



# REPORT ORDINARY COUNCIL MEETING 28 SEPTEMBER 2020

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**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 Executive Manager CEO, the Manager Governance and Internal Control, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure (M Lewis), the Director Development and Environment (S Jennings) 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 A Jones.

Please note that Councillor D Gumley was in attendance at this meeting via audio only, under the current COVID-19 provisions.

**CCL20/139 CONFIRMATION OF MINUTES (ID20/1164)**

Confirmation of the minutes of the proceedings of the Ordinary Council Meeting held on 24 August 2020.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 24 August 2020 as attached as Appendix 1 in the Attachment report be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.**

**CARRIED**

**CCL20/140 LEAVE OF ABSENCE (ID20/1165)**

There were no applications for leave of absence received.

**CCL20/141 PUBLIC FORUM (ID20/1166)**

There were no speakers during public forum.

**MAYORAL MINUTES:**

**CCL20/142 ANNUAL MAYOR'S REPORT (ID20/1186)**

The Council had before it the Mayoral Minute regarding Annual Mayor's Report.

Moved by Councillor B Shields

**MOTION**

**That the Mayor's year in review speech be noted.**

**CARRIED**

**CCL20/142a AUDITOR-GENERAL'S REPORT ON WATER (ID20/1231)**

The Council had before it the Mayoral Minute regarding the Auditor General's Report on Water.

Moved by Councillor B Shields

**MOTION**

**That the Auditor-General's report and its findings be noted.**

**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 by NSW Parliament as the Senior Electorate Officer for the State Member of the Dubbo Electorate, Mr D Saunders.*

**MATTERS CONSIDERED BY COMMITTEES:**

**CCL20/143 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE- MEETING  
14 SEPTEMBER 2020 (ID20/1167)**

The Council had before it the report of the Development and Environment Committee meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**MOTION**

**That the report of the Development and Environment Committee meeting held on 14 September 2020, be noted.**

**CARRIED**

**CCL20/144 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING  
14 SEPTEMBER 2020 (ID20/1168)**

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor K Parker

**MOTION**

**That the report of the Infrastructure and Liveability Committee meeting held on 14 September 2020, be noted.**

**CARRIED**

**CCL20/145 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE -  
MEETING 14 SEPTEMBER 2020 (ID20/1169)**

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 14 September 2020.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

**MOTION**

- 1. That the report of the Culture, Economy and Corporate Committee meeting held on 14 September 2020, be noted.**
- 2. That Councillors J Diffey and K Parker be elected as the Councillor representatives to the Dubbo Regional Livestock Markets.**

**CARRIED**

**CCL20/146 REPORT OF THE DUBBO REGIONAL COUNCIL AIRPORTS PANEL - MEETING 14  
SEPTEMBER 2020 (ID20/1187)**

The Council had before it the report of the Dubbo Regional Council Airports Panel meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

**MOTION**

**That the report of the Dubbo Regional Council Airports Panel meeting held on 14 September 2020, be adopted.**

**CARRIED**

**NOTICES OF MOTION:**

**CCL20/147 WELLINGTON SHOWGROUND / RACECOURSE MASTERPLAN (ID20/1138)**

Council had before it a Notice of Motion dated 3 September 2020 from Councillor D Grant regarding the Wellington Showground / Racecourse Masterplan.

Moved by Councillor D Grant and seconded by Councillor A Jones

**MOTION**

- 1. That the Chief Executive Officer be requested to undertake an internal review of the Wellington Showground, including current use, lease agreement and asset condition report, with the intention of developing a Masterplan for the future development and strategic use of the facility.**
- 2. That the internal review include discussions with key user groups and the current management lessee, Wellington Race Club.**
- 3. That the internal review report be provided to the December 2020 Ordinary Council meeting.**
- 4. That following consideration of the internal review, consideration for a strategic masterplan, including funding avenues, be brought back to the February 2021 Ordinary Council meeting.**

**CARRIED**

**CCL20/148 COUNCIL SAVINGS SINCE 2017 ELECTIONS (ID20/1202)**

Council had before it a Notice of Motion dated 17 September 2020 from Councillor J Ryan regarding the Council Savings Since 2017 Elections.

Moved by Councillor J Ryan and seconded by Councillor D Grant

**MOTION**

**That the Chief Executive Officer prepare a report to the next Council meeting on savings in expenditure and increases in income achieved by the Council since elected in 2017, taking into account the effects on Council's bottom line through the COVID-19 pandemic and worst drought on record.**

**CARRIED**

**CCL20/149 COUNCIL'S INTERNAL OMBUDSMAN (ID20/1207)**

Council had before it a Notice of Motion dated 21 September 2020 from Councillor D Gumley regarding the Council's Internal Ombudsman.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

**MOTION**

**That the Chief Executive Officer be requested to provide a report to the November 2020 meeting of Council outlining the accomplishments of Council's Internal Ombudsman.**

**CARRIED**

**REPORTS FROM STAFF:**

**CCL20/150 QUARTERLY REPORT ON DOCUMENTS EXECUTED UNDER THE POWER OF ATTORNEY (ID20/1146)**

The Council had before it the report dated 7 September 2020 from the Executive Manager Governance and Internal Control regarding Quarterly Report on Documents Executed Under the Power of Attorney.

