



REPORT ORDINARY COUNCIL MEETING 26 NOVEMBER 2018

PRESENT: Councillors J Diffey, V Etheridge, 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 Governance Team Leader, the Community Support Officer, the Director Corporate Services, the Manager Property Assets, the Director Economic Development and Business, the Communications Coordinator, the Director Infrastructure and Operations, the Director Planning and Environment and the Director Community and Recreation.

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.

CCL18/217 CONFIRMATION OF MINUTES (ID18/1685)

The Council had before it the report of the Ordinary Council meeting held on 29 October 2018.

Moved by Councillor A Jones 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 29 October 2018 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL18/218 LEAVE OF ABSENCE (ID18/1686)

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

Moved by Councillor V Etheridge and seconded by Councillor J Diffey

MOTION

That such requests for leave of absence be accepted and Councillors D Grant and S Lawrence be granted leave of absence from this meeting.

CARRIED

CCL18/219 PUBLIC FORUM (ID18/1687)

There were no speakers during Public Forum.

MAYORAL MINUTES:

CCL18/220 SAVE OUR RECYCLING CAMPAIGN (ID18/1697)

The Council had before it the Mayoral Minute regarding Save Our Recycling Campaign.

Moved by Councillor B Shields

MOTION

1. That Council endorse Local Government NSW's campaign, Save Our Recycling, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. That Council make representation to the local State Member, Troy Grant, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. That Council take a lead role in activating the Local Government NSW Save Our Recycling campaign locally.
5. That Council endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises, as well as involvement in any actions arising from the initiative.
6. That Council formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative.

CARRIED

CCL18/220a WAIVING OF COUNCIL IMPOSED BURIAL FEES AT DUBBO REGIONAL COUNCIL CEMETERIES FOR INFANTS

The Council had before it the Mayoral Minute regarding Waiving of Council Imposed Burial Fees at Dubbo Regional Council Cemeteries for Infants.

Moved by Councillor B Shields

MOTION

That Council waive fees associated with the interment of infants up to 12 months of age at Council operated cemeteries up until 30 June 2019.

CARRIED

CCL18/220b REGIONAL GROWTH ENVIRONMENT AND TOURISM FUNDS

The Council had before it the Mayoral Minute regarding Regional Growth Environment and Tourism Funds.

Moved by Councillor B Shields

MOTION

That following an appropriate internal feasibility review the Chief Executive Officer be authorised to submit a Business Case to the Regional Growth Environment Tourism Fund for *Destination Dubbo – Internationally Ready*.

CARRIED

INFORMATION ONLY MATTERS:

CCL18/221 SUPPORT FOR FOOTPATH SURROUNDING MARANATHA HOUSE AGED CARE FACILITY, WELLINGTON - PETITION (ID18/1635)

The Council had before it the report dated 5 November 2018 from the Executive Manager Governance and Internal Control regarding Support for Footpath Surrounding Maranatha House Aged Care Facility, Wellington - Petition.

Moved by Councillor V Etheridge and seconded by Councillor K Parker

MOTION

That the petition regarding support for a cement footpath around Maranatha House Aged Care Facility, Wellington be noted.

CARRIED

Councillor A Jones 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 A Jones is a life member of Maranatha House.

**CCL18/222 INVESTMENTS UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT -
OCTOBER 2018 (ID18/1668)**

The Council had before it the report dated 6 November 2018 from the Director Corporate Services regarding Investments Under Section 625 of the Local Government Act - October 2018.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the information provided within the report of the Director Corporate Services, dated 6 November 2018 be noted.

CARRIED

Councillor K Parker 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 K Parker an employee of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

MATTERS CONSIDERED BY COMMITTEES:

**CCL18/223 REPORT OF THE PLANNING DEVELOPMENT AND ENVIRONMENT COMMITTEE
- MEETING 12 NOVEMBER 2018 (ID18/1693)**

The Council had before it the report of the Planning, Development and Environment Committee meeting held 12 November 2018.

Moved by Councillor G Mohr and seconded by Councillor A Jones

MOTION

That the report of the Planning, Development and Environment Committee meeting held on 12 November 2018, be noted.

CARRIED

**CCL18/224 REPORT OF THE INFRASTRUCTURE COMMUNITY AND RECREATION
COMMITTEE - MEETING 12 NOVEMBER 2018 (ID18/1694)**

The Council had before it the report of the Infrastructure, Community and Recreation Committee meeting held 12 November 2018.

