

REPORT

ORDINARY COUNCIL MEETING

21 SEPTEMBER 2022

PRESENT: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Director Organisational Performance, the Manager Governance and Internal Control, the Governance Team Leader, the Executive Assistant Mayor, the Director Strategy, Partnerships and Engagement, the Communications Partner, the Director Development and Environment, the Manager Growth Planning, the Building Services Team Leader, the Director Infrastructure, the Manager Fleet and Depot Services and the Director Community, Culture and Places (I McAlister).

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.35 pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor M Wright. The welcome to country was given by Councillor L Burns.

CCL22/226 LEAVE OF ABSENCE (ID22/1961)

There were no leave of absence received.

Councillor D Mahon attended the meeting via audio-visual link.

CCL22/227 CONFLICTS OF INTEREST (ID22/1962)

The following conflicts of interests were declared:

- Councillor M Wright CCL22/232 - Non pecuniary, less than significant interest as he owns property in Regand park which doesn't adjoin or overlook the subject land.
- Councillor M Wright CCL22/236 - Non pecuniary, less than significant interest as he owns property in Regand park which doesn't adjoin or overlook the subject land.
- Councillor M Wright CCL22/238 - Non pecuniary, less than significant interest as he owns property in Regand park which doesn't adjoin or overlook the subject land.

CCL22/228 PUBLIC FORUM (ID22/1963)

The Council reports having heard from the following persons during Public Forum:

- Ms Jill Antony regarding Regand Park
- Mr David Esley regarding issues with local drains flooding in bad weather due to vegetation growth
- Mr Peter Duggan regarding Regand Park petition
- Ms Di Clifford regarding Regand Park

CCL22/229 CONFIRMATION OF MINUTES (ID22/1841)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 August 2022 and the Extraordinary meeting held on 15 September 2022.

Moved by Councillor V Etheridge and seconded by Councillor P Wells

MOTION

That the minutes of the proceedings of Dubbo Regional Council at the Ordinary meeting held on 25 August 2022 comprising pages 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the series and the Extraordinary meeting of Council held on 15 September 2022 comprising of pages 22 and 23 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

INFORMATION ONLY MATTERS:

CCL22/230 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - AUGUST 2022 (ID22/1852)

The Council had before it the report dated 13 September 2022 from the Chief Financial Officer regarding Investments Under Section 625 of the Local Government Act – August 2022.

Moved by Councillor S Chowdhury and seconded by Councillor R Ivey

MOTION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 13 September 2022, be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/231 MAYORAL APPOINTMENTS AND MEETINGS (ID22/1918)

The Council had before it the report dated 12 September 2022 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor V Etheridge and seconded by Councillor J Gough

MOTION

That the information contained in the report be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/232 REGAND PARK PETITION (ID22/1940)

The Council had before it the report dated 13 September 2022 from the Governance Team Leader regarding the Regand Park Petition.

Moved by Councillor J Black and seconded by Councillor R Ivey

MOTION

That the petition regarding Regand Park be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

Councillor M Wright declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor M Wright as he owns a property in Regand Park but it does not adjoin or overlook subject land.

MATTERS CONSIDERED BY COMMITTEES:

**CCL22/233 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT
COMMITTEE - MEETING 8 SEPTEMBER 2022 (ID22/1935)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 8 September 2022.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 8 September 2022, be adopted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

**CCL22/234 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 8
SEPTEMBER 2022 (ID22/1936)**

The Council had before it the report of the Culture and Community Committee meeting held 8 September 2022.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

That the report of the Culture and Community Committee meeting held on 8 September 2022, be adopted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

**CCL22/235 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 8 SEPTEMBER
2022 (ID22/1937)**

The Council had before it the report of the Corporate Services Committee meeting held 8 September 2022.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That the report of the Corporate Services Committee meeting held on 8 September 2022, be adopted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

NOTICES OF MOTION:

**CCL22/236 UPDATE OF DUBBO'S CITY WIDE PASSIVE OPEN SPACE AND SPORTING FIELD
POSSIBLE LOCATIONS (ID22/1941)**

Council had before it a Notice of Motion dated 14 September 2022 from Councillor J Black regarding the Update of Dubbo's City Wide Passive Open Space and Sporting Field Possible Locations.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

