



# REPORT

## ORDINARY COUNCIL MEETING

### 22 JUNE 2023

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**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 Corporate Governance, the Governance Team Leader, the Manager Commercial Strategy, the Chief Financial Officer, the Manager Land and Property Services, the Director Strategy, Partnerships and Engagement, the Communication Services Team Leader, the Communications Partner, the IT Infrastructure Specialist, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure, the Director Community, Culture and Places (C Arms) and the Manager Recreation and Open Space.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.32pm 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 Acknowledgement Of Country was given by Councillor L Burns.

#### **CCL23/146 LEAVE OF ABSENCE (ID23/1095)**

There were no requests for leave of absence received.

Councillor D Mahon attended via audio-visual link.

#### **CCL23/147 CONFLICTS OF INTEREST (ID23/1090)**

The following conflicts of interest were declared:

- Councillor S Chowdhury - non-pecuniary – less than significant in CCL23/152
- Councillor M Dickerson - non-pecuniary – less than significant in CCL23/152
- Councillor J Black - non-pecuniary – less than significant in CCL23/156
- Councillor S Chowdhury - pecuniary – significant in CCL23/161
- Councillor D Mahon - non-pecuniary – less than significant in CCL23/162
- Councillor S Chowdhury - pecuniary – significant in CCL23/163

**CCL23/148 PUBLIC FORUM (ID23/1085)**

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

- Rebecca Davey – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.
- Reginald Parker – regarding – CCL23/157 – Draft Budget, Operational Plan and Associated Documents (results of Public Exhibition).
- Karina McLachlan – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre and CCL23/157 – 2022/2023 Draft Budget, Operational Plan and Associated Documents (results of Public Exhibition).
- Maree Caton – regarding Fluoride in water.
- Barbara Sutherland – regarding management of the mature tree canopy.
- Edin Hoogesteger – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.
- Rebecca Miller – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.

**CCL23/148 PUBLIC FORUM (ID23/1085)**

As per Council’s Code of Meeting Practice, Section 4.3, Public Forum is limited to 30 minutes, however, once the 30 minutes have been completed and there are more speakers, the Council can move a motion to extend the time frame by a nominated length of time.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

**MOTION**

**That Council extend Public Forum by a further 20 minutes.**

**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

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

- Kelly Lew – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.
- Joy Whittle – regarding CCL23/156 – Alcohol and Other Drugs Rehabilitation Centre.

**CCL23/149 CONFIRMATION OF MINUTES (ID23/1100)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 25 May 2023.

Moved by Councillor V Etheridge and seconded by Councillor J Gough

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 25 May 2023 comprising pages 8, 9, 10 ,11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 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:**

**CCL23/150 MAYORAL APPOINTMENTS AND MEETINGS (ID23/1493)**

The Council had before it the report dated 7 June 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

**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

**MATTERS CONSIDERED BY COMMITTEES:**

**CCL23/151 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 8 JUNE 2023 (ID23/1522)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 8 June 2023.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

**MOTION**

**That the report of the Infrastructure, Planning and Environment Committee meeting held on 8 June 2023, 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

**CCL23/152 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 8 JUNE 2023 (ID23/1523)**

The Council had before it the report of the Culture and Community Committee meeting held 8 June 2023.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

**MOTION**

**That the report of the Culture and Community Committee meeting held on 8 June 2023, 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

*Councillor S Chowdhury 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 S Chowdhury DCFM have now withdrawn their request for funding.*

*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 of this matter. The reason for such interest is that Councillor M Dickerson has a technology segment on DCFM but that item has been withdrawn so I will stay in the meeting.*

**CCL23/153 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 8 JUNE 2023  
(ID23/1524)**

The Council had before it the report of the Corporate Services Committee meeting held 8 June 2023.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

**MOTION**

**That the report of the Corporate Services Committee meeting held on 8 June 2023, 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:**

**CCL23/154 AUDIT OF SIGNS ACROSS THE URBAN AREAS OF THE LGA (ID23/1278)**

The Council had before it a Notice of Motion dated 14 June 2023 from Councillor R Ivey regarding the Audit of Signs Across the Urban Areas of the Local Government Areas.