Moved by Councillor D Gumley and seconded by Councillor J Ryan

MOTION

That the report of the Infrastructure, Community and Recreation Committee meeting held on 12 November 2018, be noted.

CARRIED

CCL18/225 REPORT OF THE ECONOMIC DEVELOPMENT AND CORPORATE COMMITTEE - MEETING 12 NOVEMBER 2018 (ID18/1695)

The Council had before it the report of the Economic Development, Business and Corporate Committee meeting held 12 November 2018.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Economic Development, Business and Corporate Committee meeting held on 12 November 2018, be noted.

CARRIED

REPORTS FROM STAFF:

CCL18/226 2017/2018 ANNUAL REPORT (INCLUDING STATUTORY REPORTING REQUIREMENTS) (ID18/1689)

The Council had before it the report dated 12 November 2018 from the Chief Executive Officer regarding 2017/2018 Annual Report (including Statutory Reporting Requirements).

Moved by Councillor A Jones and seconded by Councillor D Gumley

MOTION

- 1. That the 2017/2018 Annual Report as attached Appendix 1 to the report of the Chief Executive Officer dated 12 November 2018 be adopted.**
- 2. That the 2017/2018 Annual Report be published on Council's website.**
- 3. That the 2017/2018 Annual Report be forwarded to the Office of Local Government.**

CARRIED

CCL18/227 FARMLAND - RATEPAYERS ASSISTANCE (ID18/1630)

The Council had before it the report dated 2 November 2018 from the Chief Executive Officer regarding Farmland - Ratepayers Assistance.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

- 1. That it be noted that under the provisions of the NSW Local Government Act, 1993 Council is not permitted to provide direct rate relief to farmland ratepayers.**
- 2. That no donations under Section 356 of the NSW Local Government Act, 1993 be pursued.**
- 3. That all farmland ratepayers experiencing financial difficulties due to current drought conditions be encouraged to contact Council for assistance under Council's hardship policy.**

CARRIED

CCL18/228 DROUGHT COMMUNITIES PROGRAM GRANT OPPORTUNITY (ID18/1634)

The Council had before it the report dated 5 November 2018 from the Chief Executive Officer regarding Drought Communities Program Grant Opportunity.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

That Council apply for funding for the following projects under the Drought Communities Program Grant:

- **Automated public toilet/accessible toilet for people with disabilities in Church Street** **\$245,000**
- **Water Supply in Stuart Town** **\$560,000**
- **Shade Sails at the Dubbo Regional Livestock Markets** **\$195,000**
- CARRIED**

CCL18/229 LAND ACQUISITION AND DISPOSAL AGREEMENT, CURRA CREEK BRIDGE, RENSRAW MCGIRR WAY, CURRA CREEK (ID18/1669)

The Council had before it the report dated 6 November 2018 from the Property Development Officer regarding Land Acquisition and Disposal Agreement, Curra Creek Bridge, Renshaw McGirr Way, Curra Creek.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

1. **That Council pay compensation of \$6,621 excluding GST to Mr David Stewart, of 122 Curra Creek Road, for the acquisition of the four portions of land having a total area of 13,793m² which form part of Curra Creek Bridge reconstruction.**
2. **That Council undertake the road closure process required by the Roads Act 1993 to close the three portions of road (having an area of 9,900m²) that it fenced into 122 Curra Creek Road during the reconstruction of the Curra Creek Bridge.**
3. **That following the road closure process, a further report be made to Council to consider all submissions made, for Council to make the final decision on the closure of the three portions.**
4. **That, subject to a final decision by Council, Council dispose of the three (3) portions of road totalling 9,900m² to Mr David Stewart for \$1,980 excluding GST.**
5. **That all documentation in relation to this matter be executed under Power of Attorney.**

CARRIED

**CCL18/230 ROAD CLOSURE AND DISPOSAL AGREEMENT - WALKWAY BETWEEN 36-38
TWICKENHAM DRIVE, EAST DUBBO. (ID18/1671)**

The Council had before it the report dated 6 November 2018 from the Property Development Officer regarding Road Closure and Disposal Agreement - Walkway between 36-38 Twickenham Drive, East Dubbo.