1. That Council note that Dubbo Regional Council strategic documents predict a shortfall of passive open space and a lesser shortfall in sporting fields in Dubbo.
2. That the Chief Executive Officer produce a report at the same Ordinary Meeting of Council at which the Draft Master Plan, will be considered, detailing all available Council owned or administered land that could be used for passive open space and for sporting fields, and where both could be provided, in order to best inform Councillors and the community in respect of the latest predictions in relation to the current and future need for public open space and sporting fields, given population projections and future subdivision developments.
- 3 That Council notes in respect of the Landscape Master Plan for Macquarie River's North and South Precincts that council is committed to achieving the best outcome based on the most accurate data and is not working to a rigid or predetermined timeframe.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

Councillor M Wright declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor M Wright as he owns a property in Regand Park but it does not adjoin or overlook subject land.

CCL22/237 RIVER REPAIR BUS (ID22/1942)

Council had before it a Notice of Motion dated 14 September 2022 from Councillor J Black regarding the River Repair Bus.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

1. That the Chief Executive Officer provide a report detailing how the work previously carried out by the 'River Repair Bus' organisation under council's previous funding arrangements is now being done, and the current costs to council for that work.
2. That options for re-funding the activity be outlined in the report.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/238 ENSURING INTEGRITY OF COUNCIL'S LANDUSE CONSENT IN GRANT APPLICATIONS (ID22/1943)

Council had before it a Notice of Motion dated 14 September 2022 from Councillor J Black regarding the Ensuring Integrity of Council's Landuse Consent in Grant Applications.

Moved by Councillor J Black

MOTION

1. That Council notes that State and Commonwealth Government grant processes are the responsibility of the relevant State and Commonwealth authorities.
2. That Council notes that Council does properly and regularly provide letters in support or the like in respect of third-party grant applications.
3. That the Chief Executive Officer provide a report to the October 2022 Ordinary Meeting of Council advising as to any letter/s of support, authority, consent or similar provided in relation to St John's Junior Rugby League Football Club by Dubbo Regional Council and their proposed use of any Dubbo Regional Council owned or administered land.
4. That the specific location/site of any such proposal/s be noted.
5. That Council notes that the Mayoral Minute carried on 22 February 2021 stated "That Council welcomes the proposal for the St John's Junior Rugby League Football Club proponents to potentially develop up to 10 hectares of Regand Park, comprising playing fields and ancillary infrastructure, contingent upon Council endorsement of site drawings, technical plans, relevant supporting documentation and approvals."
6. That the Chief Executive Officer provide a report to the October Ordinary Meeting of Council advising whether the above resolution constitutes Council's consent to the St John's Junior Rugby League Football Club proposal being developed at Regand Park, or

any other site/location, and whether Council has subsequently endorsed, "site drawings, technical plans, relevant supporting documentation and approvals".

At this juncture, the Mayor ruled that he was satisfied that this was an unlawful motion, in part, because in principle it is the same motion [has the same intent] as the August motion, which was defeated. This motion only had one signature, however it required three signatures under the Act and Code of meeting practice as follows:

Local Government Act Section 372 (and 17.6 of the Code of meeting practice):

(4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.

Accordingly, the Mayor ruled the motion out of order under Section 10.6 of the Code of Meeting Practice, as it was unlawful in its current form.

The Mayor gave Councillor Black the opportunity to withdraw or amend the motion under Section 10.7 of the Code of Meeting Practice, to make it a lawful motion.

Councillor Black proceeded to move an alternate motion, as detailed below.

Moved by Councillor J Black and seconded by P Wells

ALTERNATE MOTION

- 1. That Council notes that State and Commonwealth Government grant processes are the responsibility of the relevant State and Commonwealth authorities.**
- 2. That Council notes that Council does properly and regularly provide letters in support, or the like, in respect of third-party grant applications.**
- 3. That the Chief Executive Officer to develop and provide a frequently asked questions fact sheet to provide the community clarity on Council's processes.**
- 4. That the specific location/site of any such proposal/s be noted.**
- 5. That Council notes that the Mayoral Minute carried on 22 February 2021 stated "That Council welcomes the proposal for the St John's Junior Rugby League Football Club proponents to potentially develop up to 10 hectares of Regand Park, comprising playing fields and ancillary infrastructure, contingent upon Council endorsement of site drawings, technical plans, relevant supporting documentation and approvals."**
- 6. That the Chief Executive Officer provide a report to the October Ordinary Meeting of Council advising whether the above resolution constitutes Council's consent to the St John's Junior Rugby League Football Club proposal being developed at Regand Park, or any other site/location, and whether Council has subsequently endorsed, "site drawings, technical plans, relevant supporting documentation and approvals".**

CARRIED

For: Councillors J Black, L Burns, V Etheridge, R Ivey, D Mahon and P Wells.