Moved by Councillor A Jones and seconded by Councillor J Diffey

**MOTION**

**That the information contained within the report of the Executive Manager Governance and Internal Control dated 7 September 2020, be noted.**

**CARRIED**

**CCL20/151 DISCLOSURE OF INTEREST RETURNS (ID20/1062)**

The Council had before it the report dated 17 August 2020 from the Executive Manager Governance and Internal Control regarding Disclosure of Interest Returns.

Moved by Councillor J Diffey and seconded by Councillor S Lawrence

**MOTION**

**That the tabling of the Disclosure of Interest Returns, as detailed in the report of the Executive Manager Governance and Internal Control dated 17 August 2020, be noted and the Office of Local Government be advised accordingly.**

**CARRIED**

**CCL20/152 PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING POLICY FOR REVIEW (ID20/1185)**

The Council had before it the report dated 15 September 2020 from the Internal Ombudsman regarding Public Interest Disclosures and Internal Reporting Policy for review.

Moved by Councillor K Parker and seconded by Councillor J Diffey

**MOTION**

- 1. That the information contained within the report of the Internal Ombudsman dated 15 September 2020, be noted.**
- 2. That the draft Public Interest Disclosures and Internal Reporting Policy, as attached to the report of the Internal Ombudsman as Appendix 1, be place on public display for a period of not less than 28 days.**
- 3. That following conclusion of the public exhibition process, a further report be presented to Council.**

**CARRIED**

**CCL20/153 FINANCIAL SUPPORT AND PARTNERSHIP POLICY (ID20/1195)**

The Council had before it the report dated 17 September 2020 from the Director Organisational Performance regarding Financial Support and Partnership Policy.

Moved by Councillor A Jones and seconded by Councillor D Grant

**MOTION**

- 1. That the information contained within the report of the Director Organisational Performance dated 28 August 2020, be noted.**
- 2. That the updated Financial Assistance Policy dated 20 August 2020, be adopted.**

**CARRIED**

**CCL20/154 PLANNING PROPOSAL - (R18-3) - SOUTHLAKES ESTATE, DUBBO, PROPOSED ALTERATIONS TO LAND USE ZONINGS AND MINIMUM LOT SIZES (ID20/1030)**

The Council had before it the report dated 11 September 2020 from the Manager Growth Planning regarding Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

**MOTION**

1. That the Planning Proposal, attached as Appendix 1, to undertake the following amendments to the Dubbo Local Environmental Plan 2011, be adopted by Council:
  - That the subject land be rezoned from R5 Large Lot Residential to R1 General Residential and R2 Low Density Residential.
  - That the minimum lot size be changed from the existing 1.5 hectares to a mixture of no minimum lot size, 600m<sup>2</sup>, 800m<sup>2</sup>, 2000m<sup>2</sup> and 100 hectares.
  - That land situated to the south of the indicative location of the Southern Distributor be zoned RU2 Rural Landscape.
2. That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
3. That Council request gazettal of the Plan following receipt of the Opinion from the Department that the Plan be made.
4. That those who made a submission are sent an acknowledgement and advised of Council's determination in this matter.
5. That an appropriate clause be included in the Comprehensive Dubbo Local Environmental Plan (currently under preparation), to assist in guiding the location and design quality of dual occupancy development in Dubbo.
6. That in respect of the current site, which is under consideration with the subject Planning Proposal, Council Staff will work with the Proponent to include appropriate controls for dual occupancy development, which can be included in the site specific Development Control Plan for the subject lands.

**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	
<b>Total (10)</b>	<b>Total (0)</b>

**CCL20/155 PLANNING PROPOSAL - (R20-1) - SOUTHLAKES ESTATE, DUBBO (ID20/1192)**

The Council had before it the report dated 21 September 2020 from the Manager Growth Planning regarding Planning Proposal - (R20-1) - Southlakes Estate, Dubbo.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

**MOTION**

- 1. That the Planning Proposal, as provided by the Proponent and included as Appendix 1 to the report of the Manager Growth Planning dated 29 June 2020, be endorsed.**
- 2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.**
- 3. That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.**
- 4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of 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:

<b>FOR</b>	<b>AGAINST</b>
Councillor Diffey	
Councillor Etheridge	
Councillor Grant	
Councillor Gumley	
Councillor Jones	
Councillor Lawrence	
Councillor Mohr	
Councillor Parker	
Councillor Ryan	
Councillor Shields	
<b>Total (10)</b>	<b>Total (0)</b>

**CCL20/156    LEGIONELLA MANAGEMENT POLICY (ID20/1154)**

The Council had before it the report dated 11 September 2020 from the Compliance Officer Environment and Health regarding Legionella Management Policy.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

**MOTION**

**That the draft Legionella Management Policy, as attached to the report of the Compliance Officer Environment and Health as Appendix 1, be adopted.**

**CARRIED**

**CCL20/157    ECONOMIC RECOVERY TASKFORCE OUTCOMES AND STRATEGY (ID20/1137)**

The Council had before it the report dated 3 September 2020 from the Manager Economic Development and Marketing regarding Economic Recovery Taskforce Outcomes and Strategy.