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

**MOTION**

**That the Chief Executive Officer provide a report to Council in September 2023 on the accuracy and quality of the signage for which Council has responsibility, across the urban areas of the Local Government Area.**

**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

**CCL23/155 RESILIENCE ACTIONS (ID23/1429)**

The Council had before it a Notice of Motion dated 15 June 2023 from Councillor R Ivey regarding Resilience Actions.

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

**MOTION**

- 1. That the Chief Executive Officer provide a report to Council that sets out strategies implemented, infrastructure projects completed by Council which will provide greater resilience for our region should it move back into drought conditions.**

2. That to also be included in this report any other strategies or projects which are being considered or should be considered to further enhance the drought resilience within our Local Government Area.

**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

**CCL23/156 ALCOHOL AND OTHER DRUGS REHABILITATION CENTRE (ID23/1526)**

The Council had before it a Notice of Motion dated 13 June 2023 from Councillor P Wells regarding the Alcohol and Other Drugs Rehabilitation Centre.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

1. That Council note its support for the construction of an Alcohol and Other Drugs Rehabilitation Facility for the Dubbo Region.
2. That the CEO provide a report to the July 2023 Ordinary Meeting of Council addressing the financial, regulatory and legal matters around the provision of land for Alcohol and Other Drug Rehabilitation Facility.

**CARRIED**

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

**Against:** S Chowdhury, M Dickerson, R Ivey, M Wright.

*Councillor J Black 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 J Black is employed by Parliament of NSW, 3 days a week and allocated to the Office of Stephen Lawrence MLC who was extensively involved in lobbying for a Dubbo Rehab Centre during his previous time on Dubbo Regional Council and since and I intend to continue to participate and will remain in the room.*

**REPORTS FROM STAFF:**

**CCL23/157 2023/2024 DRAFT BUDGET, OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS - RESULTS OF PUBLIC EXHIBITION (ID23/1068)**

The Council had before it the report dated 13 June 2023 from the Director Strategy, Partnerships and Engagement regarding 2023/2024 Draft Budget, Operational Plan and Associated Documents - Results of Public Exhibition.

Moved by Councillor J Black and seconded by Councillor V Etheridge

**MOTION**

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.

2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
4. That the 2023/2024 Fees and Charges in respect of the Statutory Fees for Building and Development Services and Financial Operations be amended to charge the approved fee.
5. That the 2023/2024 Fees and Charges in respect of the Ground Preparation Fee for Cricket Dubbo Seniors be adjusted to \$53,998.00 and Cricket Dubbo Juniors be adjusted to \$7,363.00.
6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1 ), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2 ), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
7. That that draft documents be amended to correct minor clarifications and typographical errors.
8. That those who made a submission be advised of Council's determination on this matter.
9. That in accordance with the requirements of Section 566(3) of the Local Government Act 1993, the interest charged on overdue rates and charges be at the rate of 9.0% per annum for the 2023/2024 financial year.
10. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART). The community will be consulted on options that include:
  - a. No special rate variation and the related need to reduce operational costs with identified reduction in service levels and impact on addressing asset renewal needs.
  - b. A special rate variation that addresses current service delivery and asset renewal needs.
  - c. A special rate variation to increase service levels in areas identified by the community.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**AMENDMENT**

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
3. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, fee for the Wellington Aerodrome and Recreation Park for Aircraft Landing Fees Non RPT Aircraft - per 1000kg maximum take-off weight (MTOW), pro rata of \$10.00 to include a discount for Non RPT Aircraft MTOW 1500kg and under - Saturday and Sundays (midnight to midnight) - to be charged 50% of Non RPT Landing Fee.
4. That the 2023/2024 Fees and Charges in respect of the Statutory Fees for Building and Development Services and Financial Operations be amended to charge the approved fee.
5. That the 2023/2024 Fees and Charges in respect of the Ground Preparation Fee for Cricket Dubbo Seniors be adjusted to \$53,998.00 and Cricket Dubbo Juniors be adjusted to \$7,363.00.
6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1 ), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2 ), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
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11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.

The amendment on being put to the meeting was carried.

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

Moved by Councillor S Chowdhury and seconded by Councillor L Burns

#### AMENDMENT

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
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11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.
12. That Council provide a report to the July Council Meeting, identifying operational funds that could be reallocated to fund increased level of service for Christmas activation.

The amendment on being put to the meeting was carried.