Against: S Chowdhury, M Dickerson J Gough and M Wright.

Councillor M Wright declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor M Wright as he owns a property in Regand Park but it does not adjoin or overlook subject land.

CCL22/239 LIGHTING AUDIT OF CAMERON PARK, WELLINGTON (ID22/1944)

Council had before it a Notice of Motion dated 15 September 2022 from Councillor J Gough regarding the Lighting Audit of Cameron Park, Wellington.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

1. That Council undertake a lighting audit of Cameron Park, Wellington, considering at a minimum public safety and opportunities to encourage greater pedestrian activity.
2. That the results of the audit be reported to Council and that any infrastructure recommendations be considered in the adoption of the draft 2023/2024 Operational Plan and Budget.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

REPORTS FROM STAFF:

CCL22/240 REGULATORY ISSUES PERTAINING TO 3D PRINTED HOUSING IN NSW AND AUSTRALIA (ID22/1836)

The Council had before it the report dated 30 August 2022 from the Building Services Team Leader regarding Regulatory Issues Pertaining to 3D Printed Housing in NSW and Australia.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

That the information contained in this report be noted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/241 SMART REGION STRATEGY AND SMART COUNCIL STRATEGY - RESULTS OF PUBLIC EXHIBITION (ID22/1877)

The Council had before it the report dated 6 September 2022 from the Team Leader Growth Planning Projects regarding Smart Region Strategy and Smart Council Strategy - Results of public exhibition.

Moved by Councillor P Wells and seconded by Councillor J Gough

MOTION

1. That Council adopt the Smart Region Strategy (attached in Appendix 1) and Smart Council Strategy (attached in Appendix 2).
2. That the Strategies be amended to make minor clarifications and correct typographical errors.
3. That an advertisement be placed in local media advising of Council's adoption of the Strategies.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/242 PLANNING PROPOSAL R22-004 - 13L NARROMINE ROAD, DUBBO - PROPOSED AMENDMENT TO THE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2022 (ID22/1712)

The Council had before it the report dated 6 September 2022 from the Team Leader Growth Planning Projects regarding Planning Proposal R22-004 - 13L Narromine Road, Dubbo - Proposed Amendment to the Dubbo Regional Local Environmental Plan 2022.

Moved by Councillor V Etheridge and seconded by Councillor J Gough

MOTION

1. That Council note the process and key stages required to amend the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 1).
2. That Council endorse the Planning Proposal (attached in Appendix 2) to amend the Dubbo Regional Local Environmental Plan 2022 by realigning the zoning and minimum lot size boundaries of 13L Narromine Road, Dubbo (Lot 22 DP1038924).
3. That Council submit the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
4. That Council request the Chief Executive Officer (or delegate) be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
5. That, subject to the conditions of a Gateway Determination, Council support a minimum 14 day public exhibition period for the Planning Proposal.
6. That following completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/243 DRAFT NORTH-WEST URBAN RELEASE AREA PRECINCT PLAN (ID22/1848)

The Council had before it the report dated 8 September 2022 from the Senior Growth Planner regarding Draft North-West Urban Release Area Precinct Plan. The Council were provided with a presentation on this item by the Manager Growth Planning.

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

1. That Council adopt the draft Precinct Plan for the North-West Urban Release Area (attached in Appendix 1) for the purposes of public exhibition.
2. That the draft Precinct Plan be placed on public exhibition for a period of not less than 28 days.
3. That Council undertake targeted consultation with landowners in the precinct and relevant State Government Agencies.
4. That following completion of public exhibition, a further report be presented to Council for consideration, including the results of public exhibition.
5. That Council submit a grant application under the NSW State Government Accelerated Infrastructure Fund (Round 3) for the construction of River Street West from its connection with the Newell Highway extension (to be constructed) to Bunglegumbe Road.
6. That the identified 25% or \$3,075,000 Council contribution for the construction of River Street West be sought from unrestricted reserves generated from savings from the 2021/2022 financial year.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/244 DRAFT COUNCIL POLICY - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS - RESULTS OF PUBLIC EXHIBITION (ID22/1603)

The Council had before it the report dated 3 August 2022 from the Governance Team Leader regarding Draft Council Policy - Payment of Expenses and Provision of Facilities for the Mayor and Councillors - Results of Public Exhibition.

