



REPORT ORDINARY COUNCIL MEETING 26 AUGUST 2013

PRESENT:

Councillors M Dickerson, L Griffiths, B Kelly, G Matthews, G Mohr, K Parker, B Shields, A Smith, R Towney and J Walkom.

ALSO IN ATTENDANCE:

The General Manager, the Director Organisational Services, the Manager Administrative Services, the Supervisor Administrative Services, the Administrative Services Officer (4), the Director Corporate Development, the Corporate Communications Supervisor, the Corporate Media and Web Coordinator, the Director Technical Services, the Manager Technical Support, the Manager Civil Infrastructure and Solid Waste, the Manager Fleet Management Services, the Director Environmental Services, the Manager Building and Development Services, the Manager City Strategy Services, the Director Community Services (J Watts), the Manager Social Services (J Yelverton), the Director Parks and Landcare Services and the Manager Business Support Parks and Landcare Services.

Councillor M Dickerson assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm with a prayer for Divine Guidance to the Council in its deliberations and activities.

CCL13/79 CONFIRMATION OF MINUTES

The Council had before it the report of the Ordinary Council meeting held 22 July 2013.

Moved by Councillor R Towney and seconded by Councillor B Shields

MOTION

That the minutes of the proceedings of the Council of the City of Dubbo at the Ordinary Council meeting held on 22 July 2013 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manager.

CARRIED

CCL13/80 LEAVE OF ABSENCE

A request for leave of absence was received from Councillors T Reynolds who was absent from the meeting due to personal reasons.

Moved by Councillor L Griffiths and seconded by Councillor K Parker

MOTION

That such request for leave of absence be accepted and Councillors T Reynolds be granted leave of absence from this meeting.

CARRIED

At this Juncture, Dubbo Youth Council Members Kodi Lane and Kaitlyn Hughes presented the Mayor with the 2013 NSW Local Government Youth Week Award.

At this juncture, the Mayor presented the 2013 NSW Local Government Aboriginal Network - Employee of the Year Award to Mr Lionel Wood.

CCL13/81 PUBLIC FORUM

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

- Mr Frank Doolan addressed the meeting to further congratulate Mr Lionel Wood on receiving his award.

MAYORAL MINUTES:

CCL13/82 MAYORAL APPOINTMENTS (12/755)

The Council had before it the Mayoral Minute regarding Mayoral Appointments

Moved by Councillor M Dickerson

MOTION

1. **That the information contained in the Mayoral Minute regarding Mayoral Appointments, be noted.**
2. **That it be noted that Councillor B Kelly attended the Dream Festival Launch on behalf of the Mayor, on Monday 5 August 2013.**

CARRIED

CCL13/83 TOUR DE OROC (12/755)

The Council had before it the Mayoral Minute regarding Tour de OROC

Moved by Councillor M Dickerson

MOTION

That Council endorse the staging of the Toyota Tour de OROC as an event to raise funds for the Dubbo Base Hospital Accommodation Project.

CARRIED

CCL13/84 LEGISLATION REGARDING DOG ATTACKS (12/755)

The Council had before it the Mayoral Minute regarding Legislation regarding dog attacks

Moved by Councillor M Dickerson

MOTION

That the Mayor be requested to contact the State Member for Dubbo, Mr Troy Grant, MP regarding the need for the strengthening of legislation regarding dog attacks occurring on livestock on rural properties.

CARRIED

MATTERS CONSIDERED BY COMMITTEES:

CCL13/85 REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE - MEETING 19 AUGUST 2013

The Council had before it the report of the Planning and Development Committee meeting held 19 August 2013.

Moved by Councillor L Griffiths and seconded by Councillor A Smith

MOTION

That the report of the Planning and Development Committee meeting held on 19 August 2013 be adopted, save and except PDC13/21 and PDC13/22.

CARRIED

PDC13/21 ADMINISTRATIVE REVIEW OF DUBBO LOCAL ENVIRONMENTAL PLAN 2011 - REAL ESTATE INSTITUTE NSW, ORANA DIVISION SUBMISSION, REZONING OF THE FORMER RAAF STORES DEPOT SITE AND OTHER MATTERS (11/63)

The Council had before it the report dated 13 August 2013 from the Strategic Planning Supervisor regarding Administrative Review of Dubbo Local Environmental Plan 2011 - Real Estate Institute NSW, Orana Division Submission, Rezoning of the Former RAAF Stores Depot Site and Other Matters.

