



REPORT ORDINARY COUNCIL MEETING 26 AUGUST 2019

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Manager Governance Operations, the Community Support Officer, the Communications Coordinator, the Communications Partner, the Director Organisational Performance (S Tratt), the Director Culture and Economy, the Events and Partnerships Team Leader, the Director Infrastructure, the Manager Water Supply and Sewerage, the Director Development and Environment, the Manager Growth Planning, the Manager Building and Development Services, the Senior Planner 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 K Parker.

CCL19/126 CONFIRMATION OF MINUTES (ID19/1059)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 22 July 2019.

Moved by Councillor D Gumley and seconded by Councillor D Grant

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 22 July 2019 comprising pages 7, 8, 9, 10, 11, 12, 13 and 14 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL19/127 LEAVE OF ABSENCE (ID19/1106)

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

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That such request for leave of absence be accepted and Councillor S Lawrence be granted leave of absence from this meeting.

CARRIED

CCL19/128 PUBLIC FORUM (ID19/1107)

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

- Mr David Gleeson regarding item CCL19/139 – Development Application D2019-17 (2) – Car Wash (Light Industry).
- Mr John Cook regarding item CCL19/139 – Development Application D2019-17 (2) – Car Wash (Light Industry).
- Mr Paul Loxley regarding relocation of the Junior Rugby League finals at Apex Oval.
- Ms Ali Cant regarding relocation of the Junior Rugby League finals at Apex Oval.

MAYORAL MINUTES:

CCL19/129 RESULTS OF NOMINATION OF MATHEW DICKERSON AS EMERITUS MAYOR (ID19/1093)

The Council had before it the Mayoral Minute regarding Results of Nomination of Mathew Dickerson as Emeritus Mayor.

Moved by Councillor B Shields

MOTION

1. **That the information in this Mayoral Minute be noted.**
2. **That Mr Mathew Dickerson be formally advised that Council's nomination of him being awarded the award of Emeritus Mayor by Local Government NSW has been unsuccessful.**

CARRIED

CCL19/130 WELLINGTON BUY LOCAL CAMPAIGN (ID19/1182)

The Council had before it the Mayoral Minute regarding Wellington Buy Local Campaign.

Moved by Councillor B Shields

MOTION

That the Chief Executive Officer be requested to convene a meeting of the Wellington Chamber of Commerce, relevant staff and Mayor to determine an appropriate Wellington specific buy local campaign.

CARRIED

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 business premises in the main street of Wellington.

CCL19/130a APEX OVAL GAME FIXTURES AND GROUND CONDITION (ID19/1191)

The Council had before it the Mayoral Minute regarding Apex Oval Game Fixtures and Ground Condition.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

- 1. That the report related to Apex Oval game fixtures and ground condition from the Director Liveability dated 23 August 2019 be noted.**
- 2. That Council do not proceed with the Dubbo and District Junior Rugby League grand final at Apex Oval, 14 September 2019**
- 3. That Council endorse the Dubbo District Junior Rugby League grand final relocation to alternate locations, including Barden Park.**
- 4. That Council endorse the financial impost of \$7,486.42 comprising 2019/2020 annual fee discount good will gestures for clubs and game day expenses.**

CARRIED

As one or more Councillors voted against the motion, in accordance with Clause (b)(iv)(2) of Council's Code of Meeting Practice, the following votes were recorded:

FOR	AGAINST
Councillor Diffey	Councillor Jones
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (8)	Total (1)

MATTERS CONSIDERED BY COMMITTEES:

**CCL19/131 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 12 AUGUST 2019 (ID19/1108)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 12 August 2019.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 12 August 2019, be noted.

CARRIED

**CCL19/132 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION
COMMITTEE - MEETING 12 AUGUST 2019 (ID19/1109)**

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 12 August 2019.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 12 August 2019, be noted.

CARRIED

CCL19/133 REPORT OF THE ECONOMIC DEVELOPMENT BUSINESS AND CORPORATE COMMITTEE - MEETING 12 AUGUST 2019 (ID19/1110)

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 12 August 2019.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 12 August 2019, be noted.

CARRIED

CCL19/134 REPORT OF THE STREET TREE ADVISORY COMMITTEE - MEETING 6 AUGUST 2019 (ID19/1111)

The Council had before it the report of the Street Tree Advisory Committee meeting held 6 August 2019.

Moved by Councillor J Ryan and seconded by Councillor K Parker

MOTION

That the report of the Street Tree Advisory Committee meeting held on 6 August 2019, be adopted.

