



# REPORT ORDINARY COUNCIL MEETING 23 NOVEMBER 2023

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

**ALSO IN ATTENDANCE:**

The Chief Executive Officer, the Manager People Culture and Safety, the Director Organisational Performance, the Chief Financial Officer, the Manager Corporate Governance, the Governance Team Leader, the Administration Officer Governance, the Director Strategy, Partnerships and Engagement, the IT Infrastructure Specialist, the Communications Services Team Leader, the Manager Customer Experience and Engagement, the Customer Experience Team Leader, the Director Development and Environment, the Manager Growth Planning, the Manager Building Development Services, the Director Infrastructure and the Old Dubbo Gaol Operations Coordinator.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.31 pm at the Wellington Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor M Wright. The acknowledgement of country was delivered by Councillor L Burns.

**CCL23/303 LEAVE OF ABSENCE (ID23/2710)**

There were no requests for leave of absence.

Councillor P Wells attended by Audio – Visual Link

At this juncture the Mayor presented the following awards to Council staff

**Dubbo Regional Council - Silver - Local Government Award for Tourism**

Presented to the Old Dubbo Gaol Operations Coordinator

**Old Dubbo Gaol Silver – Cultural Tourism**

**Old Dubbo Gaol Bronze – Tourist Attraction (under 100,000 visitors)**

Presented to the Old Dubbo Gaol Operations Coordinator

**National Local Government Customer Service Network** – National Innovation of the Year Award Highly Commended

**National Local Government Customer Service Network** – National Customer Service Team of the Year Award – Highly Commended.

Presented to Manager Customer Experience and Engagement and Customer Experience Team Leader

**CCL23/304 CONFLICTS OF INTEREST (ID23/2711)**

The following conflicts of interest were declared:

- Councillor S Chowdhury – Non-pecuniary Less than Significant – CCL23/313 (CCC23/22)
- Councillor D Mahon – Non-pecuniary Less than Significant – CCL23/323

**CCL23/305 PUBLIC FORUM (ID23/2712)**

Council deferred this item to allow opportunity for a speaker to attend via teams link.

There were no attendances in public forum.

**CCL23/306 CONFIRMATION OF MINUTES (ID23/2614)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 October 2023.

Moved by Councillor J Black and seconded by Councillor M Wright

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 26 October 2023 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 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, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

**Against:** Nil.

**INFORMATION ONLY MATTERS:**

**CCL23/307 MAYORAL APPOINTMENTS AND MEETINGS (ID23/2664)**

The Council had before it the report dated 6 November 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor R Ivey and seconded by Councillor J Gough

**MOTION**

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

**CARRIED**

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

**Against:** Nil.

**CCL23/308 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - OCTOBER 2023  
(ID23/2690)**

The Council had before it the report dated 13 November 2023 from the Director Strategy, Partnerships and Engagement regarding Monthly Reporting Snapshot for Councillors - October 2023.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

**MOTION**

**That the information contained within the report of the Director Strategy, Partnerships and Engagement dated 13 November 2023, be noted.**

**CARRIED**

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

**Against:** Nil.

**MATTERS CONSIDERED BY COMMITTEES:**

**CCL23/309 REPORT OF THE FINANCIAL PERFORMANCE COMMITTEE - MEETING 16  
NOVEMBER 2023 (ID23/2738)**

The Council had before it the report of the Financial Performance Committee meeting held 16 November 2023.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**MOTION**

**That the report of the Financial Performance Committee meeting held on 16 November**

**2023, be adopted.**

**CARRIED**

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

**Against:** Nil.

**CCL23/310 REPORT OF THE PUBLIC SPACES TREE COMMITTEE - MEETING 1 NOVEMBER 2023 (ID23/2696)**

The Council had before it the report of the Public Spaces Tree Committee meeting held 1 November 2023.

Moved by Councillor V Etheridge and seconded by Councillor J Black

**MOTION**

**That the report of the Public Spaces Tree Committee meeting held on 1 November 2023, be adopted.**

**CARRIED**

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

**Against:** Nil.

**CCL23/311 REPORT OF THE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE - MEETING 30 OCTOBER 2023 (ID23/2729)**

The Council had before it the report of the Disability Access and Inclusion Advisory Committee meeting held 30 October 2023.

