



# REPORT

## ORDINARY COUNCIL MEETING

### 25 MAY 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, Governance Officer, the Manager People Culture and Places, the Director Strategy, Partnerships and Engagement, the Communication Services Team Leader, IT Infrastructure Specialist the Director Development and Environment, the Manager Growth Planning, the Manager Building & Development Services, the Director Infrastructure, Manager Strategy Water Supply and Sewage, the Senior Traffic Engineer and the Acting Director Community, Culture and Places (C Arms).

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.30pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor M Wright. The Acknowledgement Of Country was given by Councillor L Burns.

#### **CCL23/114 LEAVE OF ABSENCE (ID23/1094)**

There were no requests for leave of absence received.

Councillor S Chowdhury and L Burns attended via audio-visual link

#### **CCL23/115 CONFLICTS OF INTEREST (ID23/1089)**

The following conflicts of interest were declared:

- Councillor J Black – non pecuniary – less than significant in CCL23/124

#### **CCL23/116 PUBLIC FORUM (ID23/1084)**

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

- Mrs Sheila Bryant – regarding CCL23/108 D22-691 - Secondary Dwelling - Lot 461 DP565521, 12 Caves Road Apsley.
- Pauline (Sue) Knowles – Regarding CCL23/130 D22-737 - Seniors Housing (32 Dwellings) - Stage 7 and Stage 9 At 57 Minore Road, Dubbo.

- Mr Bruce Bryant – regarding CCL23/108 D22-691 - Secondary Dwelling - Lot 461 DP565521, 12 Caves Road Apsley.
- Ms Barbara Sutherland – regarding Budget and the Tree Canopy.
- Rebecca Miller – regarding Drug Rehabilitation Centre.
- Ray Murray – regarding Workers in Dubbo and Building Mini Suburb.

**CCL23/117 CONFIRMATION OF MINUTES (ID23/1099)**

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 27 April 2023.

Moved by Councillor V Etheridge and seconded by Councillor P Wells

**MOTION**

**That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 27 April 2023 comprising pages 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer, with the following correction to the resolution in respect of CCC23/18 – Macquarie Conservatorium of Music Facility Options raised by Cllr J Gough, being made:**

1. **“That Council delegate authority to the Chief Executive Officer to negotiate the terms of the Lease Agreement for the Macquarie Conservatorium to occupy 139 Darling Street, Dubbo including:
  - a. **A peppercorn lease per annum for a period of 5 years with an option for an additional 5 year term;**
  - b. **That the lease amount be reviewed at the end of the initial 5 year period; and**
  - c. **that the Macquarie Conservatorium be responsible for all outgoings under the lease agreement including but not limited to utilities, fit out, repairs and maintenance on the agreed arrangement.****
2. **That it be noted the lease amount is below market value and therefore can be considered as a financial assistance grant to the Macquarie Conservatorium under s356 of the Local Government Act 1993.**
3. **That any necessary documentation in relation to this matter be executed under the Common Seal of Council.**
4. **That it be noted that the preferred location for The Macquarie Conservatorium is part of a cultural hub that Dubbo Regional Council is considering in strategic analysis to be located adjacent to and including the Western Plains Cultural Centre, Dubbo.”**

**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:**

**CCL23/118 MAYORAL APPOINTMENTS AND MEETINGS (ID23/1001)**

The Council had before it the report dated 5 May 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor D Mahon and seconded by Councillor R Ivey

**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:**

**CCL23/119 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 11 MAY 2023 (ID23/1139)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 11 May 2023.

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 11 May 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

**CCL23/120 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 11 MAY 2023 (ID23/1140)**

The Council had before it the report of the Culture and Community Committee meeting held 11 May 2023.

Moved by Councillor J Gough and seconded by Councillor M Wright

**MOTION**

**That the report of the Culture and Community Committee meeting held on 11 May 2023, be adopted, save and except Clause CCC23/37, with such Clause being dealt with separately.**

**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

**CCC23/37 EVENT ATTRACTION - BOWLS NSW STATE CHAMPIONSHIPS (ID23/888)**

The Council had before it the report dated 28 April 2023 from the Events and Partnerships Team Leader regarding Event attraction - Bowls NSW State Championships.