Moved by Councillor L Griffiths and seconded by Councillor A Smith

MOTION

1. That in respect of the submission from the Real Estate Institute NSW, Orana Division:
 - (i) That Council proceeds to prepare all necessary documentation for a Planning Proposal to undertake rezoning of land in South Dubbo from R2 Low Density Residential to R1 General Residential in accordance with the information included in this report.
 - (ii) That the Planning Proposal be submitted to the Department of Planning and Infrastructure for assessment to seek a Gateway Determination.
2. That Council proceeds to prepare all necessary documentation for a Planning Proposal to undertake the following:
 - (i) That the minimum allotment size for subdivision of land zoned R2 Low Density Residential on Lot 502 DP 1152321, Boundary Road, Dubbo be amended to 600 square metres;
 - (ii) That Lot 2 DP 1157422, Wheelers Lane, Dubbo be removed from the Urban Release Area;
 - (iii) That Lot 11 DP 1050240 be rezoned in accordance with the report titled 'Dubbo RAAF Master Plan: Structure Plan Report (Structure Plan)' prepared by Architectus Group Pty Ltd;
 - (iv) That Schedule 1 of the Dubbo Local Environmental Plan 2011 be amended to include 'car park' as an additional permitted use on Lot 5 DP 1006205, Darling Street, Dubbo.
3. That the zoning of Lot 5 DP 1006205 Darling Street, Dubbo be maintained as SP2 Infrastructure and that Council undertakes further consideration of the zoning of Lot 5 DP 1006205 Darling Street, Dubbo for commercial purposes following completion of the Commercial Areas Development Strategy.
4. That the Planning Proposal be submitted to the Department of Planning and Infrastructure for assessment to seek a Gateway Determination.
5. That a further report be provided to Council for consideration following completion of the public exhibition period of each Planning Proposal.

CARRIED

Councillor M Dickerson 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, as such interest would not impair his decision making on the matter. The reason for such interest is that Councillor M Dickerson had a sign placed on the fence of the former RAAF Base site during the 2012 Local Government elections.

Councillor B Kelly 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, as such interest would not impair his decision making on the matter. The reason for such interest is that Councillor B Kelly had a sign placed inside the property of the former RAAF Base site during the 2012 Local Government elections.

The Director Environmental Services 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 on the matter. The reason for such interest is that the Director Environmental Services owns an investment property in the subject area.

The Director Environmental Services 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 on the matter. The reason for such interest is that the Director Environmental Services' husband is employed by one of the partners of these developments.

PDC13/22 ADMINISTRATIVE REVIEW OF THE DUBBO LOCAL ENVIRONMENTAL PLAN 2011 - FORWARD PROGRAM (FILE 11/60)

The Council had before it the report dated 8 August 2013 from the Strategic Planning Supervisor regarding Administrative Review of the Dubbo Local Environmental Plan 2011 - Forward Program.

Moved by Councillor L Griffiths and seconded by Councillor A Smith

MOTION

- 1. That the program for consideration of the components of the Administrative Review of the Dubbo Local Environmental Plan 2011 as contained in the report of the Strategic Planning Supervisor, dated 8 August 2013, be noted.**
- 2. That in accordance with Council's resolution of 27 May 2013 and in accordance with the advice of the proponent, the Daisy Hill rezoning request not be further considered by Council in the current Administrative Review of the Dubbo Local Environmental Plan 2011 as the proponent has indicated that he will be lodging a separate Planning Proposal to pursue an amendment to the LEP.**

CARRIED

CCL13/86 REPORT OF THE WORKS AND SERVICES COMMITTEE - MEETING 19 AUGUST 2013

The Council had before it the report of the Works and Services Committee meeting held 19 August 2013.

Moved by Councillor L Griffiths and seconded by Councillor G Mohr

MOTION

That the report of the Works and Services Committee meeting held on 19 August 2013 be adopted, save and except WSC13/88, WSC13/88(a) and WSC13/93.

CARRIED

WSC13/88 OUTSTANDING DEVELOPMENT APPLICATIONS (11/34)

The Council had before it the report dated 13 August 2013 from the Director Environmental Services regarding Outstanding Development Applications.