CARRIED

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

**Against:** Councillor J Black.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

#### AMENDMENT

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6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1 ), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2 ), draft 2023/2024 Fees and Charges

- (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
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  12. That Council provide a report to the July Council Meeting, identifying operational funds that could be reallocated to fund increased level of service for Christmas activation.
  13. That \$100,00 be allocated to the Street Tree Budget, leaving \$270,000 for increased mowing services for Wellington and Dubbo Urban Area Entrances.

The amendment on being put to the meeting was carried.

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

Moved by Councillor J Black and seconded by Councillor L Burns

#### AMENDMENT

1. That the submissions received by Council during the public exhibition period (attached as Appendix 8) be noted.
2. That the 2023/2024 Fees and Charges in respect of the Dubbo Regional Airport, Dubbo Aircraft Parking Fees Charge per day per tonne be amended to include that the charge will apply to the hard stand areas only.
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6. That the draft 2023/2024 Delivery Program and Operational Plan (as amended and attached as Appendix 1 ), draft Council 2023/2024 Budget including Capital Expenditure (as amended and attached as Appendix 2 ), draft 2023/2024 Fees and Charges (attached as Appendix 3), draft 2023/2024 Long Term Financial Plan (as amended and attached as Appendix 4), draft Macquarie Regional Library 2023/2024 Operational Plan, Budget and Fees and Charges (attached as Appendix 5), draft Strategic Asset Management Plan (attached as Appendix 6), draft 2023/2024 Annual Statement of Revenue Policy (attached as Appendix 7) be adopted and commence operation on 1 July 2023.
7. That that draft documents be amended to correct minor clarifications and typographical errors.
8. That those who made a submission be advised of Council's determination on this matter.
9. That in accordance with the requirements of Section 566(3) of the Local Government Act 1993, the interest charged on overdue rates and charges be at the rate of 9.0% per annum for the 2023/2024 financial year.
10. That Council undertake a community engagement and education program regarding Council's financial position and the potential for a special rate variation to Independent Pricing and Regulatory Tribunal (IPART). The community will be consulted on options that include:
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11. That the Sheraton Road footpath be funded by reallocation of capital funds from Gipps and Brisbane Streets Footpath and Kerb and Gutter works in the program for the 2023/2024 financial year, and that the removed projects be assessed for future budgets with such projects being considered in the 2024/2025 budget process.
12. That Council provide a report to the July Council Meeting, identifying operational funds that could be reallocated to fund increased level of service for Christmas activation.
13. That \$100,00 be allocated to the Street Tree Budget, leaving \$270,000 for increased mowing services for Wellington and Dubbo Urban Area Entrances.
14. That the 2023/2024 Fees and Charges in respect of Rainbow Cottage be increased by 8.5% from the 2022/2023 Fees and the increase be applied from the 1 January 2024 for the following fees:
  - a) per child per day charge for 0-2 years room and the 2-5 years room.
  - b) ½ day share by permanent children for the 0-2 years room- per ½ day and the 2-5 years room- per ½ day.
  - c) ½ day casual child (ie. not enrolled) for the 0-2 years room- per ½ day and the 2-5 years room- per ½ day.

The amendment on being put to the meeting was carried.

CARRIED

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

**Against:** Councillor S Chowdhury

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

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

#### **CCL23/158 THE MAKING OF THE RATES AND CHARGES (ID23/1268)**

The Council had before it the report dated 9 June 2023 from the Revenue Accountant regarding The Making of the Rates and Charges.

Moved by Councillor M Wright and seconded by Councillor J Gough

#### **MOTION**

1. That WHEREAS the 2023/2024 Draft Operational Plan was adopted by the Council on 27 April 2023, and WHEREAS public notice of the 2023/2024 Draft Operational Plan was given as per Section 405 of the Local Government Act 1993 in the form of a proactive media plan supported by an advertising campaign and online communications and WHEREAS a period of 28 days has lapsed since the commencement of advertising on 1 May 2023 and Council has taken into consideration submissions made concerning the Draft Operational Plan and Budget IT IS HEREBY RESOLVED that Council make the following Rates and Annual Charges for the year 2023/2024, and that such Rates and Annual Charges be the amount specified

hereunder subject to the minimum amount per assessment specified in Ordinary Rates table in the report of the Revenue Accountant dated 9 June 2023.