Moved by Councillor R Ivey and seconded by Councillor J Gough

**MOTION**

- 1. Bowls NSW requires \$55,000 to cover the additional costs to host the Bowls NSW State Championships in a regional location. The State Championships have previously been held in metro and coastal locations for the entire 128 year history of the event.**
- 2. That Council commit \$15,000 for each event to secure the Bowls NSW tournament in Dubbo for 2024; 2026 and 2028.**
- 3. The three hosting Bowls Clubs in Dubbo have agreed, in principle, to combine amongst the three Clubs to contribute the remaining \$40,000 for each event to secure the hosting of the State Championships in 2024; 2026 and 2028.**
- 4. Council's events team will work with Bowls NSW and the three hosting Bowls Clubs to secure further sponsorship and deliver a successful event.**

**CARRIED**

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

**Against:** Nil.

**CCL23/121 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 11 MAY 2023 (ID23/1141)**

The Council had before it the report of the Corporate Services Committee meeting held 11 May 2023.

Moved by Councillor D Mahon and seconded by Councillor V Etheridge

**MOTION**

**That the report of the Corporate Services Committee meeting held on 11 May 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:**

**CCL23/122 EMERGENCY SERVICE LEVY INCREASE (ID23/1104)**

The Council had before it a Notice of Motion dated 20 April 2023 from Councillor R Ivey regarding the Emergency Service Levy Increase.

Moved by Councillor R Ivey and seconded by Councillor D Mahon

**MOTION**

1. That Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
  - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
  - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
  - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
  - d. Calling on the NSW Government to take immediate action to:
    - i. restore the ESL subsidy in 2023/24
    - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
    - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.
4. That the impacts of the increase in the Emergency Services Levy be considered in the report to Council that determines the 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

**CCL23/123 THE VOICE REFERENDUM (ID23/1079)**

The Council had before it a Notice of Motion dated 15 May 2023 from Councillor P Wells regarding The Voice Referendum.

Moved by Councillor P Wells and seconded by Councillor D Mahon

**MOTION**

1. That Council hold an internal workshop for Councillors to consider the educational material regarding the proposed Indigenous Voice in Parliament with a subsequent report to be provided to Council for consideration detailing any logical (sic logistical) or financial considerations.
2. That Council develop a program centred on information, education and participation to support the community to make an informed decision on this subject.
3. That Council promote the importance of registering on the Australian Electoral Commission (AEC) to enable people to have a voice and counted vote.

**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

**CCL23/124 REHAB CENTRE LOCATION AND POSSIBLE RELOCATION (ID23/1158)**

The Council had before it a Notice of Motion dated 18 May 2023 from Councillor J Black regarding the Rehab Centre Location and Possible Relocation.

Moved by Councillor J Black and seconded by Councillor P Wells

**MOTION**

1. Council opposes the current location proposed for the new Drug and Alcohol Rehabilitation Centre.
2. Council write to the relevant Minister raising its objections to the chosen site and confirm Council's commitment to work with Western LHD to identify a more suitable parcel of land for the community.

**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 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 and assigned to the Office of Stephen Lawrence MLC which he was part of the instrumental advocacy for a Rehab Centre and therefore will not affect his decision making on this item.*

**CCL23/125 PROPOSAL FOR A DUBBO CRIME SUMMIT (ID23/1159)**

The Council had before it a Notice of Motion dated 18 May 2023 from Councillor J Black regarding the Proposal for a Dubbo Crime Summit.

Moved by Councillor J Black and seconded by Councillor V Etheridge

**MOTION**

1. That Council notes community concern about crime rates.
2. That the Chief Executive Officer prepare a report to Council in regard to the facilitation and hosting of a Dubbo Crime Summit in the second half of 2023 focussing on effective and innovative strategies to reduce crime rates.
3. That relevant NSW and Commonwealth Government Ministers be invited to attend, along with a range of other relevant stakeholders and the community.
4. That up to \$10,000 be allocated from Council Reserves to cover any costs.
5. That the CEO prepare a report, following the summit, to Council on initiatives that could be implemented to reduce crime rates in the Dubbo LGA.

The motion upon being put to the meeting was lost.