Moved by Councillor M Wright and seconded by Councillor R Ivey

MOTION

That the draft Council Policy, Payment of Expenses and Provision of Facilities for the Mayor and Councillors, as attached at Appendix 1, be adopted.

CARRIED

For: Councillors L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: J Black.

CCL22/245 REVIEW OF COUNCIL POLICY - FINANCIAL ASSISTANCE (ID22/1917)

The Council had before it the report dated 12 September 2022 from the Chief Financial Officer regarding Review of Council Policy - Financial Assistance.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the revision of the Draft Financial Assistance Policy dated 12 September 2022, be adopted.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/246 TRANSITION TO ZERO EMISSIONS FLEET (ID22/1905)

The Council had before it the report dated 7 September 2022 from the Manager Fleet and Depot Services regarding Transition to Zero Emissions Fleet.

The Council were provided with a presentation on this item by the Manager Fleet and Depot Services.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

- 1. That Council adopts a policy that allows a higher purchase price for electric vehicles (EVs) when the total cost of ownership over a four year period is no more than the approved range of internal combustion engine vehicle options.**
- 2. That approval be given to the Chief Executive Officer to alter the Policy when considered advantageous with new technology and government incentives that do not increase the total cost of ownership to Council.**

3. That the Draft Zero Emissions Fleet Strategy and Implementation Plan be modified to reflect Council's strategy on the implementation of EVs into the fleet and be placed on public exhibition for a period of 28 days.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/247 2022 DREAM FESTIVAL LANTERN PARADE (ID22/1879)

The Council had before it the report dated 5 September 2022 from the Senior Traffic Engineer regarding 2022 Dream Festival Lantern Parade.

Moved by Councillor J Gough and seconded by Councillor J Black

MOTION

That Council approval be granted for a temporary road closure of Talbragar Street between Bligh Street and Memorial Drive (Victoria Park) Dubbo on Saturday, 22 October 2022 for the Lantern Parade between 8.00 pm to 8.45 pm, subject to the following:

1. The Parade will commence at approximately 8.00 pm from the Lions Park and the Macquarie Regional Library car park in Talbragar Street then east to Memorial Drive and access to Victoria Park.
2. The event is to be undertaken under Police escort in accordance with the requirements of the NSW Police with approval documentation forwarded to Council for notation.
3. The temporary closure of the road shall occur five minutes prior to the commencement of the Parade from the Macquarie Regional Library car park to Talbragar Street. Talbragar Street shall progressively re-open at the time the rear escort vehicle is one block ahead of the previous intersection:
 - Open Bligh Street when the vehicle has passed Macquarie Street;
 - Open Macquarie Street when the vehicle has passed Brisbane Street;
 - Open Brisbane Street when the vehicle has passed Darling Street; and
 - Open Darling Street when the vehicle has entered Memorial Drive.
4. The submission of an Event and Traffic Management Plan and Traffic Control Plans to Council for approval in accordance with Australian Standard 1742.3:2019, and Transport for NSW (TfNSW) guide to Traffic Control at Worksites prepared by an accredited person.
5. Traffic controllers and/or trained course marshals are to be provided at all road closure points and other locations as identified in the Event and Traffic Management Plan with restricted access only to emergency and authorised vehicles. All traffic controllers are to be specially authorised for the event with current TfNSW certification.
6. The Event is undertaken under Dubbo Regional Council's Public Liability Insurance Policy.

7. The applicant is responsible for the provision of all traffic control required for the event in accordance with the Traffic Control Plan.
8. All traffic advisory signs are to be placed in accordance with the approved Traffic Control Plan (TM 7032) and the Event and Traffic Management Plan.
9. The NSW Police's consent and conditions for the running of the event as considered necessary.
10. The applicant is to contact the Manager of Dubbo Bus Lines regarding potential conflict with the night time Bus Service within the CBD.
11. The applicant is to submit to Council all the appropriate documentation required, accepting the above terms and conditions before final approval is granted.
12. All costs associated with implementing these event conditions are to be met by the event organiser.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL22/248 COMMENTS AND MATTERS OF URGENCY (ID22/1964)

There were no matters recorded under this clause.

The meeting closed at 7.45pm.

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CHAIRPERSON