



REPORT

ORDINARY COUNCIL MEETING

23 APRIL 2018

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 Director Corporate Services, the Manager Governance and Risk, the Team Leader Governance, the Internal Ombudsman, the Administrative Officer – Mayor, the Director Economic Development and Business, the Manager Communications and Stakeholder Engagement, the Director Infrastructure and Operations, the Director Planning and Environment (S Wallace), the Manager Strategic Planning Services, the Senior Strategic Planner and the Director Community and Recreation.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.35pm 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 S Lawrence.

CCL18/47 CONFIRMATION OF MINUTES (ID18/691)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 26 March 2018.

Moved by Councillor J Ryan and seconded by Councillor G Mohr

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 26 March 2018 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, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL18/48 LEAVE OF ABSENCE (ID18/692)

There were no requests for leave of absence recorded.

CCL18/49 PUBLIC FORUM (ID18/693)

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

- Ms Toni Ross-Smythe regarding speed and dangers around Carrington Avenue.
- Ms Sally Forsstrom regarding item CCL18/50 Coal Seam Gas.
- Mr Cody Jones regarding item CCL18/51 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan.
- Mrs Shirley Colless regarding item CCL18/50 Coal Seam Gas.
- Ms Alicia Rich regarding item CCL18/62 Development Application D17-415 - Registered Club (Alterations and Additions).
- Mr Matt Parmeter regarding item CCL18/50 Coal Seam Gas.

MAYORAL MINUTES:

CCL18/50 COAL SEAM GAS (ID18/704)

The Council had before it the Mayoral Minute regarding Coal Seam Gas.

Moved by Councillor B Shields

MOTION

1. That Council seek submissions from interested parties and stakeholders in order to gauge the community views and scientific evidence on the management, mitigation and indefinable impacts of any Coal Seam Gas exploration.
2. That Council seek advice and research from our membership of the Association of Mining and Energy Related Councils in relation to the benefits/disadvantages of Coal Seam Gas exploration.
3. That the Chief Executive Officer arrange for a further report on the outcomes of the scientific research, public submissions and stakeholder engagement to ascertain whether changes to the current Council position are required, or whether Council provide support for an outright ban is authorised.

CARRIED

CCL18/51 2017-2020 DUBBO REGIONAL COUNCIL DISABILITY INCLUSION ACTION PLAN (ID18/699)

The Council had before it the Mayoral Minute regarding 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan.

Moved by Councillor B Shields

MOTION

- 1. That Council form a Disability Inclusion Technical Panel consisting of 5 members of the community, the Mayor, interested Councillors, the Chief Executive Officer, Director Community and Recreation and Director Infrastructure and Operations.**
- 2. That this technical panel is to provide advice regarding the implementation of the Dubbo Regional Council Disability Inclusion Action Plan.**
- 3. That the technical panel members be tasked with identifying Council controlled problem areas throughout the region that are in need of being upgraded to modern accessible standards.**
- 4. That Council advertise for a period of 28 days for community members to register their interest in being selected to be a member of the Disability Inclusion Technical Panel.**
- 5. That Council's Chief Executive Officer prepare a report on the proposed implementation of the 2017-2020 Dubbo Regional Council Disability Inclusion Action Plan that includes an agreed priority list of infrastructure works in view to be fully implemented within a 4 year period.**

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

CCL18/52 REPORT OF THE PLANNING, DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 16 APRIL 2018 (ID18/694)

The Council had before it the report of the Planning, Development and Environment Committee meeting held 16 April 2018.

Moved by Councillor S Lawrence and seconded by Councillor A Jones

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 16 April 2018, be noted.

CARRIED

CCL18/53 REPORT OF THE INFRASTRUCTURE, COMMUNITY AND RECREATION COMMITTEE - MEETING 16 APRIL 2018 (ID18/695)

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 16 April 2018.

Moved by Councillor S Lawrence and seconded by Councillor D Grant

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 16 April 2018, be noted.

CARRIED

CCL18/54 REPORT OF THE ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE - MEETING 16 APRIL 2018 (ID18/696)

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 16 April 2018.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 16 April 2018 be noted save and except clause EDBC18/25 with such matter being dealt with separately.

CARRIED

EDBC18/25 PROPOSED CLOSURE OF UNFORMED ROAD AND SALE OF LAND IN MONTEFIORES, WELLINGTON (ID18/660)

The Council had before it the report dated 10 April 2018 from the Property Development Officer regarding Proposed Closure of Unformed Road and Sale of Land in Montefiores, Wellington.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

- 1. That Council consent to an application being lodged for the closure of the unformed King Street road head, Montefiores Estate.**
- 2. That it be noted that pursuant to Section 38(2) of the Roads Act, the land will vest in Council upon closure and classified as operational land.**
- 3. That upon closure, the land and adjoining Lot 6 DP 1121945, be sold to the adjacent landowner, and be consolidated with his Lot 5 DP 1121945 to create one (1) lot.**
- 4. That the subject land be sold at a price of \$36,000 inc. GST with this price including recovery of costs incurred by Council in the road closure, consolidation, and disposal of the land.**

5. That any necessary documents in relation to this matter be executed under the Chief Executive Officer.

CARRIED

Councillor D Grant declared a pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor D Grant owns property and lives in Montefiores Estate.