Moved by Councillor G Matthews and seconded by Councillor J Walkom

MOTION

That the information contained in the report of the Director Environmental Services dated 13 August 2013 regarding Outstanding Development Applications, be noted, save and except Development Applications DA2012/320 and DA2013/194 with such matters being dealt with separately.

CARRIED

Councillor L Griffiths 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, as such interest would not impair her decision making on the matter. The reason for such interest is that Councillor L Griffiths lives on Oakdene Road Dubbo and there is an Outstanding Development Application (DA2012/477) for 22 Oakdene Road.

Councillor L Griffiths declared a non-pecuniary, less than significant interest in the matter now before the Council remained in the room during the Council's consideration as such interest would not impair her decision making on the matter. The reason for such interest is that Councillor L Griffiths and her husband own a business on Depot Road Dubbo and there is an Outstanding Development Application (DA2013/300) for 3 Depot Road.

WSC13/88(a) OUTSTANDING DEVELOPMENT APPLICATIONS (11/34)

The Council had before it the report dated 13 August 2013 from the Director Environmental Services regarding Outstanding Development Application DA2012/320.

Moved by Councillor L Griffiths and seconded by Councillor R Towney

MOTION

That the information contained in the report of the Director Environmental Services dated 13 August 2013, relating to Development Application DA2012/320, be noted.

CARRIED

Councillor B Kelly declared a non pecuniary, less than significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration. The reason for such interest is that the applicant of DA2012/320 is a business partner with his son in another business venture.

WSC13/88(b) OUTSTANDING DEVELOPMENT APPLICATIONS (11/34)

The Council had before it the report dated 13 August 2013 from the Director Environmental Services regarding Outstanding Development Application DA2013/194.

Moved by Councillor L Griffiths and seconded by Councillor G Matthews

MOTION

That the information contained in the report of the Director Environmental Services dated 13 August 2013, relating to Development Application DA2013/194, be noted.

CARRIED

Councillor J Walkom 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. The reason for such interest is that Councillor J Walkom is a Director of the Taronga Conservation Society Board, which is the applicant in an Outstanding Development Application (DA2013/194).

WSC13/93 RELEASE OF AN EASEMENT WITHIN THE SOUTHGATE NORTH ESTATE, NO 19 BOUNDARY ROAD SOUTH DUBBO (D2012-32)

The Council had before it the report dated 12 August 2013 from the Manager Technical Support regarding Release of An Easement Within the Southgate North Estate, No 19 Boundary Road South Dubbo.

Moved by Councillor A Smith and seconded by Councillor G Matthews

MOTION

That Council executes a dealing under the Common Seal of Council to release an easement within the Southgate North Estate, Boundary Road South Dubbo. The specific easement to be released is as follows:-

- a) Easement to drain water 2 wide created over Lot 16 DP270550.**

CARRIED

Councillor B Kelly 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. The reason for such interest is that Kelly Properties is the Owner of Southgate North Estate and Councillor B Kelly is a principal director of Kelly Properties.

**CCL13/87 REPORT OF THE FINANCE AND POLICY COMMITTEE- MEETING
19 AUGUST 2013**

The Council had before it the report of the Finance and Policy Committee meeting held 19 August 2013.

Moved by Councillor A Smith and seconded by Councillor J Walkom

MOTION

That the report of the Finance and Policy Committee meeting held on 19 August 2013 be adopted, save and except FPC13/85, FPC13/90, FPC13/91 and FPC13/97.

CARRIED

**FPC13/85 INVESTMENTS UNDER SECTION 625 OF THE LOCAL
GOVERNMENT ACT (FILE12/1237)**

The Council had before it the report dated 7 August 2013 from the Director Organisational Services regarding Investments Under Section 625 of the Local Government Act.

Moved by Councillor A Smith and seconded by Councillor G Matthews

MOTION

That the information contained within the report of the Director Organisational Services, dated 7 August 2013, regarding Investments Under Section 625 of the Local Government Act, 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 Council's consideration. The reason for such interest is that Councillor K Parker is the Manager of the Dubbo Branch of the Bank of Queensland, a bank that Council has funds invested with.