Moved by Councillor K Parker and seconded by Councillor G Mohr

MOTION

- 1. That Council resolve to execute the closure of the walkway between 36 and 38 Twickenham Street, East Dubbo.**
- 2. That Council resolve to dispose of the walkway to Mr David and Mrs Christine Berry, of 38 Twickenham Drive, for \$7,830 excluding GST.**
- 3. That all documentation in relation to this matter be executed under Power of Attorney.**

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 property on the corner of Websdale Drive and Twickenham Drive Dubbo.

**CCL18/231 ROAD CLOSURE AND DISPOSAL AGREEMENT - WALKWAY BETWEEN 11 AND
12 KOOKABURRA CLOSE, SOUTH DUBBO (ID18/1676)**

The Council had before it the report dated 7 November 2018 from the Property Development Officer regarding Road Closure and Disposal Agreement - Walkway between 11 and 12 Kookaburra Close, South Dubbo.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

- 1. That Council resolve to execute the closure of the walkway between 11 and 12 Kookaburra Close, South Dubbo.**
- 2. That Council resolve to dispose of the walkway to Mr Garry and Mrs Vicky Taylor, of 12 Kookaburra Close, for \$7,110 excluding GST.**
- 3. That all documentation in relation to this matter be executed under Power of Attorney.**

CARRIED

CCL18/232 ROAD CLOSURE AND DISPOSAL AGREEMENT - WALKWAY BETWEEN STURT CIRCLE AND DAVIDSON DRIVE, EAST DUBBO (ID18/1682)

The Council had before it the report dated 7 November 2018 from the Property Development Officer regarding Road Closure and Disposal Agreement - Walkway between Sturt Circle and Davidson Drive, East Dubbo.

Moved by Councillor D Gumley and seconded by Councillor J Diffey

MOTION

1. That Council close and subdivide the walkway between Sturt Circle and Davidson Drive, East Dubbo into two half portions.
2. That Council dispose of half the walkway to Mr Madden of 13 Sturt Circle for \$8,415 excluding GST.
3. That Council dispose of half the walkway to Mr and Mrs Boxall of 76 Davidson Drive for \$7,560 excluding GST.
4. That all documentation in relation to this matter be executed under Power of Attorney.

CARRIED

CCL18/233 DUBBO CITY REGIONAL AIRPORT - UNNAMED ROADS (ID18/1690)

The Council had before it the report dated 12 November 2018 from the Manager Airport Operations regarding Dubbo City Regional Airport - Unnamed Roads.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That Council adopts the current unnamed roads at Dubbo City Regional Airport as Walters Way, Weyand Drive and Howe Circuit.

CARRIED

**CCL18/234 CCTV CAMERAS IN NOMINATED NEIGHBOURHOOD SHOPPING AREAS
(ID18/1615)**

The Council had before it the report dated 29 October 2018 from the Manager Social Services regarding CCTV Cameras in nominated Neighbourhood Shopping Areas.

Moved by Councillor V Etheridge and seconded by Councillor G Mohr

MOTION

1. That the report of the Manager Social Services dated 29 October 2018 be noted.
2. That Council, as per the recommendations of NSW Government Policy Statement and implementation of closed circuit television (CCTV) in public spaces, obtain independent legal advice on the issue of potential future liability claims made against Council.
3. That Council prior to considering installation of a CCTV camera systems undertake, in partnership with Dubbo Police Crime Prevention Officer, a Crime Prevention Through Environmental Design audit (CPTED).
4. That Council consider the CCTV Program currently undertaken in Bathurst and referred to in the report as the Bathurst model.

Moved by Councillor V Etheridge and seconded by Councillor G Mohr

AMENDMENT

1. **That the report of the Manager Social Services dated 29 October 2018 be noted.**
2. **That Council, as per the recommendations of NSW Government Policy Statement and implementation of closed circuit television (CCTV) in public spaces, obtain independent legal advice on the issue of potential future liability claims made against Council.**
3. **That Council prior to considering installation of a CCTV camera systems undertake, in partnership with Dubbo Police Crime Prevention Officer, a Crime Prevention Through Environmental Design audit (CPTED).**
4. **That Council consider the CCTV Program currently undertaken in Bathurst and referred to in the report as the Bathurst model.**
5. **That a policy be developed for the implementation of the Bathurst model in the Dubbo Regional Council area with draft policy to be considered by Council at a future meeting of Council.**

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

CCL18/235 ALCOHOL FREE ZONES (ID18/1677)

The Council had before it the report dated 7 November 2018 from the Manager Social Services regarding Alcohol Free Zones.