Moved by Councillor D Grant and seconded by Councillor J Ryan

**MOTION**

- 1. That the draft Regional Economic Recovery Strategy 2020/2021, attached as Appendix 1 to the report of the Manager Economic Development and Marketing dated 3 September 2020, be adopted.**
- 2. That the members of the Economic Recovery Taskforce be formally recognised and thanked for their contribution to the development of the Regional Economic Recovery Strategy 2020/2021.**
- 3. That the progress of the Strategy be reported through the monthly informal reports.**

**CARRIED**

**CCL20/158 NATIVE SPECIES ART WALL AT DUBBO REGION VISITOR INFORMATION CENTRE (DUBBO SITE) (ID20/1163)**

The Council had before it the report dated 14 September 2020 from the Manager Economic Development and Marketing regarding Native Species Art Wall at Dubbo Region Visitor Information Centre (Dubbo Site).

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

**MOTION**

**That Council approve the Department of Planning, Industry and Environment (DPIE), Biodiversity and Conversation Division to proceed with the implementation of an artwork on the western wall of the Dubbo Region, Visitor Information Centre, Dubbo site.**

**CARRIED**

**CCL20/159 LEASE OF LAND - AIRPORT HANGAR SITE 4 - W & E MAAS HOLDINGS PTY LTD (ID20/1175)**

The Council had before it the report dated 14 September 2020 from the Manager Dubbo City Regional Airport regarding Lease of Land - Airport Hangar Site 4 - W & E Maas Holdings Pty Ltd.

Moved by Councillor G Mohr and seconded by Councillor K Parker

**MOTION**

- 1. That the information contained in the report of the Manager Dubbo City Regional Airport dated 14 September 2020, be noted.**
- 2. That Council enter into four (4) consecutive five (5) year leases for Hangar Site 4 at Dubbo City Regional Airport with W & E Maas Holdings Pty Ltd, with the first lease commencing upon the termination of the current lease, and the second, third and fourth leases commencing upon the expiry of the previous lease, noting that all four (4) leases are to be signed at the commencement of the first lease.**
- 3. That all documentation in relation to this matter be executed under Power of Attorney.**
- 4. That the legal fees associated with the preparation of the lease be borne by the lessee.**

**CARRIED**

**CCL20/160 COMMENTS AND MATTERS AND OF URGENCY (ID20/1170)**

**ACTION**

**That the Chief Executive Officer, as requested by Councillor G Mohr, personally thank the Council staff involved in the presentations held recently on the Waste facilities held in Wellington.**

At this juncture, it was moved by Councillor A Jones and seconded by Councillor J Ryan that the Council resolve into a Committee of the Whole Council, the time being 6.27pm.

The meeting resumed at 6.31pm.

**CCL20/161 COMMITTEE OF THE WHOLE (ID20/1171)**

The Executive Manager CEO read to the meeting of the Report of the Committee of the Whole meeting held on 28 September 2020.

Moved by Councillor D Grant and seconded by Councillor S Lawrence

**MOTION**

**That the report of the meeting of the Committee of the Whole held on 28 September 2020, be adopted, save and except Clauses CW20/23 and CW20/26, with such Clauses to be dealt with separately.**

**CARRIED**

**CW20/23 NRL EVENT INVESTIGATIONS (ID20/1153)**

The Committee had before it the report dated 8 September 2020 from the Chief Executive Officer regarding NRL Event Investigations.

Moved by Councillor A Jones and seconded by Councillor J Ryan

**MOTION**

**That the information contained within the report of the Chief Executive Officer dated 17 September 2020, be noted.**

**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 by NSW Parliament as the Senior Electorate Officer for the State Member and Chair of the NSW Government NRL Regional Task Force, Mr D Saunders.*

**CW20/26 CODE OF CONDUCT MATTER**

The Committee had before it the report dated 28 September 2020 from the Chief Executive Officer regarding the Code of Conduct Matter.

Moved by Councillor A Jones and seconded by Councillor J Ryan

**MOTION**

- 1. That the advice from the Office of Local Government dated 28 August 2020, be noted.**
- 2. That this matter now be considered finalised.**
- 3. That the documents and considerations with regard to this matter remain confidential to the Council.**

**CARRIED**

*Councillor K Parker 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 K Parker is the subject of this code of conduct matter.*

The meeting closed at 6.34pm.

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CHAIRMAN