LOST

**For:** Councillors J Black, L Burns, V Etheridge,

**Against:** Councillors S Chowdhury, M Dickerson, J Gough, R Ivey, D Mahon, P Wells and M Wright.

During the debate for the original motion, a further motion was foreshadowed.

Moved by Councillor J Black and seconded by Councillor P Wells

**MOTION**

**That Council, through its Social Justice and Youth Committees, work with government agencies, non-government organisations and other stakeholders, to develop a Community Safety Strategy and associated Action Plan.**

**The foreshadowed motion on being put to the meeting became the motion.**

**CARRIED**

**The motion 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

**REPORTS FROM STAFF:**

**CCL23/126 AMENDMENTS TO THE KINTYRE HEIGHTS ESTATE DEVELOPMENT CONTROL PLAN (ID23/1013)**

The Council had before it the report dated 4 May 2023 from the Growth Planner regarding Amendments to the Kintyre Heights Estate Development Control Plan.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

**MOTION**

1. That Council adopt the draft amended Kintyre Heights Estate Development Control Plan (attached in Appendix 1) for the purpose of public exhibition only.
2. That the draft amended Kintyre Heights Estate 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 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

**CCL23/127 DRAFT PLANNING AGREEMENT - JOIRA ROAD (ID23/1008)**

The Council had before it the report dated 5 May 2023 from the Development Contributions Planner regarding Draft Planning Agreement - Joira Road.

Moved by Councillor M Wright and seconded by Councillor P Wells

**MOTION**

1. That Council adopt the draft Planning Agreement (attached in Appendix 1) for the purposes of public exhibition.
2. That the draft Planning Agreement be placed on public exhibition in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.
3. That following conclusion of the public exhibition period, a further report be prepared for the consideration of Council, including any submissions received.

**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



**CCL23/128 DEVELOPMENT APPLICATION D22-752 MULTI-DWELLING HOUSING (47 UNITS), 2 MONASH STREET, DUBBO (ID23/1031)**

The Council had before it the report dated 10 May 2023 from the Statutory Planning Services Team Leader regarding Development Application D22-752 Multi-dwelling Housing (47 Units), 2 Monash Street, Dubbo.

Moved by Councillor M Wright and seconded by Councillor P Wells

**MOTION**

**That Development Application D22-752 for multi-dwelling housing (47 units) at Lot 101 DP 1271696, 2 Monash Street, Dubbo, be approved subject to the conditions of consent set out in Appendix 2.**

**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

**CCL23/129 SECTION 8.2 REVIEW OF DETERMINATION – D20-608 FOR SERVICE STATION AT LOT 51 DP 712802, 39 COBBORA ROAD, DUBBO (ID22/291)**

The Council had before it the report dated 3 May 2023 from the Senior Planner regarding Section 8.2 Review of Determination – D20-608 for Service Station at Lot 51 DP 712802, 39 Cobbora Road, Dubbo.

Moved by Councillor R Ivey and seconded by Councillor M Wright

**MOTION**

**That the Section 8.2 Review of Determination uphold the decision of 15 April 2021 and that the application be refused for the following reasons:**

- a. **The intersection of Cobbora Road (Golden Highway) and White Street has insufficient capacity to service the proposed development and the approval of the proposed development would compromise the safety and efficiency of the intersection.**
- b. **The amended traffic assessment is not practical nor self-enforcing. There is likely to be a high risk of non-compliance with the proposed traffic management strategies, including potential for queuing over the Rail Level Crossing and therefore these strategies are unlikely to alleviate traffic safety and management concerns at the intersection of Cobbora Road (Golden Highway) and White Street.**

**CARRIED**

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

**Against:** P Wells.

**CCL23/130 D22-737 - SENIORS HOUSING (32 DWELLINGS) - STAGE 7 AND STAGE 9 AT 57 MINORE ROAD, DUBBO (ID23/820)**

The Council had before it the report dated 5 May 2023 from the Senior Planner regarding D22-737 - Seniors housing (32 Dwellings) - Stage 7 and Stage 9 at 57 Minore Road, Dubbo.