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

1. That the proposed alcohol free zones to cover public roadways, footpaths and car parks as detailed in Appendix 1 attached to the report of Manager Social Services dated 7 November 2018 be adopted.
2. That the period of operation of the alcohol free zones in item 1 above be from 1 January 2019 to 31 December 2022, 24 hours per day.
3. That the crime rates in Dubbo, law and order issues and the low incidences of street drinking as a result of the existing alcohol free zones be used as reasons for the requirement of the alcohol free zones.
4. That the necessary actions in accordance with Section 642 to 646 of the Local Government Act 1993 inclusive be undertaken to establish the proposed alcohol free zones in item 1 above.
5. That an agreement by Council to lease a section of public area for use as a restaurant under Section 125 of the Roads Act 1993 overrides the provisions of an alcohol free zone.

CARRIED

CCL18/236 CBD CAR PARKING AREAS LIGHTING AUDIT (ID18/1670)

The Council had before it the report dated 6 November 2018 from the Manager Infrastructure Strategy regarding CBD Car Parking Areas Lighting Audit.

Moved by Councillor D Gumley and seconded by Councillor J Ryan

MOTION

1. That the Information in the report of the Manager Infrastructure Strategy dated 6 November 2018, be noted.
2. That consideration be given in the 2019/2020 Council budget to allocate funds for the development of a lighting strategy within CBD car parks.

CARRIED

CCL18/237 2019 DUBBO CYCLE CLUB SEASON (ID18/1700)

The Council had before it the report dated 15 November 2018 from the Senior Traffic Engineer regarding 2019 Dubbo Cycle Club Season.

Moved by Councillor D Gumley and seconded by Councillor J Ryan

MOTION

1. That the application of the Dubbo Cycle Club Inc Racing Season 2019 between 1 January 2019 and 23 December 2019, be approved and undertaken in accordance with the Event and Traffic Management Plan as conditioned by the NSW Police Force and the following conditions of Dubbo Regional Council:
 - a. Sheraton Road – The southern section of Sheraton Road for Junior Racing commencing at the end of the 40/60 km/h School Zone speed signs (south of St Johns College), south for a distance of 1.9 km and return on Sundays between 1 pm and 4.30 pm.
 - b. Burroway Road – Commencing 500 m west of the Newell Highway at Brocklehurst for 18 km to 200 m east of Rawsonville Bridge Road intersection and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.
 - c. Mogriguy Road - Time trial course commencing 650 m north of the Mendooran Road intersection for a distance of 10.5 km to Mogriguy Village. Long course commencing 650 m north of the Mendooran Road intersection for 19 km with turnaround being 5.1 km north of the Coolbaggie Road intersection and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am - 4 pm.
 - d. Wongarbon – Wongarbon/Westella roads - Short course, commencing in Barbical Street 100 m north of Derribong Street for a distance of 15 km and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm. Long course along Westella Road and Ballimore/Geurie roads for 25 km to a turnaround 550 m south of the Golden Highway and return on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.
 - e. Benolong Road – Sprint course start and finish is on Nubingerie Road 1.2 km south of the Benolong Road intersection (adjacent the Benolong Rural Fire Brigade) then west on Benolong Road to a turnaround 300 m east of the Wambangalang Creek Bridge on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.
 - f. South Geurie - Arthurville Road - Short course, commencing 400 m south of the bridge over the Macquarie River for a distance of 15 km to a turnaround 600 m north-east of the intersection of Hermitage Road, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.
 - g. South Geurie – Arthurville Road - Middle course, commencing 400 m south of the bridge over the Macquarie River for a distance of 21 km with the turnaround point being 3.2 km on Suntop Road east of the intersection with Arthurville Road, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.
 - h. South Geurie - Arthurville Road - Long course commencing 400 m south of the bridge over the Macquarie River for a distance of 30 km to a turnaround 3.8 km on Suntop Road west of the intersection of Renshaw-McGirr Way, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 2 pm.

