their submissions and advised of the outcome of the Public Exhibition.**

CARRIED

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

Against: Nil

CCL22/264 DISCLOSURE OF INTEREST RETURNS (ID22/1916)

The Council had before it the report dated 11 October 2022 from the Manager Corporate Governance regarding Disclosure of Interest Returns.

Moved by Councillor S Chowdhury and seconded by Councillor P Wells

MOTION

1. That the information in the report of the Manager Corporate Governance dated 11 October 2022, be noted.
2. That the tabling of the Disclosure of Interest Returns, as detailed in the report, be noted.
3. That it be noted that as there were no failures to lodge Disclosure of Interest Returns for the return period, no advice is required to be provided to the Office of Local Government in this matter.
4. That the lodged Disclosure of Interest Returns for Councillors and Designated Persons be placed on Council's website no later than 30 November 2022, noting that some private information will be redacted prior to publishing online.
5. That it be noted that Disclosure of Interest Returns may be subject to review as part of the proposed Office of Local Government Audit.

CARRIED

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

Against: Nil

CCL22/265 ANNUAL REPORT ON COMPLAINT STATISTICS UNDER COUNCIL'S CODE OF CONDUCT (ID22/1389)

The Council had before it the report dated 19 October 2022 from the Manager Corporate Governance regarding Annual Report on Complaint Statistics Under Council's Code of Conduct.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the report of the Manager Corporate Governance, dated 19 October 2022, be noted.

CARRIED

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

Against: Nil

CCL22/266 CHANGE OF JANUARY 2023 COUNCIL MEETING DATE (ID22/2170)

The Council had before it the report dated 19 October 2022 from the Governance Team Leader regarding Change of January 2023 Council Meeting Date.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That Council resolves to move the Ordinary Council meeting scheduled for January 2023 to be held on Thursday 9 February 2023 in the Wellington Chamber as previously resolved.

CARRIED

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

Against: Nil

**CCL22/267 PRESENTATION OF COUNCIL'S 2021/2022 FINANCIAL STATEMENTS
(ID22/2091)**

The Council had before it the report dated 7 October 2022 from the Statutory Accountant regarding Presentation of Council's 2021/2022 Financial Statements.

The Council received a presentation by Director Audit M Lee and Auditor F Ali on this item.

Moved by Councillor S Chowdhury and seconded by Councillor R Ivey

MOTION

That the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2022 be accepted by Council.

CARRIED

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

Against: Nil

**CCL22/268 RE-EXECUTION OF LEASE - AIRPORT HANGAR SITE 16 TO DUBBO AEROCLUB -
PROCEDURAL MATTER (ID22/2015)**

The Council had before it the report dated 27 September 2022 from the Manager Property and Land Development regarding Re-execution of Lease - Airport Hangar Site 16 to Dubbo Aeroclub - procedural matter.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

1. That a new lease over Hangar Site 16 at Dubbo Regional Airport:
 - (a) based on the same terms and conditions as the lease executed by Dubbo Regional Council and Dubbo Aero Club in 2019; and
 - (b) commencing on 1 July 2019,
is entered into.
2. That the three (3) other leases for Hangar Site 16 at Dubbo Regional Airport:
 - (a) one lease commencing on 1 July 2024;
 - (b) one lease commencing on 1 July 2029; and
 - (c) one lease commencing on 1 July 2034,
and based on the same terms and conditions as the initial lease is entered into.
3. That all the leases be executed under the Common Seal of the Council.

CARRIED

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

Against: Nil

CCL22/269 ACCEPTANCE OF EASEMENT AT 252 MYALL STREET, DUBBO AS PART OF DEVELOPMENT BY NSW LAND AND HOUSING CORPORATION (ID22/1897)

The Council had before it the report dated 6 September 2022 from the Manager Property and Land Development regarding Acceptance of Easement at 252 Myall Street, Dubbo as Part of Development by NSW Land and Housing Corporation.

Moved by Councillor J Black and seconded by Councillor M Wright

MOTION

1. That Council accept the storm water easement over 252 Myall Street, Dubbo, properly described as Lot 191 on DP 251858.
2. That all documents relating to resolution 1 (above) be executed under the Common Seal of Council.

CARRIED

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

Against: Nil

CCL22/270 COMMENTS AND MATTERS OF URGENCY (ID22/2188)

There were no matters recorded under this clause.

CONFIDENTIAL COUNCIL:

In accordance with Section 9(2A) Local Government Act 1993, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

The items listed come within the following provisions of the Act:

- CCL22/271 – Corporate Partnership Program – Event Attraction
Section 10A(2)(c) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CCL22/272 – Amendment of Council Resolution Regarding the Execution of Lease to the Crown as Part of Dubbo Airport Precinct for a Regional Police Training Facility -
Section 10A(2)(c) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- CCL22/273 – Exercise of the Mayor’s Powers under S226 of the Local Government Act Relating to the Reserve Prices for Keswick Estate Stage 5, Release 2
Section 10A(2)(d)(ii) – information that would, if disclosed, confer a commercial advantage on a competitor of the Council.