Moved by Councillor P Wells and seconded by Councillor S Chowdhury

**MOTION**

**That the report of the Disability Access and Inclusion Advisory Committee meeting held on 30 October 2023, be adopted.**

**CARRIED**

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

**Against:** Nil.

**CCL23/312 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT  
COMMITTEE - MEETING 9 NOVEMBER 2023 (ID23/2691)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 9 November 2023.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

**MOTION**

**That the report of the Infrastructure, Planning and Environment Committee meeting held on 9 November 2023, be adopted, save and except item IPEC23/53, which will be dealt with separately.**

**CARRIED**

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

**Against:** Nil.

**IPEC23/53 NEW DUBBO BRIDGE UPDATE (ID23/2378)**

The Committee had before it the report dated 17 October 2023 from the Director Infrastructure regarding New Dubbo Bridge Update.

Moved by Councillor M Wright and seconded by Councillor J Gough

**MOTION**

1. That Council endorse the reclassification of Bourke Street from River Street to Erskine Street, from a State road to a Regional road, following the completion of the bridge and associated works; and the acceptable condition of the road prior to the formalisation of the reclassification.
2. That Council partner with Transport for NSW on the consultation process for the naming of the new bridge as detailed in the report.

Moved by Councillor P Wells and Seconded by Councillor L Burns

**AMENDMENT**

1. *That Council endorse the reclassification of Bourke Street from River Street to Erskine Street, from a State road to a Regional road, following the completion of the bridge and associated works; and the acceptable condition of the road prior to the formalisation of the reclassification.*
2. *That Council partner with Transport for NSW on the consultation process for the naming of the new bridge as detailed in the report.*
3. *That Council's preferred name for the new Dubbo Bridge shall be a First Nations name relevant to the location and/or function of the bridge such as a crossing place on a river.*
4. *That this resolution of Council be the focus of the community consultation undertaken*

*by Transport for NSW.*

*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, L Burns, , M Dickerson, , J Gough, R Ivey, P Wells and M Wright.

**Against:** D Mahon. J Black S Chowdhury V Etheridge

**CCL23/313 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 9  
NOVEMBER 2023 (ID23/2692)**

The Council had before it the report of the Culture and Community Committee meeting held 9 November 2023.

Moved by Councillor J Gough and seconded by Councillor J Black

**MOTION**

**That the report of the Culture and Community Committee meeting held on 9 November 2023, be adopted.**

**CARRIED**

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

**Against:** Nil.

*CCC23/92 Councillor S Chowdhury 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 S Chowdhury is a past member of the Oriscon Committee.*

**CCL23/314 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 9 NOVEMBER  
2023 (ID23/2693)**

The Council had before it the report of the Corporate Services Committee meeting held 9 November 2023.

Moved by Councillor S Chowdhury and seconded by Councillor L Burns

**MOTION**

**That the report of the Corporate Services Committee meeting held on 9 November 2023, be adopted, save and except item CSC23/65 and item CSC23/68 which will be dealt with separately**

**CARRIED**

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

**Against:** Nil.

**CSC23/65 INDEPENDENT FINANCIAL SUSTAINABILITY REVIEW (ID23/2637)**

The Council had before it the report dated 3 November 2023 from the Director Organisational Performance regarding Independent Financial Sustainability Review.

Moved by Councillor S Chowdhury and seconded by Councillor R Ivey

**MOTION**

That the Council determine that considerations of a Special Rate Variation application to Independent Pricing and Regulatory Tribunal NSW (IPART) be deferred until 2025/2026.