- i. **South Geurie - Terrabella Road - Time trial course, commencing 2.1 km west of the intersection of Terrabella and Arthurville Roads for a 6.4 km distance to a turnaround being 1.3 km east of the bridge over Little River, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.**
- j. **South Geurie - Arthurville Road - Strada long loop, commencing 400 m south of the bridge over the Macquarie River on Arthurville Road for a distance of 50.3 km incorporating River Road 10.6 km, Zaias Lane 3 km, Bennetts Road 6.5 km, Suntop Road 9 km, Arthurville Road 2.2 km, Hermitage Road 11.9 km, Terrabella Road 0.35 km, Arthurville Road 2.9 km to the finish line, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.**
- k. **South Geurie - Arthurville Road - Strada short loop, commencing 400 m south of the bridge over the Macquarie River on Arthurville Road for a distance of 42 km incorporating Arthurville Road 4.3 km, River Road 10.6 km, Zaias Lane 8.1 km, Arthurville Road 4.5 km, Hermitage Road 11.9 km, Terrabella Road 0.35 km, Arthurville Road 2.9 km to the finish, on Saturdays between 1 pm and 5 pm and on Sundays between 8 am and 4 pm.**
- l. **North Geurie - Comobella Road, commencing 0.25 km north from the intersection of Paxton and Fitzroy streets for 13 km to a turnaround 0.15 km west of Cobbora Road, on Saturdays between 1 pm and 5 pm or Sundays between 8 am and 4 pm.**
- m. **The approval for use of the roads will alternate between locations in accordance with the nominated block dates.**
2. **Dubbo Cycle Club shall provide a calendar of proposed race events at two (2) monthly intervals before commencement of the first event.**
3. **Submission of updated Traffic Control Plans to Council for approval to be submitted a minimum of three (3) weeks prior to the first event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS 1742.3 and the Road and Maritime Services NSW Guidelines for Bicycle Road Races and the Traffic Control at Worksites Technical Manual prepared by an accredited person.**
4. **All traffic control including the placement and removal of barricades and/or regulation of traffic is to be carried out by Traffic Controllers appropriately trained in accordance with the requirements of Australian Standard AS1742.3 and the Roads and Maritime Services accreditation requirements for Traffic Control Planners or Controllers as required. In this respect there is a requirement that Traffic Controllers and not marshals are to be provided at the start/finish and turnaround to stop all traffic whilst riders are:**
 - **Starting and finishing within a 60 km/h or less speed zone.**
 - **Assembled on the road carriageway immediately prior to a mass or staggered start.**
 - **Undertaking the turnaround movement.**
 - **Sprint to the finish line.**
5. **The NSW Police Force consent and conditions for bicycle races permit under the NSW Road Transport Act 2013 – Section 115 is required with documented evidence submitted to Council.**
6. **Council's Executive Manager Governance and Internal Control must sight a copy of the current Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police are specifically noted to be indemnified against any action resulting from the cycle race.**

7. The applicant is to submit to Council all the appropriate documentation required accepting the above conditions before final approval is granted.

CARRIED

CCL18/238 PROPOSED TAXI ZONE - TALBRAGAR STREET, DUBBO (ID18/1692)

The Council had before it the report dated 13 November 2018 from the Design and Traffic Engineer regarding Proposed Taxi Zone - Talbragar Street, Dubbo.

Moved by Councillor G Mohr and seconded by Councillor J Diffey

MOTION

That a part time parallel 'Taxi Zone' be implemented on the southern side of Talbragar Street, immediately east of Gipps Street between the period from 6.00 pm and 6.00 am as detailed on Council's Plan TM 7240 attached to the report of the Design and Traffic Engineer as Appendix 1.

CARRIED

CCL18/239 COMMENTS AND MATTERS OF URGENCY (ID18/1688)

There were no matters recorded under this clause.

At this juncture it was moved by Councillor G Mohr and seconded by Councillor V Etheridge that the Council resolves into the Committee of the Whole Council, the time being 6.01pm.

the meeting resumed at 6.03pm.

CCL18/240 COMMITTEE OF THE WHOLE (ID18/1705)

The Executive Manager Governance and Internal Control read to the meeting of the Report of Committee of the Whole held on 29 October 2018.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That the report of the meeting of the Committee of the Whole held on 29 October 2018 be adopted.

CARRIED

The meeting closed at 6.05pm.

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CHAIRMAN