Moved by Councillor M Wright and seconded by Councillor J Black

**MOTION**

**That development application D22-737 for Seniors housing (32 Dwellings) at Lot 21 DP 1143984, 57 Minore Road, Dubbo be approved subject to the conditions of consent set out in Appendix 2.**

**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

**CCL23/131 D22-723 - INTENSIVE LIVESTOCK AGRICULTURE (POULTRY FARM) - LOT 5 DP 664334, 21 GLADSTONE ROAD BODANGORA (ID23/879)**

The Council had before it the report dated 3 May 2023 from the Senior Planner regarding D22-723 - Intensive Livestock Agriculture (Poultry Farm) - Lot 5 DP 664334, 21 Gladstone Road Bodangora.

Moved by Councillor R Ivey and seconded by Councillor J Black

**MOTION**

- 1. That development application D22-723 – Intensive Livestock Agriculture (poultry farm) – 21 Gladstone Road, Bodangora be approved subject to conditions (Appendix 1).**
- 2. That Council grant delegation to the Chief Executive Officer to sign the determination (approval).**

**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

**CCL23/132 MARCH 2023 QUARTERLY BUDGET REVIEW STATEMENT (ID23/1042)**

The Council had before it the report dated 16 May 2023 from the Chief Financial Officer regarding March 2023 Quarterly Budget Review Statement.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**MOTION**

1. That the Quarterly Budget Review Statements as at 31 March 2023, as attached to the report of the Chief Executive Officer dated 16 May 2023, be adopted and such sums voted for such purpose.
2. That the Statement of the Responsible Accounting Officer that Council is in a satisfactory financial position having regard to the changes herewith to the original budget, 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

**CCL23/133 COUNCILLOR AND MAYORAL FEES - 2023/2024 (ID23/1074)**

The Council had before it the report dated 15 May 2023 from the Governance Team Leader regarding Councillor and Mayoral Fees - 2023/2024.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

**MOTION**

1. That pursuant to the provisions of Section 248(2) of the Local Government Act 1993, the annual fee payable to Councillors for the financial year commencing 1 July 2023 be set at \$26,070.
2. That pursuant to the provisions of Section 249(3) of the Local Government Act 1993, the annual additional fee payable to the Mayor for the financial year commencing 1 July 2023 be set at \$64,390.

**CARRIED**

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

**Against:** J Gough.

**CCL23/134 EXECUTION OF COMPULSORY ACQUISITION OF CROWN LAND FOR PUBLIC ROAD, UPGRADE OF GOOLMA ROAD AND TWELVE MILE ROAD INTERSECTION (ID23/1012)**

The Council had before it the report dated 7 May 2023 from the Property Development Officer regarding Execution of Compulsory Acquisition of Crown Land for Public Road, Upgrade of Goolma Road and Twelve Mile Road Intersection.

Moved by Councillor J Black and seconded by Councillor D Mahon

**MOTION**

1. That Council approve compulsory acquisition of the land noted within the report pursuant to sections 177 and 178 of the *Roads Act 1993 (NSW)* and undertake all necessary actions accordingly, if agreement cannot be reached between Council and the relevant owner of the land.
2. That Council acquire by compulsory acquisition under sections 177 and 178 of the *Roads Act 1993 (NSW)*, Lot 11, Lot 12 and Lot 13 in registered acquisition plan DP1292444 for the purposes of public road.
3. That Council approve the making of an application to the Minister for Local Government to issue Proposed Acquisition Notice(s) under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* for Council to compulsorily acquire Lot 11, Lot 12 and Lot 13 in registered acquisition plan DP1292444.
4. That Council approve the making of an application to the Governor of NSW for the publication of an Acquisition Notice in the NSW Government Gazette under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* for Council to compulsorily acquire Lot 11, Lot 12 and Lot 13 in registered acquisition plan DP 1292444.
5. That upon acquisition, Lot 11, Lot 12 and Lot 13 in registered acquisition plan 1292444 be classified as operational land in conformity with the *Local Government Act 1993 (NSW)*.
6. That Council delegate to the Chief Executive Officer the power to negotiate, finalise and execute any applications, notices, documents and compensation claims required to be executed as part of the process for Council to compulsorily acquire Lot 11, Lot 12 and Lot 13 in registered acquisition plan 1292444.
7. 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

**CCL23/135 CAMERON PARK PLAYGROUND FENCE - RESULTS OF COMMUNITY CONSULTATION (ID23/807)**

The Council had before it the report dated 19 April 2023 from the Manager Recreation and Open Space regarding Cameron Park Playground Fence - Results of Community Consultation.