Councillor A Jones 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 A Jones owns 2 blocks of land in Montefiores Estate.

NOTICES OF MOTION:

CCL18/55 RECREATIONAL OPPORTUNITIES IN BROCKLEHURST (ID18/698)

Council had before it a Notice of Motion dated 17 April 2018 from Councillor J Diffey regarding the Recreational Opportunities in Brocklehurst.

Moved by Councillor J Diffey and seconded by Councillor D Gumley

MOTION

1. That Council staff provide a report to Council in May 2018 that investigates the opportunities to use Council's operational land or vacant Crown Land within the village of Brocklehurst to create a public park that provides recreation opportunities for the village community.
2. That consideration be made during the budget development process for an allocation of funds over the forward four year budget that allow Council staff to develop detailed plans and an associated construction budget for a cycleway between Brocklehurst and Dubbo via Old Gilgandra Road and Dubbo Street.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

AMENDMENT

1. That Council staff provide a report to Council in May 2018 that investigates the opportunities to use Council's operational land or vacant Crown Land within the village of Brocklehurst to create a public park that provides recreation opportunities for the village community.
2. That consideration be made during the budget development process for an allocation of funds over the forward four year budget that allow Council staff to develop detailed plans and an associated construction budget for a cycleway between Brocklehurst and Dubbo via Old Gilgandra Road and Dubbo Street.
3. That the Chief Executive Officer be requested to provide a report to a Councillor Workshop to be held in September 2018 addressing:
 - i. Any residential areas of the region that are deemed insufficient in the provision of public open space.
 - ii. Existing cycleway network and identified high usage areas and proposed expansion of the cycleway network.
 - iii. That such a report include possible solutions to the identified insufficient public open space and cycleways including the availability operational or crown land for provision of such facilities.

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

REPORTS FROM STAFF:

CCL18/56 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR A JONES (ID18/652)

The Council had before it the report dated 9 April 2018 from the Manager Governance and Risk regarding Request for Leave of Absence - Councillor A Jones.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

That Councillor A Jones be granted leave of absence from Council related duties from 28 April 2018 until 9 May 2018 inclusive due to personal reasons.

CARRIED

Councillor A Jones 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 A Jones has applied for leave of absence and such interest precludes her decision making on the matter.

CCL18/57 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS (ID18/653)

The Council had before it the report dated 17 April 2018 from the Manager Governance and Risk regarding Payment of Expenses and Provision of Facilities for the Mayor and Councillors.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached as Appendix 1 to the report of the Manager Governance and Risk dated 17 April 2018, be adopted.

CARRIED

CCL18/58 COUNCIL COMMITTEES REVIEW (ID18/654)

The Council had before it the report dated 9 April 2018 from the Manager Governance and Risk regarding Council Committees Review.

Moved by Councillor J Ryan and seconded by Councillor D Gumley

MOTION

1. **That the following Council Advisory Committees and Working Parties be discontinued:**
 - a. **Saleyards Advisory Committee**
 - b. **Dubbo Showground Advisory Committee**
 - c. **Geographical Names Ad Hoc Committee**
 - d. **Dubbo Community Awards and Events Committee**
 - e. **Wellington Community Awards and Events Committee**
 - f. **Rainbow Cottage Child Care Centre Committee**
 - g. **Sister Cities Advisory Committee**
 - h. **Aquatic Leisure Centres Working Party**
 - i. **Rural Consultative Working Party**
 - j. **Economic Development Advisory Committee**
 - k. **Heavy Vehicle Access Advisory Group**
 - l. **Cultural Facilities Committee**
 - m. **Tourism, Business and Visitor Experiences Committee**
2. **That informal technical/advisory panels be established for the areas as listed in point 1 above consisting of the existing members of each of the former Advisory Committees/Working Parties to meet on an as required basis for the purpose of consultation with Councillors and staff.**
3. **That the informal technical/advisory panels have no delegations and will not report to Council.**
4. **That members of the discontinued Advisory Committees and Working Parties be advised of Council's decision in this matter and thanked for their efforts to date in these Advisory Committees and Working Parties.**

CARRIED

**CCL18/59 DRAFT PLANNING AGREEMENT - SHERATON ROAD QUARRY
REGIONAL HARDROCK PTY LTD (ID18/561)**

The Council had before it the report dated 17 April 2018 from the Manager Strategic Planning Services regarding Draft Planning Agreement - Sheraton Road Quarry Regional Hardrock Pty Ltd.