**FPC13/90 SECURITY AUDIT - MACQUARIE AND TALBRAGAR STREETS,
DUBBO (12/1241)**

The Council had before it the report dated 15 July 2013 from the Director Community Services regarding Security Audit - Macquarie and Talbragar Streets, Dubbo.

Moved by Councillor A Smith and seconded by Councillor G Matthews

MOTION

1. That discussions be held with the Orana Local Area Command on the potential repositioning of CBD safety cameras.
2. That no action be taken to increase the levels of maintenance and cleaning of the paved areas in Macquarie and Talbragar Streets.

3. That the footpath tables in Macquarie Street on the opposite side to the Centro Shopping Complex entrance and in front of the Centro and Riverdale Shopping Complexes and the Amaroo Hotel be removed and the remaining seats at these locations orientated to face the Macquarie Street buildings.
4. That discussions be held with the owners of 155 Macquarie Street relating to the redesign of the access way from Macquarie Street to the Bligh Street car park.
5. That discussions be held with Telstra regarding the closure, at both ends outside business hours, of the access way on its property linking Macquarie Street and Justice Place.

Moved by Councillor J Walkom and seconded by Councillor R Towney

AMENDMENT

1. That discussions be held with the Orana Local Area Command on the potential repositioning of CBD safety cameras.
2. That no action be taken to increase the levels of maintenance and cleaning of the paved areas in Macquarie and Talbragar Streets.
3. That the advice of the Orana Local Area Command to remove the footpath tables in Macquarie Street on the opposite side to the Centro Shopping Complex entrance and in front of the Centro and Riverdale Shopping Complexes and the Amaroo Hotel be noted.
4. That further discussions be held with the Orana Local Area Command with a view to improving the amenity in Macquarie Street for a further report to Council.
5. That discussions be held with the owners of 155 Macquarie Street relating to the redesign of the access way from Macquarie Street to the Bligh Street car park.
6. That discussions be held with Telstra regarding the closure, at both ends outside business hours, of the access way on its property linking Macquarie Street and Justice Place.
7. That Council make formal representations to the NSW Premier, the Honourable Barry O'Farrell MP, via Member for Dubbo, Mr Troy Grant on the need for amendments to NSW Legislation to reduce levels of anti social behaviour being experienced in the community.

The amendment on being put to the meeting was carried.

CARRIED

The amendment then became the motion and being put to the meeting was carried.

CARRIED

FPC13/91 2013/2014 FINANCIAL ASSISTANCE PROGRAMME (12/452)

The Council had before it the report dated 8 August 2013 from the Director Community Services regarding 2013/2014 Financial Assistance Programme.

Moved by Councillor A Smith and seconded by Councillor J Walkom

MOTION

That financial assistance totalling \$10,000 be provided to the following applicants for the amounts indicated:

Connected Communities Project	\$250.00
Walk To Cure Diabetes Dubbo	\$250.00
Central Western Horticultural Society Inc.	\$480.00
Dubbo Prostate Cancer Support Group	\$400.00
Dubbo Artz Inc.	\$570.00
Pink Angels Inc.	\$400.00
RSPCA Dubbo Volunteers Branch	\$400.00
School of Rural Health Dubbo	\$700.00
Shimmering Gems Belly Dance Troupe	\$400.00
St Vincent de Paul Family Assistance Centre	\$750.00
Miracle Babies Foundation	\$400.00
Carers Autism Network Inc.	\$400.00
Rawsonville Hall Trust	\$500.00
Talbragar CWA	\$500.00
Dubbo CWA	\$750.00
Dubbo Community Garden	\$400.00
Dubbo ME/CFS/FM Support Group	\$250.00
Orana Toy Library	\$400.00
Cerebral Palsy Alliance	\$400.00
Dubbo Film Society	\$400.00
Westhaven Association	\$750.00
Riverside Lifehouse	\$250.00

CARRIED

Councillor L Griffiths 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, as such interest would not impair her decision making on the matter. The reason for such interest is that Councillor L Griffiths is a Director of Westhaven Association.

Councillor L Griffiths 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, as such interest would not impair her decision making on the matter. The reason for such interest is that Councillor L Griffiths is friendly with a person who is associated with the RSPCA.

Councillor G Matthews 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, as such interest would not impair his decision making on the matter. The reason for such interest is that Councillor G Matthew is a member of Riverside Lifehouse who are receiving financial assistance from Council.