Moved by Councillor P Wells and seconded by Councillor M Wright

**MOTION**

- 1. That a fence be installed around Cameron Park playground as part of the 2023/2024 budget and operational plan similar to Victoria park playground in Dubbo.**
- 2. That submitters be thanked for their contribution and advised of Council's resolution.**

**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

**QUESTIONS ON NOTICE:**

**CCL23/136 QUESTIONS ON NOTICE - COUNCILLOR SHIBLI CHOWDHURY (ID23/1115)**

The Council had before it the report dated 16 May 2023 from Councillor Shibli Chowdhury regarding Questions on Notice.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

**MOTION**

**That the information contained within 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

**CCL23/137 QUESTIONS ON NOTICE - COUNCILLOR DAMIEN MAHON (ID23/915)**

The Council had before it the report dated 3 May 2023 from the Councillor regarding Questions on Notice - Councillor Damien Mahon.

Moved by Councillor D Mahon and seconded by Councillor M Wright

**MOTION**

**That the information contained within 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

**END SECTION:**

**CCL23/138 COMMENTS AND MATTERS OF URGENCY (ID23/1149)**

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:

- *CCL23/139 – Quotation for Supply and Delivery of Two Dual Control Suction Sweepers - Plant 166 and 2166*  
(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.
- *CCL23/140 – Tender for Construction of Northern Bore Field Pipeline Stages 1 to 3*  
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- *CCL23/141 – People Culture and Safety Quarterly Metrics*  
(Section 10A(2)(a)) - is closed to the public for the following reason: personnel matters concerning particular individuals (other than Councillors)
- *CCL23/142 – Proposed Acquisition of Land for the River Street West Collector Road Project*  
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- *CCL23/143 – Proposed sale of Council-owned land - 3 Boothenba Road, Dubbo*  
(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.
- *CCL23/144 – Execution of easement over 8 Holls Ave, Dubbo (Lot 200 on DP881153)*  
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- *CCL23/145 – Tender for the Construction of the Legacy Shared Pathway*  
(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 D Mahon that the Council resolves into closed session, the time being 8.11pm.

At this juncture it was moved by Councillor P Wells and seconded by Councillor M Wright that the Council resolves into open session, the time being 8.31pm.

The open session resumed at 8.33pm.

The Manager Corporate Governance read out the following resolutions made in the closed session in Council.

**CCL23/139 QUOTATION FOR SUPPLY AND DELIVERY OF TWO DUAL CONTROL SUCTION SWEEPERS - PLANT 166 AND 2166 (ID23/1112)**

The Council had before it the report dated 16 May 2023 from the Manager Fleet and Depot Services regarding Quotation for Supply and Delivery of Two Dual Control Suction Sweepers - Plant 166 and 2166.

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

**The Council recommends 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 V Etheridge and seconded by Councillor J Black

**MOTION**

- 1. That the quotation from Rosmech to supply two Isuzu FSR trucks fitted with Rosmech Mistral sweepers for the combined purchase price of \$890,152.00 (Excl GST) be approved.**
- 2. That plant 166 and 2166 be traded in to Rosmech for a combined price of \$280,000 (Excl GST) be approved.**
- 3. That all documentation in relation to this matter remain confidential to Council.**
- 4. That all documentation in relation to this matter be signed 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

**CCL23/140 TENDER FOR CONSTRUCTION OF NORTHERN BORE FIELD PIPELINE STAGES 1 TO 3 (ID23/1147)**

The Council had before it the report dated 18 May 2023 from the Manager Strategy Water Supply and Sewerage regarding Tender for Construction of Northern Bore Field Pipeline Stages 1 to 3.

