



REPORT

ORDINARY COUNCIL MEETING

26 OCTOBER 2020

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

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Governance and Internal Control Manager, the Community Support Officer, the Administration Officer Mayor, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure, the Director Development and Environment, the Manager Building and Development Services, the Manager Resource Recovery and Efficiency 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 S Lawrence.

CCL20/162 CONFIRMATION OF MINUTES (ID20/1302)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 September 2020.

Moved by Councillor K Parker 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 28 September 2020 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL20/163 LEAVE OF ABSENCE (ID20/1303)

Requests for leave of absence were received from Councillors D Grant and A Jones who were absent from the meeting due to personal reasons.

Moved by Councillor V Etheridge and seconded by Councillor S Lawrence

MOTION

That such requests for leave of absence were accepted and Councillors D Grant and A Jones were granted leave of absence from this meeting.

CARRIED

CCL20/164 PUBLIC FORUM (ID20/1304)

There were no speakers during public forum.

MAYORAL MINUTES:

**CCL20/165 RECOGNITION OF ACHIEVEMENT OF TYLER EVERINGHAM IN 2020
SUPERCHEAP AUTO BATHURST 1000 (ID20/1333)**

The Council had before it the Mayoral Minute regarding Recognition of achievement of Tyler Everingham in 2020 Supercheap Auto Bathurst 1000.

Moved by Councillor B Shields

MOTION

That Council formally congratulate Tyler Everingham on his career to date and his achievement of being part of the 2020 Supercheap Auto Bathurst 1000 race.

CARRIED

CCL20/165a RIVER STREET BRIDGE (ID20/1347)

The Council had before it the Mayoral Minute regarding River Street Bridge.

Moved by Councillor B Shields

MOTION

1. That Council seek assurances from the Minister for Regional Transport and Roads Paul Toole and Member for Dubbo Dugald Saunders that access is provided to the North-West Dubbo Urban Release Area being developed by Council.
2. That Council seek assurances from the Minister for Regional Transport and Roads Paul Toole and Member for Dubbo Dugald Saunders that pedestrian access on the River Street Bridge or a separate pedestrian bridge be added to the scope of works.
3. That Council seek assurances from the Minister for Regional Transport and Roads Paul Toole and Member for Dubbo Dugald Saunders that the road is redesigned to be as close as possible to ground level, conducive to an urban environment, that allows for future services and drainage infrastructure.

CARRIED

Councillor J Diffey declared a non-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 J Diffey is employed as a Senior Electorate Officer by NSW Parliament for the State Member, Mr Dugald Saunders.

CCL20/165b REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR A JONES

The Council had before it the Mayoral Minute regarding Request for Leave of Absence - Councillor A Jones.

Moved by Councillor B Shields

MOTION

1. That the Mayoral Minute be noted.
2. That the report of the Chief Executive Officer dated 23 October 2020 be adopted.

CARRIED

INFORMATION ONLY MATTERS:

CCL20/166 AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING MINUTES 4 SEPTEMBER 2020 AND 15 OCTOBER 2020 (ID20/1211)

The Council had before it the report dated 22 September 2020 from the Governance and Internal Control Manager regarding Audit and Risk Management Committee - meeting Minutes 4 September 2020 and 15 October 2020.

Moved by Councillor D Gumley and seconded by Councillor V Etheridge

MOTION

That the minutes of the Audit and Risk Management Committee meetings held on 4 September 2020 and 15 October 2020 be noted.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

CCL20/167 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING 12 OCTOBER 2020 (ID20/1306)

The Council had before it the report of the Development and Environment Committee meeting held 12 October 2020.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

MOTION

That the report of the Development and Environment Committee meeting held on 12 October 2020 be noted.

CARRIED

CCL20/168 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING 12 OCTOBER 2020 (ID20/1307)

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 12 October 2020.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

That the report of the Infrastructure and Liveability Committee meeting held on 12 October 2020 be noted.

CARRIED

**CCL20/169 REPORT OF THE CULTURE ECONOMY AND CORPORATE COMMITTEE -
MEETING 12 OCTOBER 2020 (ID20/1308)**

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 12 October 2020.

Moved by Councillor D Gumley and seconded by Councillor J Ryan

MOTION

That the report of the Culture, Economy and Corporate Committee meeting held on 12 October 2020 be noted.

CARRIED

REPORTS FROM STAFF:

CCL20/170 COUNCIL SAVINGS SINCE 2017 ELECTIONS (ID20/1273)

The Council had before it the report dated 12 October 2020 from the Chief Executive Officer regarding Council Savings Since 2017 Elections.