Moved by Councillor M Wright and Seconded by Councillor D Mahon

**AMENDMENT**

- 1. That the Council determine that considerations of a Special Rate Variation application to Independent Pricing and Regulatory Tribunal NSW (IPART) be deferred until 2025/2026.**
- 2. That Council develop an Organisational Sustainability Review and Improvement Plan, as part of the development of the 2024/2025 Operational Plan and Budget process.**

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

**CARRIED**

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

**Against:** Nil.

**FURTHER AMENDMENT**

Moved by Councillor J Black and seconded by Councillor S Chowdhury

**That the CEO provide a report to the March 2024 Ordinary Meeting of Council outlining the differences in staffing levels between Dubbo Regional Council currently, and the number of staff employed by the combined former Dubbo City Council and Wellington Shire Council on Day 1 of the council amalgamation.**

**The further amendment then became the motion.**

**CARRIED**

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

**CARRIED**

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

**Against:** Nil.

**CSC23/68 REPORT ON E-BIKE INVESTIGATION FOR DUBBO REGION (ID23/2502)**

The Committee had before it the report dated 16 October 2023 from the Economic Development and Visitor Services Team Leader regarding Report on E-bike Investigation for Dubbo Region.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

**MOTION**

**That Council does not progress with undertaking service delivery or a partnership in an E-bike service.**

**CARRIED**

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

**Against:** J Black and D Mahon.

**CCL23/315 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING 24 OCTOBER 2023 (ID23/2673)**

The Council had before it the report of the Audit, Risk and Improvement Committee meeting held 24 October 2023.

Moved by Councillor R Ivey and seconded by Councillor M Wright

**MOTION**

**That the report of the Audit, Risk and Improvement Committee meeting held on 24 October 2023, be adopted.**

**CARRIED**

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

**Against:** Nil.

**REPORTS FROM STAFF:**

**CCL23/316 DRAFT ANNUAL REPORT 2022/2023 (ID23/2376)**

The Council had before it the report dated 29 September 2023 from the Corporate Strategy Performance Coordinator regarding Draft Annual Report 2022/2023.

Moved by Councillor J Black and seconded by Councillor M Wright

**MOTION**

- 1. That the Draft Annual Report 2022/2023, attached at Appendix 1, be endorsed.**
- 2. That the finalised document be published on Council's website and that the Office of**



Local Government be notified.

3. That a copy of the Annual Report 2022/2023 be printed and made available for reading at the Dubbo Civic Administration Building, Wellington Administration Building and Macquarie Regional Library (Dubbo and Wellington branches).

**CARRIED**

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

**Against:** Nil.

**CCL23/317 SEPTEMBER 2023 QUARTERLY BUDGET REVIEW STATEMENT (ID23/2676)**

The Council had before it the report dated 8 November 2023 from the Chief Financial Officer regarding September 2023 Quarterly Budget Review Statement.

Moved by Councillor J Gough and seconded by Councillor M Wright

**MOTION**

1. That the Quarterly Budget Review Statements as at 30 September 2023, as attached to the report of the Chief Executive Officer dated 16 November 2023, 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 having regard to the changes herewith to the original budget, be noted.

**CARRIED**

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

**Against:** Nil.

**CCL23/318 PLANNING PROPOSAL - RECLASSIFICATION OF BOURKE HILL (1L NARROMINE ROAD, DUBBO) (ID23/2532)**

The Council had before it the report dated 7 November 2023 from the Team Leader Growth Planning Projects regarding Planning Proposal - Reclassification of Bourke Hill (1L Narromine Road, Dubbo).

Moved by Councillor D Mahon and seconded by Councillor J Black

**MOTION**

1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 by reclassifying part of Bourke Hill Bourke Hill, 1L Narromine Road (Lot 2 DP1183095) from Community Land to Operational Land under the provisions of the Local Government Act 1993.
2. That Council submit the Planning Proposal to the NSW Government Department of Planning and Environment for a Gateway Determination.
3. That Council be authorised as the Local Plan Making Authority under Section 3.36 of

the Environmental Planning and Assessment Act 1979, and not delegate this to the Chief Executive Officer under Section 377 of the Local Government Act 1993.

4. That Council conduct a public hearing not less than 21 days after the end of the public exhibition period in accordance with the Local Government Act 1993.
5. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

**CARRIED**

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

**Against:** Nil.

**CCL23/319 PLANNING PROPOSAL R23-006 - NORTH-WEST URBAN RELEASE AREA  
(ID23/2612)**

The Council had before it the report dated 8 November 2023 from the Senior Growth Planner regarding Planning Proposal R23-006 - North-West Urban Release Area.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**MOTION**

1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 for land in the North-West Urban Release Area.
2. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
3. That Council liaise with the NSW Department of Planning and Environment and undertake minor administrative amendments to the Planning Proposal if required to ensure a Gateway Determination is issued.
4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
5. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

**CARRIED**

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

**Against:** Nil.

**CCL23/320 D23-232 - SECONDARY DWELLING - LOT 51 DP 522340, 16 SPENCE STREET  
DUBBO  
OWNER/APPLICANT: ROB STARCIC (ID23/2552)**

The Council had before it the report dated 3 November 2023 from the Planner regarding D23-232 - Secondary Dwelling - Lot 51 DP 522340, 16 Spence Street Dubbo

Owner/Applicant: Rob Starcic.