2. That WHEREAS the 2023/2024 Draft Operational Plan was adopted by Council on 27 April 2023, and WHEREAS public notice of the 2023/2024 Draft Operational Plan was given as per Section 405 of the Local Government Act 1993 in the form of a proactive media plan supported by an advertising campaign and online communications and WHEREAS a period of 28 days has lapsed since the commencement of advertising on 1 May 2023 and Council has taken into consideration submissions made concerning the Draft Operational Plan and budget, IT IS HEREBY RESOLVED that Council make the User Charges for the year 2023/2024 as referred to in the report of the Revenue Accountant dated 9 June 2023.

**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

#### **CCL23/159 2023 DREAM FESTIVAL LANTERN PARADE (ID23/1458)**

The Council had before it the report dated 6 June 2023 from the Senior Traffic Engineer regarding 2023 Dream Festival Lantern Parade.

Moved by Councillor J Black and seconded by Councillor P Wells

#### **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, 9 September 2023 for the Lantern Parade between 7.00 pm to 7.45 pm, subject to the following:

1. The Parade will commence at approximately 7.00 pm from the Macquarie 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

**CCL23/160 DRAFT DEVELOPMENT CONTROL PLAN NORTH-WEST URBAN RELEASE AREA (ID23/1249)**

The Council had before it the report dated 9 June 2023 from the Manager Growth Planning regarding Draft Development Control Plan North-West Urban Release Area.

Moved by Councillor J Black and seconded by Councillor V Etheridge

**MOTION**

1. That the draft North-West Urban Release Area Development Control Plan be adopted for the purpose of public exhibition only.
2. That the draft North-West Urban Release Area Development Control Plan be placed on public exhibition for a period of not less than 28 days in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.
3. That consultation be undertaken with Precinct landowners and those persons who have previously made submissions to Council during development of the North-West Urban Release Area Precinct Plan.
4. That following the 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

**CCL23/161 DRAFT SOUTHLAKES ESTATE DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/319)**

The Council had before it the report dated 6 June 2023 from the Team Leader Growth Planning Projects regarding Draft Southlakes Estate Development Control Plan - Results of Public Exhibition.

Moved by Councillor P Wells and seconded by Councillor M Wright

**MOTION**

- 1. That Council adopt the draft Southlakes Estate Development Control Plan (attached as Appendix 1 to this report).**
- 2. That the draft Southlakes Estate Development Control Plan come into effect on 26 June 2023.**
- 3. That Council repeal the Southlakes Development Control Plans 1 and 2 from 26 June 2023.**

**CARRIED**

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

**Against:** Nil

*Councillor S Chowdhury 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 S Chowdhury resides in Southlakes.*

**CCL23/162 DEVELOPMENT APPLICATION D23-155 WAREHOUSE, INDUSTRIAL BUILDING (11 UNITS) AND CAFÉ, LOT 909 DP1288166, 14 FISCAL WAY, DUBBO, APPLICANT: DRAYTON GROUP PTY LTD, OWNER: MOVE AROUND PTY LTD (ID23/1428)**

The Council had before it the report dated 6 June 2023 from the Statutory Planning Services Team Leader regarding Development Application D23-155 Warehouse, Industrial Building (11 Units) and Café, Lot 909 DP1288166, 14 Fiscal Way, Dubbo, Applicant: Drayton Group Pty Ltd Owner: Move Around Pty Ltd.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

**MOTION**

**That Development Application D23-155 for a warehouse, industrial building (11 units) and cafe at Lot 909 DP 1288166, 14 Fiscal Way, Dubbo, be approved subject to the conditions of consent set out in Appendix 2.**

**CARRIED**

At this juncture, Councillor L Burns left the room, the time being 7.52 pm.



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

**Against:** Nil

*Councillor D Mahon declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room and during the Council's consideration of this matter. The reason for such interest is that Councillor D Mahon he owns land and operates a business in Blueridge Business Park.*

Councillor L Burns returned to the meeting, the time being 7.54 pm.