CARRIED

CCL19/135 REPORT OF THE DUBBO REGIONAL AIRPORTS COMMITTEE - MEETING 13 AUGUST 2019 (ID19/1168)

The Council had before it the report of the Dubbo Regional Airports Committee meeting held 13 August 2019.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Dubbo Regional Airports Committee meeting held on 13 August 2019, be adopted.

CARRIED

REPORTS FROM STAFF:

CCL19/136 COUNCILLOR NUMBERS (ID19/1097)

The Council had before it the report dated 6 August 2019 from the Chief Executive Officer regarding Councillor Numbers.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That the report from the Chief Executive Officer dated 6 August 2019 be noted.
2. That Council maintain the status quo in respect of the issue of Councillor numbers, being that Councillor numbers remain at ten (10).

CARRIED

CCL19/137 MACQUARIE STREET, OUTDOOR DINING POLICY (ID19/314)

The Council had before it the report dated 13 August 2019 from the Manager Growth Planning regarding Macquarie Street, Outdoor Dining Policy.

Moved by Councillor D Grant and seconded by Councillor D Gumley

MOTION

1. That the draft Macquarie Street Outdoor Dining Policy, attached to the report of the Manager Growth Planning dated 13 August 2019, as Appendix 1, be adopted by Council.
2. That the lease fee for the remainder of the 2019/2020 Financial Year be determined to be \$0 for Category A Areas.
3. That a review of the Policy be undertaken by Council prior to the end of the 2019/2020 Financial Year.
4. That the review of the Policy required to be undertaken in Item 3 also determine an appropriate per square metre rate.
5. That an advertisement be placed in local print media advising of adoption of the Policy.

CARRIED

**CCL19/138 NEW DRAFT SECTION 7.11 CONTRIBUTIONS PLAN FOR SOUTH-EAST
STORMWATER DRAINAGE HEADWORKS CONTRIBUTIONS - RESULTS OF
PUBLIC EXHIBITION (ID19/1020)**

The Council had before it the report dated 12 August 2019 from the Manager Growth Planning regarding New draft Section 7.11 Contributions Plan for South-East Stormwater Drainage Headworks Contributions - Results of Public Exhibition.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That the new amended draft Section 7.11 Developer Contributions Plan - South-East Stormwater Drainage Headworks Contributions as provided here in Appendix 1 be adopted.
2. That the amended draft Section 94 Contributions Plan – Urban Stormwater Drainage Headworks Contributions as provided here in Appendix 2 be adopted.
3. That an advertisement be placed in the local print media advising of Council’s adoption and commencement of:
 - (a) New Section 7.11 Developer Contributions Plan – South-East Stormwater Drainage Headworks Contributions.
 - (b) Amended Section 94 Contributions Plan – Urban Stormwater Drainage Headworks Contributions.
4. That the Section 7.11 Developer Contributions Plan - South-East Stormwater Drainage Headworks Contributions and amended Section 94 Contributions Plan – Urban Stormwater Drainage Headworks Contributions commence operation from the date it is advertised in the local print media.

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 Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (9)	Total (0)

**CCL19/139 DEVELOPMENT APPLICATION D2019-71 (2) - CAR WASH (LIGHT INDUSTRY)
PROPERTY: LOT 4 DP 519008, 94 VICTORIA STREET, DUBBO
APPLICANT: J & M COOK ENGINEERING SERVICES
OWNER: COLE FOR CRANES PTY LTD (ID19/1158)**

The Council had before it the report dated 19 August 2019 from the Senior Planner regarding Development Application D2019-71 (2) - Car Wash (Light Industry)

Property: Lot 4 DP 519008, 94 Victoria Street, Dubbo

Applicant: J & M Cook Engineering Services

Owner: Cole for Cranes Pty Ltd.

Moved by Councillor D Grant and seconded by Councillor G Mohr

MOTION

1. That Council agree to reduce the combined Water and Sewerage Supply Headworks contribution for D19-71 from \$325,255.85 to \$90,336.60 (based on the adopted 2018/2019 financial year figures).
2. That modified Development Application D19-71 (Part 2) for a car wash (light industry) at Lot 4 DP 519008, 94 Victoria Street, Dubbo be granted approval subject to the conditions of consent provided attached in Appendix 1, noting the amendments to Conditions 38 and 39.

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

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 is a personal acquaintance of the consultant for the proponent and such interest will not affect his decision making on this matter.

CCL19/140 NAMING AN UNNAMED PUBLIC ROAD 'EUSTON LANE' (ID19/1095)

The Council had before it the report dated 8 August 2019 from the LIS and E-Services Coordinator regarding Naming an unnamed public road 'Euston Lane'.