Moved by Councillor J Ryan and seconded by Councillor D Gumley

MOTION

That the information contained within the report of the Chief Executive Officer dated 12 October 2020 be noted.

CARRIED

CCL20/171 2019/2020 BUDGET HIGHLIGHTS REPORT (ID20/1232)

The Council had before it the report dated 9 October 2020 from the Chief Financial Officer regarding 2019/2020 Budget Highlights Report.

Moved by Councillor S Lawrence and seconded by Councillor J Ryan

MOTION

That the information contained within the report of the Chief Financial Officer dated 9 October 2020 be adopted.

CARRIED

CCL20/172 COMPULSORY ACQUISITION OF LOT 101 AND 102 IN DP1264341 - PART CROWN LOT 7005 DP 1019852 AND PART LITTLE RIVER - TERRABELLA ROAD, TERRABELLA - LITTLE RIVER BRIDGE RECONSTRUCTION (ID20/1134)

The Council had before it the report dated 2 September 2020 from the Property Development Officer regarding Compulsory Acquisition of Lot 101 and 102 in DP1264341 - Part Crown Lot 7005 DP 1019852 and Part Little River - Terrabella Road, Terrabella - Little River Bridge Reconstruction.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

1. That Council approve compulsory acquisition of the land noted within the report pursuant to sections 177 and 178 of the Roads Act 1993 (NSW) and undertake all necessary actions accordingly, if agreement cannot be reached between Council and the Owner.
2. That Council acquire by compulsory acquisitions under sections 177 and 178 of the Roads Act 1993 (NSW), Lot 101 and Lot 102 in registered acquisition plan DP1264341 for the purposes of public road.
3. That Council approve the making of an application to the Minister for Local Government to issue Proposed Acquisition Notice(s) under the Land Acquisition (Just terms Compensation) Act 1991 for Council to compulsorily acquire Lot 101 and Lot 102 in registered acquisition plan DP1264341.
4. That Council approve the making of an application to the Governor of NSW for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just terms Compensation) Act 1991 for Council to compulsorily acquire Lot 101 and Lot 102 in Deposited Plan 1264341.
5. That upon acquisition, Lot 101 and Lot 102 in Deposited Plan 1264341 be classified as operational land in conformity with the Local Government Act 1993.
6. That the Chief Executive Officer execute under power of attorney, any documents required to be executed as part of process for Council to compulsorily acquire Lot 101 and Lot 102 in Deposited Plan 1264341.

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 Gumley	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (8)	Total (0)

CCL20/173 RESCINDING COUNCIL POLICIES (ID20/800)

The Council had before it the report dated 15 September 2020 from the Manager Infrastructure Delivery regarding Rescinding Council Policies.

Moved by Councillor V Etheridge and seconded by Councillor D Gumley

MOTION

That Council's CBD Footpaths, Kerb and Guttering Construction, Cycleways, Road Opening and State Road Construction and Maintenance policies be rescinded effective immediately.

CARRIED

CCL20/174 ADOPTION OF COUNCIL POLICY - BITUMEN SEALING OF COUNCIL ROADS (ID20/1272)

The Council had before it the report dated 6 October 2020 from the Manager Infrastructure Delivery regarding Adoption of Council Policy - Bitumen Sealing of Council Roads.

Moved by Councillor D Gumley and seconded by Councillor V Etheridge

MOTION

That the appended 'Bitumen Sealing of Council Roads Policy' as attached to the report of the Manager Infrastructure Delivery dated 6 October 2020 be adopted.

CARRIED

CCL20/175 REVIEW OF VILLAGE LANDFILL AND TRANSFER STATIONS (ID20/1281)

The Council had before it the report dated 13 October 2020 from the Manager Resource Recovery and Efficiency regarding Review of Village Landfill and Transfer Stations.

Moved by Councillor G Mohr and seconded by Councillor S Lawrence

MOTION

1. That Council maintain its current best practice operating system of keeping rural transfer stations secured and only opened under staff supervision.
2. That Council continue with the current practice of only landfilling waste at its two (2) licenced waste facilities (Whylandra (EPL 6058) and Wellington (EPL 6702)).
3. That the rural transfer stations at Mumbil, Euchareena and Elong Elong remain closed and landfilling not be considered at any of the other five (5) rural transfer stations.
4. That Council review rural transfer station operating costs after one (1) year of operation under the current locked/supervised site management model and adjust the Rural Waste Management charge to ensure full cost recovery for the service.
5. That the waste charges across Council's seven (7) waste facilities be harmonised in 2021/2022.