There were no submissions as to whether the meeting should be closed for a particular item.

At this juncture it was moved by Councillor V Etheridge and seconded by Councillor S Chowdhury that the Council resolves into Closed Session, the time being 7.19pm.

The Open Session resumed at 8.28pm.

The Manager Corporate Governance read out the following resolutions made in the closed session of Council.

CCL22/271 CORPORATE PARTNERSHIP PROGRAM - EVENT ATTRACTION (ID22/2007)

The Council had before it the report dated 26 September 2022 from the Manager Regional Events regarding Corporate Partnership Program - Event Attraction.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

1. That the proposed Corporate Partnership Program – Event Attraction Packages be adopted.
2. That the Corporate Partnership Program – Event Attraction fund will be to attract Major Event activity.
3. That a progress report be provided to Council in June 2023 with the outcomes of the Program.
4. That the documents and considerations in regard to this matter remain confidential to council.

Moved by Councillor P Wells and seconded by Councillor J Black

AMENDMENT

1. That the proposed Corporate Partnership Program Option 2 be adopted.
2. That the Corporate Partnership Program – Event Attraction fund will be to attract Major Event activity.
3. That a progress report be provided to Council in June 2023 with the outcomes of the Program.
4. That the documents and considerations in regard to this matter remain confidential to council.

The Amendment on being put to the meeting was lost.

LOST

For: Councillors J Black, J Gough and P Wells

Against: Councillors S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, and M Wright.

Moved by Councillor P Wells and seconded by Councillor J Black

FURTHER AMENDMENT

- 1. That the proposed Corporate Partnership Program – Event Attraction Packages be adopted.**
- 2. That the Corporate Partnership Program – Event Attraction fund will be to attract Major Event activity.**
- 3. That a progress report be provided to Council in June 2023 with the outcomes of the Program.**
- 4. That the documents and considerations in regard to this matter remain confidential to council.**
- 5. That Council only accept sponsorship from products suitable for people under the age of 18 and from organisations that do not promote unhealthy lifestyles.**

The further amendment on being put to the meeting was carried.

CARRIED

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

CARRIED

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

Against: J Black, D Mahon, P Wells

CCL22/272 AMENDMENT OF COUNCIL RESOLUTION REGARDING EXECUTION OF LEASE TO THE CROWN AS PART OF DUBBO AIRPORT PRECINCT FOR A REGIONAL POLICE TRAINING FACILITY (ID22/2136)

The Council had before it the report dated 12 October 2022 from the Manager Property and Land Development regarding Amendment of Council Resolution regarding execution of lease to the Crown as part of Dubbo Airport Precinct for a Regional Police Training Facility.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

1. That Council approve the amendment to the lease to the Crown (in right of the State of NSW represented by the NSW Police Force) over Lot 2 on DP1267927, provided that it contains substantially the same terms as outlined in Appendix 2 to this report.
2. That all documentation in relation to this matter is executed under the Common seal of Council.
3. That the documents and considerations in regard to this matter remain confidential to council.

CARRIED

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

Against: Nil

CCL22/273 EXERCISE OF THE MAYOR'S POWERS UNDER S226 OF THE LOCAL GOVERNMENT ACT RELATING TO THE RESERVE PRICES FOR KESWICK ESTATE STAGE 5, RELEASE 2 (ID22/2190)

The Council had before it the report dated 20 October 2022 from the Manager Property and Land Development regarding Exercise of the Mayor's powers under s226 of the Local Government Act relating to the reserve prices for Keswick Estate Stage 5, Release 2.

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).

CARRIED

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

MOTION

1. That Council endorse the exercise of the Mayor's powers under s226(d) of the *Local Government Act 1993* to amend the reserve pricing of the 52 unregistered lots at Keswick Estate, Stage 5 Release 2, in accordance with the detail as outlined in this report.
2. That the documents and considerations in regard to this matter remain confidential to council.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

AMENDMENT

1. That Council endorse the exercise of the Mayor's powers under s226(d) of the *Local Government Act 1993* to amend the reserve pricing of the 52 unregistered lots at the Keswick Estate, Stage 5 Release 2, in accordance with the detail as outlined in this report.
2. That the documents and considerations in regard to this matter remain confidential to council.
3. That the properties not sold by auction, by close of business Friday 28 October 2022, be sold by private treaty at a minimum of the square metre rate as resolved by section 226(d) of the *Local Government Act 1993*.

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

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

Against: Nil

Councillor M Wright 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 M Wright is the owner of a finance broking business Money Quest which is likely to finance the purchase of one or more of these blocks and will subsequently benefit financially.

The meeting closed at 8.32 pm.

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CHAIRPERSON