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

The Council recommends 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 J Gough and seconded by Councillor V Etheridge

**MOTION**

1. That the tenders received for Construction of the Northern Bore Field Pipeline Stages 1 to 3 listed in the report be noted.
2. That Dubbo Regional Council engage Leed Engineering and Construction for Construction of the Northern Bore Field Pipeline Stages 1 to 3 for the amount \$3,235,100.00 including GST.
3. That Council delegate the Chief Executive Officer to approve the extension options for this tender if required.
4. That Council delegate the Chief Executive Officer to approve variations to a contract relating to the tender, with a maximum 20% variation above the successful tender amount.
5. That all documentation in relation to this matter remain confidential to Council.
6. That all documentation in relation to this matter be signed 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



**CCL23/141 PEOPLE CULTURE AND SAFETY QUARTERLY METRICS (ID23/1119)**

The Council had before it the report dated 16 May 2023 from the Manager People Culture and Safety regarding People Culture and Safety Quarterly Metrics.

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

**The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).**

**CARRIED**

Moved by Councillor M Wright and seconded by Councillor V Etheridge

**MOTION**

- 1. That the information contained in the People Culture and Safety metrics report be noted.**
- 2. 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

**CCL23/142 PROPOSED ACQUISITION OF LAND FOR THE RIVER STREET WEST COLLECTOR ROAD PROJECT (ID23/1116)**

The Council had before it the report dated 16 May 2023 from the Manager Property and Land Development regarding Proposed acquisition of land for the River Street West Collector Road project.

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

**The Council recommends 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 D Mahon

**MOTION**

1. That Council commence the process of compulsory acquisition, in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, over the properties as outlined in the body of this report.
2. That, upon acquisition of the relevant areas as described in resolution no. 1 (above), such land is to be classified as operational land in accordance with the *Local Government Act 1993*.
3. 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

**CCL23/143 PROPOSED SALE OF COUNCIL-OWNED LAND - 3 BOOTHENBA ROAD, DUBBO (ID23/892)**

The Council had before it the report dated 1 May 2023 from the Property Services Officer regarding Proposed sale of Council-owned land - 3 Bootherba Road, Dubbo.

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

The Council recommends 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 P Wells and seconded by Councillor V Etheridge

**MOTION**

1. That Council agrees to sell the property situated at Lot 3 Bootherba Road, Dubbo (described as Lot 3 DP1241494):
  - a. to the owner of neighbouring property situated at 2L Bootherba Road, Dubbo (described as Lot 122 on DP1052056);
  - b. for the consideration outlined in the body of this report; and
  - c. pursuant to terms outlined in the body of this report.
2. That the contract for the sale of the property described in resolution no. 1 (above) be executed under the common seal of Council.
3. That the Chief Executive Officer is delegated power to execute any operational documentation relating to the finalisation of the sale of the property described in resolution no. 1 (above).
4. That all matters relating to 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

**CCL23/144 EXECUTION OF EASEMENT OVER 8 HOLLS AVE, DUBBO (LOT 200 ON DP881153) (ID23/588)**

The Council had before it the report dated 27 March 2023 from the Property Services Officer regarding Execution of easement over 8 Holls Ave, Dubbo (Lot 200 on DP881153).

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

The Council recommends 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 J Black

**MOTION**

1. That an easement over part of 8 Holls Avenue, Dubbo (being Lot 200 on DP881153), in the size and location as described in the body of this report, be created as follows:
  - a. an electrical easement in favour of Essential Energy; and
  - b. a stormwater easement in favour of Dubbo Regional Council.
2. That all documentation in relation to this matter remain confidential to Council.
3. That all documentation in relation to this matter be signed 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

**CCL23/145 TENDER FOR THE CONSTRUCTION OF THE LEGACY SHARED PATHWAY (ID23/1146)**

The Council had before it the report dated 18 May 2023 from the Manager Recreation and Open Space regarding Tender for the Construction of the Legacy Shared Pathway.

Moved by Councillor V Etheridge and seconded by Councillor D Mahon

**MOTION**

The Council recommends 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 P Wells

**MOTION**

1. That Council reject all tenders, on the basis that all tenders exceed the budget amount.
2. That Council enter into negotiations with a view to reduce the costs of the constructions to meet budget expectations, as it is not considered that inviting fresh tenders will produce a favourable result.
3. That Council delegate to the CEO the authority to award the winning tender within the allocated budget.
4. That Council delegate the Chief Executive Officer to approve variations to a contract relating to the tender subject to budget limitations.
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 8.36pm.

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CHAIRPERSON