**FPC13/97 ACQUISITION OF LAND ADJOINING DUBBO CITY AIRPORT
(11/135)**

The Council had before it the report dated 12 August 2013 from the Manager Commercial Facilities regarding Acquisition of Land adjoining Dubbo City Airport.

Moved by Councillor A Smith and seconded by Councillor J Walkom

MOTION

That the matter be referred to the Committee of the Whole Council for consideration.

CARRIED

REPORTS FROM STAFF:

CCL13/88 AIRPORT LANDING FEES (FILE11/146)

The Council had before it the report dated 22 August 2013 from the Director Corporate Development regarding Airport Landing Fees . Also before the Council was a further report dated 26 August 2013, regarding the results of the Public Exhibition Period for the Airport Landing Fees.

Moved by Councillor B Shields and seconded by Councillor J Walkom

MOTION

1. That it be noted that no submissions were received in respect of the public exhibition of the proposed \$2.90 passenger fee per person per movement for flights other than the Dubbo/Sydney route.
2. That the proposed fee be included in Council's 2013-2014 Revenue Policy effective 1 September 2013 and be applicable for a 12 month period.
3. That domestic RPT operators including Connect Jet, JetGo, QantasLink, Rex, and Virgin Airlines be advised of this policy.

CARRIED

CCL13/89 2013 NSW LOCAL GOVERNMENT YOUTH WEEK AWARDS (12/459)

The Council had before it the report dated 20 August 2013 from the General Manager regarding 2013 NSW Local Government Youth Week Awards.

Moved by Councillor A Smith and seconded by Councillor L Griffiths

MOTION

That the Dubbo City Youth Council, Councils Manager Social Service, Mr John Watts, and Councils Youth Development Officer, Mr Jason Yelverton be congratulated on the achieving of the winning of the award for the most innovative Youth Week Program 2013.

CARRIED

CCL13/90 ATTENDANCE AT 2013 NSW LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE (12/458)

The Council had before it the report dated 20 August 2013 from the Aboriginal Liaison Officer regarding Attendance at 2013 NSW Local Government Aboriginal Network Conference.

Moved by Councillor R Towney and seconded by Councillor B Shields

MOTION

1. That the information contained in the report of the Aboriginal Liaison Officer, dated 20 August 2013, be noted.
2. That Mr Lionel Wood be congratulated on receiving the Young Achiever of the Year Award for 2013.

CARRIED

CCL13/91 COMMENTS AND MATTERS OF URGENCY

There were no matters recorded under this clause.

At this juncture it was moved by Councillor A Smith and seconded by Councillor L Griffiths that Council resolve into Committee of the Whole Council, the time being 6.39pm.

The meeting resumed at 6.50pm.

CCL13/92 COMMITTEE OF THE WHOLE

The Director Organisational Services read to the meeting the report of the Committee of the Whole Council held on 26 August 2013.

Moved by Councillor L Griffiths and seconded by Councillor G Mohr

MOTION

That the report of the meeting of the Committee of the Whole Council held 26 August 2013, be adopted, save and except Clause FPC13/97 with such Clause being dealt with separately.

CARRIED

**FPC13/97 ACQUISITION OF LAND ADJOINING DUBBO CITY AIRPORT
(11/135)**

The Council had before it the report dated 12 August 2013 from the Manager Commercial Facilities regarding Acquisition of Land adjoining Dubbo City Airport.

Moved by Councillor G Mohr and seconded by Councillor L Griffiths

MOTION

- 1. That Council purchase Lot 801 DP 586082 for \$380,000 (incl. GST) and Lot 142 DP 1016886 for \$150,000 (incl. GST).**
- 2. That Lot 801 DP 586082 and Lot 142 DP 1016886 be classified as operational land in accordance with the Local Government Act 1993.**
- 3. That any necessary documents are executed under the Common Seal of the Council.**
- 4. That the documents and considerations in regard to this matter remain confidential to Council.**

CARRIED

Council's General Manager declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during Council's consideration. The reason for such interest is that Council's General Manager is a friend of the Vendor in this matter and that in making this declaration the General Manager noted that he had not been directly party to the negotiations in respect of this purchase.

The meeting closed at 6.54pm.

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CHAIRMAN