Moved by Councillor J Black and seconded by Councillor J Gough

#### MOTION

1. **That Development Application D2023-232 – Secondary Dwelling, 16 Spence Street Dubbo be refused.**
2. **That Council grant delegation to the Chief Executive Officer to sign the determination (refusal).**

**CARRIED**

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

**Against:** Nil.

#### **CCL23/321 COMMENTS AND MATTERS OF URGENCY (ID23/2744)**

There were no matters recorded under this clause.

#### **CONFIDENTIAL**

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:

- *CCL23/322 – Battery Energy Storage Systems – Planning Agreements* (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.
- *CCL23/323 – Recruitment of Independent Members to ARIC* (Section 10A(2)(a)) - information that would, if disclosed, reveal *personnel matters concerning particular individuals (other than Councillors)*.
- *CCL23/324– People Culture and Safety Quarterly Metrics Report* (Section 10A(2)(a)) - information that would, if disclosed, reveal *personnel matters concerning particular individuals (other than Councillors)*.

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

At this juncture it was moved by Councillor S Chowdhury and seconded by Councillor L Burns that the Council resolves into closed session, the time being 7.24 pm.

The open session resumed at 7.55 pm.

The Mayor read out the following resolutions made in the closed session in Council.

**CCL23/322 BATTERY ENERGY STORAGE SYSTEMS - PLANNING AGREEMENTS (ID23/2674)**

The Council had before it the report dated 8 November 2023 from the Manager Growth Planning regarding Battery Energy Storage Systems - Planning Agreements.

Moved by Councillor M Wright and seconded by Councillor L Burns

**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)).**

Moved by Councillor R Ivey and seconded by Councillor M Wright

**MOTION**

- 1. That Council provide 'Draft Terms' to the State Government Department of Planning and Environment for the Planning Agreement Offers as included in the report.**
- 2. That a report be provided to the December 2023 Council Meeting, which includes an amendment to the Renewable Energy Benefit Framework to incorporate Battery Energy Storage Systems.**
- 3. That all documentation in relation to this matter remain confidential to Council.**

**CARRIED**

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

**Against:** Nil.

**CCL23/323 RECRUITMENT OF INDEPENDENT MEMBERS TO ARIC (ID23/2679)**

The Council had before it the report dated 10 November 2023 from the Manager Corporate Governance regarding Recruitment of Independent Members to ARIC.

Moved by Councillor M Wright and seconded by Councillor L Burns

**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 personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

**MOTION**

1. That Council note Councillor Chowdhury's apology to the interview panel.
2. That all participants be thanked for submitting their applications.
3. That the successful candidates for the next term of the Audit, Risk and Improvement Committee, will be:  
Chairperson – Mr J Walkom;  
Committee Member – Mr T Breen  
Committee Member – Mr G Matthews.
4. That all documentation in relation to this matter remain confidential to Council.

**CARRIED**

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

**Against:** J Black.

*Councillor D Mahon 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 D Mahon is a friend of one of the applicants.*

**CCL23/324 PEOPLE CULTURE AND SAFETY QUARTERLY METRICS REPORT (ID23/2665)**

The Council had before it the report dated 6 November 2023 from the Manager People Culture and Safety regarding People Culture and Safety Quarterly Metrics Report.

Moved by Councillor M Wright and seconded by Councillor L Burns

**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 personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**MOTION**

1. That the information contained within the report of the Manager People Culture and Safety dated 6 November 2023, be noted.
2. That all documentation in relation to this matter remain confidential to Council.

**CARRIED**

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

**Against:** Nil.

The meeting closed at 7.57pm.

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CHAIRPERSON