**CCL23/163 OPEN SPACE MAINTENANCE DEED BETWEEN DUBBO REGIONAL COUNCIL AND MAAS GROUP PROPERTIES SOUTHLAKES PTY LTD (ID23/1423)**

The Council had before it the report dated 4 June 2023 from the Manager Recreation and Open Space regarding Open Space Maintenance Deed Between Dubbo Regional Council and Maas Group Properties Southlakes Pty Ltd.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

- 1. That the report from Manager Recreation and Open Space be noted.**
- 2. That Council enter into an Open Space Maintenance Deed with Maas Group Properties Southlakes Pty Ltd for Stage 33 of Southlakes Development.**
- 3. That all documents be executed under the Common Seal of Council.**

**CARRIED**

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

**Against:** Nil

*Councillor S Chowdhury 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 S Chowdhury resides in Southlakes.*

**CCL23/164 PLAN OF EASEMENTS FOR OVERHEAD POWER LINES FOR BORE INFRASTRUCTURE, LOT 1 DP 1206861 BUNGLEGUMBIE ROAD, DUBBO (ID23/1296)**

The Council had before it the report dated 5 June 2023 from the Property Development Officer regarding Plan of Easements for Overhead Power lines for Bore Infrastructure, Lot 1 DP 1206861 Bunglegumbie Road, Dubbo.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

**MOTION**

1. That the plan of easements for overhead power lines affecting Lot 1 DP1206861 be executed under the Common Seal of Council.
2. That the Council delegate to the Chief Executive Officer the power to execute any documents that may be required to facilitate the registration of the plan of easements and finalise any necessary documents (including a customer deed) with Essential Energy.
3. That any documents which may not be executed by the Chief Executive Officer under delegation be executed under the Common Seal of Council.

**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

**CCL23/165 QUESTION ON NOTICE - COUNCILLOR PAM WELLS (ID23/1534)**

The Council had before it the report dated 15 June 2023 from the Councillor regarding Question on Notice - Councillor Pam Wells.

Moved by Councillor P Wells and seconded by Councillor S Chowdhury

**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

**CCL23/166 COMMENTS AND MATTERS OF URGENCY (ID23/1150)**

There were no matters recorded under this clause.

**CONFIDENTIAL**

In accordance with Section 9(2A) Local Government Act 1993, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

The items listed come within the following provisions of the Act:

- *CCL23/167 - Write Off of Unrecoverable Debts*  
(Section 10A(2)(b)) – the personal hardship of a resident or ratepayer.
- *CCL23/168 - Acquisition of Macquarie Lodge (95L Bunglegumbie Road Dubbo) Consisting of Lot 9 and 10 DP244001 for Dubbo Groundwater Security Infrastructure*  
(Section 10A(2)(d)(ii)) – commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- *CCL23/169 - Dubbo Regional Council Aquatic Leisure Centres Request for Proposal (RFP)*  
(Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- *CCL23/170 - Compulsory Acquisition Considerations Relating to the Southern Distributor Road*  
(Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- *CCL23/171 - Little River Bridge Reconstruction - Additional Road Widening Acquisition Agreement - Locality of Benolong*  
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.

There were no submissions as to whether the meeting should be closed for this item.

At this juncture it was moved by Councillor V Etheridge and seconded by Councillor L Burns that the Council resolves into closed session, the time being 8.22pm.

The open session resumed at 9.09pm.

The Mayor read out the following resolutions made in the closed session in Council.

**CCL23/167 WRITE OFF OF UNRECOVERABLE DEBTS (ID23/905)**

The Council had before it the report dated 5 June 2023 from the Chief Financial Officer regarding Write Off of Unrecoverable Debts.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

**MOTION**

**That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned the personal hardship of any resident or ratepayer (Section 10A(2)(b)).**

**CARRIED**

Moved by Councillor R Ivey and seconded by Councillor J Gough

**MOTION**

- 1. That the Accounts Receivable debt for the amount outstanding of \$16,720.00 be written off.**
- 2. That the Accounts Receivable debt for the amount outstanding of \$11,428.68 be written off.**

**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

**CCL23/168 ACQUISITION OF MACQUARIE LODGE (95L BUNGLEGUMBIE ROAD DUBBO) CONSISTING OF LOT 9 AND 10 DP244001 FOR DUBBO GROUNDWATER SECURITY INFRASTRUCTURE (ID23/1348)**