Moved by Councillor S Lawrence and seconded by Councillor Grant

MOTION

1. That the draft Planning Agreement, as attached to the report as Appendix 2, be endorsed for the purposes of public exhibition only.
2. That the draft Planning Agreement and Explanatory Note be placed on public exhibition for a period of not less than 28 days.
3. That following completion of the public exhibition process, a further report be prepared for the consideration of Council, including any submissions received.

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)

CCL18/60 DRAFT COUNCIL POLICY - DEALING WITH DEVELOPMENT APPLICATIONS FOR COUNCILLORS AND EMPLOYEES (ID18/665)

The Council had before it the report dated 12 April 2018 from the Manager Building and Development Services regarding Draft Council Policy - Dealing with Development Applications for Councillors and Employees.

Moved by Councillor S Lawrence and seconded by Councillor G Mohr

MOTION

That the matter be deferred to the May 2018 Ordinary Council meeting.

CARRIED

Councillor D Gumley declared a non-pecuniary, less than significant interest in the matter now before the Council and remained the room during the Council's consideration of this matter. The reason for such interest is that Councillor D Gumley's father-in-law is a builder in Dubbo and that such interest would not impair his decision making on the matter.

Councillor A Jones 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 A Jones is a director and company secretary of P C Perry Constructions Pty Ltd.

Councillor J Ryan declared a non-pecuniary, less than significant interest in the matter now before the Council and remained the room during the Council's consideration of this matter. The reason for such interest is that Councillor J Ryan has relatives who are in the building industry and that such interest would not impair his decision making on the matter.

CCL18/61 DRAFT COUNCIL POLICY - INCOMPLETE AND INADEQUATE DEVELOPMENT APPLICATION MANAGEMENT (ID18/673)

The Council had before it the report dated 13 April 2018 from the Manager Building and Development Services regarding Draft Council Policy - Incomplete and Inadequate Development Application Management.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

- 1. That the attached draft Policy, *Incomplete and Inadequate Development Application Management* (Appendix 1), be placed on public exhibition for a period of not less than 28 days.**
- 2. That following public exhibition, a further report be submitted to Council for its consideration.**

CARRIED

CCL18/62 DEVELOPMENT APPLICATION D17-415 - REGISTERED CLUB (ALTERATIONS AND ADDITIONS)
PROPERTY: 82 WHYLANDRA STREET, DUBBO
APPLICANT: CLUB DUBBO
OWNER: WEST DUBBO BOWLING CLUB LTD (ID18/684)

The Council had before it the report dated 17 April 2018 from the Senior Strategic Planner regarding Development Application D17-415 - Registered Club (Alterations and Additions).

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

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

CARRIED

Moved by Councillor J Ryan

AMENDMENT

- 1 That Development Application D17-415 for alterations and additions to a registered club at Lot 229 DP 753233, 82 Whylandra Street, Dubbo, be granted approval subject to the conditions of consent included as Appendix 1, with the inclusion of the following conditions:
 - 45). Any proposed section of glazing, located externally on the western, northern and eastern facades of the main building, shall be comprised of double-glazing.
Details are to be provided with any Construction Certificate and shall be installed prior to the issue of the relevant Occupation Certificate.
{Reason: To minimise noise impacts on nearby residential properties}
2. That Council accede to the request for the reduction in the Section 94 contribution for Urban Roads of \$138,769.64 to \$65,303.36 based on the traffic analysis prepared by Stanbury Traffic Planning and dated August 2017 as submitted with Development Application D17-415.
3. That those who made submissions in this matter be advised of Council's determination.

The amendment lapsed without a seconder

LAPSED

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

Councillor B Shields declared a non-pecuniary, less than significant interest in the matter now before the Council and remained the room during the Council's consideration of this matter. The reason for such interest is that Councillor B Shields was an employee of Club Dubbo more than 12 months ago and that such interest would not impair his decision making on the matter.

CCL18/63 RESCINDING OF LOCAL PURCHASING POLICY (ID18/690)

The Council had before it the report dated 17 April 2018 from the Manager Financial Operations regarding Rescinding of Local Purchasing Policy.

Moved by Councillor D Grant and seconded by Councillor G Mohr

MOTION

That Council's Local Purchasing Policy be rescinded effective immediately.

CARRIED

CCL18/64 COMMENTS AND MATTERS OF URGENCY (ID18/697)

There were no matters recorded under this clause.

At this junction it was moved by Councillor G Mohr and seconded by Councillor D Gumley that the Council resolves into the Committee of the Whole Council, the time being 7.05pm.

the meeting resumed at 7.08pm.

CCL18/65 COMMITTEE OF THE WHOLE (ID18/702)

The Director Corporate Services read to the meeting of the Report of Committee of the Whole held on 23 April 2018.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the report of the meeting of the Committee of the Whole held on 23 April 2018 be adopted.

CARRIED

The meeting closed at 7.10pm.

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CHAIRMAN