Moved by Councillor G Mohr and seconded by Councillor D Gumley

MOTION

1. That the unnamed public road created in DP 246880 be formally named Euston Lane, Dubbo and sign posted accordingly.
2. That the approved name be advertised and government authorities notified in accordance with Section 162 of the Roads Act 1993 and the Roads Regulation 2008.
3. That the affected owners be notified in writing of Council's decision in this matter.

CARRIED

CCL19/141 RENAMING COBBORA ROAD IN THE FORMER WELLINGTON LGA (ID19/1096)

The Council had before it the report dated 8 August 2019 from the LIS and E-Services Coordinator regarding Renaming Cobbora Road in the former Wellington LGA.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

1. That Cobbora Road in the former Wellington Shire LGA, be renamed Saxa Road.
2. That the approved name be advertised and government authorities notified in accordance with Section 162 of the Roads Act 1993 and the Roads Regulation 2008.
3. That residents be informed of the new road name once gazetted.
4. That Warrumbungle Shire Council be notified of the outcome.

CARRIED

**CCL19/142 LEASE OF LAND - AIRPORT HANGAR SITE 16 TO DUBBO AEROCLUB
(ID19/1152)**

The Council had before it the report dated 18 August 2019 from the Manager Airport Precinct regarding Lease of Land - Airport Hangar Site 16 to Dubbo Aeroclub.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That Council enter into 4 consecutive 5 year leases for Hangar Site 16 at Dubbo City Regional Airport commencing on 1 July 2019 with Dubbo Aeroclub, with the second, third and fourth lease commencing upon the expiry of the previous lease, until its expiry on 30 June 2039, with all four (4) leases signed at the commencement of the first lease.
2. That all documentation in relation to this matter be executed under Power of Attorney.
3. That the legal fees associated with the preparation of the lease be borne by the lessee.

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 through his employer has business dealings with Dubbo Aeroclub.

CCL19/143 LEASE OF LAND - AIRPORT HANGAR SITE 17 TO MICK ROBINSON (ID19/1151)

The Council had before it the report dated 18 August 2019 from the Manager Airport Precinct regarding Lease of Land - Airport Hangar Site 17 to Mick Robinson.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That Council enter into 4 consecutive 5 year leases for Hangar Site 17 at Dubbo City Regional Airport commencing in September 2019 with Mr Mick Robinson until its expiry on 31 August 2039, with the second, third and fourth lease commencing upon the expiry of the previous lease, with all four (4) leases signed at the commencement of the first lease.
2. That all documentation in relation to this matter be executed under Power of Attorney.
3. That the legal fees associated with the preparation of the lease be borne by the lessee.

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 through his employer has business dealings with Mr M Robinson.

CCL19/144 LEASE OF LAND - AIRPORT HANGAR SITE 18 TO ROWAN MOLNAR (ID19/1149)

The Council had before it the report dated 18 August 2019 from the Manager Airport Precinct regarding Lease of Land - Airport Hangar Site 18 to Rowan Molnar.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

1. That Council enter into 4 consecutive 5 year leases for Hangar Site 18 at Dubbo City Regional Airport commencing in September 2019 with Mr Rowan Molnar until its expiry on 31 August 2039, with the second, third and fourth lease commencing upon the expiry of the previous lease, with all four (4) leases signed at the commencement of the first lease.
2. That all documentation in relation to this matter be executed under Power of Attorney.
3. That the legal fees associated with the preparation of the lease be borne by the lessee.

CARRIED

CCL19/145 LEASE OF LAND - AIRPORT HANGAR SITE 19 TO DAVID TREACEY (ID19/1150)

The Council had before it the report dated 18 August 2019 from the Manager Airport Precinct regarding Lease of Land - Airport Hangar Site 19 to David Treacey.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

1. That Council enter into 4 consecutive 5 year leases for Hangar Site 19 at Dubbo City Regional Airport commencing on 2 September 2019 with Dr David Treacey until its expiry on 31 August 2039, with the second, third and fourth lease commencing upon the expiry of the previous lease, with all four (4) leases signed at the commencement of the first lease.
2. That all documentation in relation to this matter be executed under Power of Attorney.
3. That the legal fees associated with the preparation of the lease be borne by the lessee.