The Council had before it the report dated 5 June 2023 from the Manager Strategy Water Supply and Sewerage regarding Acquisition of Macquarie Lodge (95L Bunglegumbie Road Dubbo) Consisting of Lot 9 and 10 DP244001 for Dubbo Groundwater Security Infrastructure.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

**MOTION**

**That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).**

**CARRIED**

Moved by Councillor V Etheridge and seconded by Councillor J Black

**MOTION**

1. That Council pursue the purchase of Lot 9 and 10 DP 244001 to maximum value as outlined in this report.
2. That Council authorise the Chief Executive Officer to negotiate the terms of the purchase in accordance with the details outlined in this report.
3. That upon acquisition, the land be classified as 'operational' in conformity with the Local Government Act 1993.
4. That any document relating to this matter be signed under the Common Seal of Council.
5. That all documentation in relation to this matter remain confidential to Council.

**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

**CCL23/169 DUBBO REGIONAL COUNCIL AQUATIC LEISURE CENTRES REQUEST FOR PROPOSAL (RFP) (ID23/1415)**

The Council had before it the report dated 2 June 2023 from the Manager Commercial Strategy regarding Dubbo Regional Council Aquatic Leisure Centres Request for Proposal (RFP).

Moved by Councillor V Etheridge and seconded by Councillor L Burns

**MOTION**

**That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).**

**CARRIED**

Moved by Councillor J Gough and seconded by Councillor V Etheridge

**MOTION**

1. That Council notes the assessment panel recommendation regarding the preferred proposal being Belgravia Leisure as per the information contained within the report.
2. That Council delegate the CEO to undertake negotiations with Belgravia Leisure to confirm costings regarding their proposal. Council then hold an extra ordinary meeting at noon 30 June 2023, for the purposes of determining either:
  - i. the operator of Dubbo ALC facilities, or
  - ii. that DRC continues to operate the three aquatic centres (Dubbo, Wellington and Geurie) as fully internal.
3. That all documentation in relation to this matter be signed under common seal of Council.

**4. That all documentation in relation to this matter remain confidential to Council.**

**CARRIED**

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

**Against:** J Black and D Mahon.

**CCL23/170 COMPULSORY ACQUISITION CONSIDERATIONS RELATING TO THE SOUTHERN DISTRIBUTOR ROAD (ID23/1508)**

The Council had before it the report dated 9 June 2023 from the Manager Property and Land Development regarding Compulsory Acquisition Considerations Relating to the Southern Distributor Road.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

**MOTION**

**That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).**

**CARRIED**

Moved by Councillor L Burns and seconded by Councillor M Wright

**MOTION**

- 1. That Council delegate to the Chief Executive Officer the power to negotiate an agreement with the relevant parties, and for the maximum amounts, as outlined in the body of this report.**
- 2. That any agreements successfully negotiated in accordance with resolution no. 1 be executed by Council under Common Seal.**
- 3. That all matters arising from this report remain confidential to Council.**

**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

**CCL23/171 LITTLE RIVER BRIDGE RECONSTRUCTION - ADDITIONAL ROAD WIDENING ACQUISITION AGREEMENT - LOCALITY OF BENOLONG (ID23/884)**

The Council had before it the report dated 27 April 2023 from the Property Services Officer regarding Little River Bridge Reconstruction - Additional Road Widening Acquisition Agreement - Locality of Benolong.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

**MOTION**

**That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned information that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).**

**CARRIED**

Moved by Councillor V Etheridge and seconded by Councillor S Chowdhury

**MOTION**

1. **That Council proceed to acquire under the *Roads Act 1993*:**
  - (a) **394m<sup>2</sup> of land as specified in the body of this report from the adjoining landowners;**
  - (b) **for the amount specified in the body of this report; and**
  - (c) **to accommodate telecommunications and stormwater infrastructure within the public road reserve.**
2. **That upon acquisition of the land described in resolution 1 (above), such land is to be dedicated as Operational Land in accordance with the *Local Government Act 1993*.**
3. **That the Council delegate to the Chief Executive Officer the power to finalise and execute any plans and documents required to be executed for the matter to be completed.**
4. **That any documents which may not be executed by the Chief Executive Officer under delegation be executed under Common Seal of Council.**
5. **That all documentation in relation to this matter remain confidential to Council.**

**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

The meeting closed at 9.12pm..

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CHAIRPERSON