CARRIED

CCL20/176 DEVELOPMENT APPLICATION D17-238 (4) - SERVICE STATION AND TWO (2) LOT SUBDIVISION

**PROPERTY: LOT 4142 DP 1245646, NO. 6 BURRAWAY ROAD, BROCKLEHURST
APPLICANT: LIBERTY OIL CORPORATION PTY LTD
OWNER: MR I E WALKER (ID20/1274)**

The Council had before it the report dated 12 October 2020 from the Senior Planner regarding Development Application D17-238 (4) - Service Station and Two (2) Lot Subdivision Property: Lot 4142 DP 1245646, No. 6 Burraway Road, Brocklehurst.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

1. That the report of the Senior Planner dated 12 October 2020 be noted.
2. That Condition 3 of Development Consent No. D17-238 be amended to reduce the urban roads contribution from \$760,620.00 to \$23,905.20 (based on current 2020/2021 financial year figures).
3. That the Modified Development Application be approved subject to the conditions of Development Consent provided here in Appendix 1 of the report of the Senior Planner dated 12 October 2020.

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 Gumley	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (8)	Total (0)

CCL20/177 R20-3 NANIMA SEWAGE TREATMENT PLANT (STP) REZONING (ID20/1223)

The Council had before it the report dated 13 October 2020 from the Growth Planning Projects Leader - Digital Futures regarding R20-3 Nanima Sewage Treatment Plant (STP) Rezoning.

Moved by Councillor V Etheridge and seconded by Councillor K Parker

MOTION

1. That the report of the Growth Planning Project Leader – Digital Futures dated 13 October 2020 be noted.
2. That the Planning Proposal provided here in Appendix 1 of the Growth Planning Project Leader – Digital Futures dated 13 October 2020 be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone part of Lot 244 DP 756920 from RU5 Village to SP2 Infrastructure;
3. That Council seek authority from the Department of Planning Industry and Environment to exercise its Delegations in relation to the plan making functions under Section 3.36 of the Environmental Planning & Assessment Act 1979.
4. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.

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 Gumley	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (8)	Total (0)

**CCL20/178 PROPOSAL (R18-4 63 FITZROY STREET, 2R GILGANDRA ROAD)
APPLICANT BARNSON PTY LTD ON BEHALF OF TAYLOR MADE HOMES PTY LTD
(ID20/1324)**

The Council had before it the report dated 16 October 2020 from the Growth Planning Projects Leader - Digital Futures regarding Proposal (R18-4 63 Fitzroy Street, 2R Gilgandra Road).

Applicant Barnson Pty Ltd on behalf of Taylor Made Homes Pty Ltd.

Moved by Councillor S Lawrence and seconded by Councillor J Diffey

MOTION

- 1. That a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to:**
 - (a) Rezone part of Lot 69 DP 259061 from E3 Environmental Management to IN2 Light Industrial;**
 - (b) Rezone part of Lot 1 DP 197736 from E3 Environmental Management to IN2 Light Industrial; and**
 - (c) Add "Light Industry (Movable Building Manufacturing)" as an additional permitted use on part Lot 31 DP 1263665, part Lot 1 DP 197736 and part Lot 69 DP 259061 under Schedule 1 of the Dubbo LEP 2011.**
- 2. That Council seek authority from the NSW Department of Planning Industry and Environment to exercise the delegation in relation to the plan making functions under section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 3. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.**

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 Gumley	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
Total (8)	Total (0)

CCL20/179 BEAUTIFICATION OF DUBBO CBD - PROPOSED TREE PLANTING FOLLOWING PUBLIC EXHIBITION (ID20/1301)

The Council had before it the report dated 11 October 2020 from the Manager Recreation and Open Spaces regarding Beautification of Dubbo CBD - proposed tree planting following public exhibition.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

- 1. That the report of the Manager Recreation and Open Space dated 11 October 2020 be noted.**
- 2. That the proposed streetscape designs for Bultje, Wingewarra and Talbragar streets be adopted and implemented, subject to the finalisation of designs.**
- 3. That, due to funding constraints, Wingewarra and Talbragar streets are prioritised for tree planting, with Bultje Street plantings subject to available funds.**
- 4. That community members submitting feedback be sent correspondence thanking them for their contribution.**

CARRIED

CCL20/180 COMMENTS AND MATTERS OF URGENCY (ID20/1305)

There were no matters recorded under this clause.

The meeting closed at 6.23pm.

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CHAIRMAN