CARRIED

CCL19/146 ACQUISITION OF EXISTING ROAD AT 145R COOLBAGGIE FOREST ROAD, EUMUNGERIE (ID19/1100)

The Council had before it the report dated 7 August 2019 from the Manager Property Assets regarding Acquisition of existing road at 145R Coolbaggie Forest Road, Eumungerie.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

1. That Council acquire that portion of Lot 36 DP 752579 in which Coolbaggie Forest Road is situated, for \$3,200 exc. GST.
2. That Council reimburse the landowner's legal fees up to the value of \$2,000 (inc. GST) in relation to such acquisition by Council.
3. That Council be responsible for all surveying and plan registration costs in relation to the road corridor acquisition.
4. That the road corridor be dedicated as Public Road at the time of plan registration with NSW Land Registry Services.
5. That all documentation in relation to this matter be executed under Power of Attorney.

CARRIED

CCL19/147 SUNNYSIDE ROAD OPENING - LOCALITY OF JONES CREEK (ID19/1115)

The Council had before it the report dated 12 August 2019 from the Property Development Officer regarding Sunnyside Road Opening - Locality of Jones Creek.

Moved by Councillor V Etheridge and seconded by Councillor D Gumley

MOTION

1. That Council execute the 'change of vesting' agreement outlined in Department of Primary Industries letter dated 1 November 2012.
2. That Council open a public road reserve for Sunnyside Road (formerly Findlays Road) over Lot 21 DP 588497 as required by the agreement.
3. That Council dispose of future closed roads 1e and 1f to Mr Geoffrey and Margaret Chad or their successors, being the owners of Lot 21 DP 588497, following their vesting to Council by the crown.
4. That Council dispose of future closed roads 1e and 1f to Mr Geoffrey and Margaret Chad or their successors, for a 'Nil' sale price as compensation for Council opening the public road reserve for Sunnyside Road over Lot 21 DP 588497.
5. That each party be responsible for their own legal expenses.
6. That all documentation in relation to the matter be executed under Power of Attorney.

CARRIED

CCL19/148 ROAD CLOSURE OF PART FITZROY STREET ADJACENT TO COUNCIL'S LOT 10 DP 258615 AND LAND DISPOSAL AGREEMENT - 1 JOHNSON STREET, NORTH DUBBO (ID19/1119)

The Council had before it the report dated 12 August 2019 from the Property Development Officer regarding Road Closure of Part Fitzroy Street adjacent to Council's Lot 10 DP 258615 and Land Disposal Agreement - 1 Johnson Street, North Dubbo.

Moved by Councillor K Parker and seconded by Councillor J Ryan

MOTION

1. That Council execute the closure of the two (2) portions of road fronting Fitzroy Street, adjoining 1 and 2 Johnson Street, North Dubbo, into two (2) lots, and to classify them as operational land upon closure.
2. That Council execute the subdivision of Lot 10 DP 258615 into two (2) lots, and to classify them as operational land upon creation.
3. That Council dispose of the northern closed road lot and the northern lot created from Lot 10 DP 258615 to Mr J Temesvary, the owner of lot 13 DP 816293, for a sale price of \$130,000 plus GST as outlined in this report.
4. That each party be responsible for their own legal expenses.
5. That all documentation in relation to the matter be executed under Power of Attorney.

CARRIED

CCL19/149 PROPOSED CLOSURE OF ROAD, SALE OF LAND AND PART EXTINGUISHMENT OF EASEMENT FOR DRAINAGE OF SEWAGE, KING STREET MONTEFIORES, WELLINGTON (ID19/1121)

The Council had before it the report dated 13 August 2019 from the Property Development Officer regarding Proposed Closure of Road, Sale of Land and Part Extinguishment of Easement for Drainage of Sewage, King Street Montefiores, Wellington.

Moved by Councillor V Etheridge and seconded by Councillor K Parker

MOTION

1. That Council execute the closure of the King Street road head, in accordance with the alternative diagonal boundary agreed with objectors and detailed within this report.
2. That Council dedicate land to the public as road in accordance with the alternative diagonal boundary agreed with the objectors and detailed within this report.
3. That Council extinguish part 'easement for drainage of sewage 3 wide (s)' shown in Deposited Plan 1121945, which traverses the eastern boundary of Lot 5 DP 1121945.
4. That each party be responsible for their own legal expenses.
5. That all documentation in relation to this matter be executed under Power of Attorney.

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 lives in the Montefiores Estate and owns property.

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 two vacant blocks of land within this estate.

CCL19/150 COMMENTS AND MATTERS OF URGENCY (ID19/1112)

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 6.38pm.

The meeting resumed at 6.41pm.

CCL19/151 COMMITTEE OF THE WHOLE (ID19/1159)

The Executive Manager Governance and Internal Control read to the meeting of the report of Committee of the Whole held on 26 August 2019.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

That the report of the meeting of the Committee of the Whole held on 26 August 2019 be adopted.

CARRIED

The meeting closed at 6.43pm.

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CHAIRMAN