



REPORT

ORDINARY COUNCIL MEETING

15 FEBRUARY 2024

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 Manager People Culture and Safety, the Director Organisational Performance, the Manager Corporate Governance, the Governance Team Leader, the Administration Officer Governance, the Manager Property Land Development, the Director Strategy, Partnerships and Engagement, the IT Infrastructure Specialist, the IT Support Officer Wellington, the Communications Services Team Leader, the Communications Partner, the Director Development and Environment, the Manager Growth Planning, the Manager Environmental Compliance, the Director Infrastructure, the Manager Strategy Water Supply and Sewerage, the Director Community, Culture and Places and the Manager Recreation and Open Spaces.

Councillor M Dickerson assumed the Chair of the meeting.

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

CCL24/1 LEAVE OF ABSENCE (ID24/32)

There were no leave of absence received.

CCL24/2 CONFLICTS OF INTEREST (ID24/33)

The following conflicts of interest were declared:

- Councillor J Black – pecuniary item CCL24/19
- Councillor D Mahon – non pecuniary interest item CCL24/26

At this juncture time being 5.34pm the Mayor and Deputy Mayor presented the Wellington Australia Day 2024 Young Sportsperson Award to Samantha Thompson.

CCL24/3 PUBLIC FORUM (ID24/34)

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

- Mr Will Martel – regarding CCL24/20 – Draft Spicers Creek Wind Farm Planning Agreement – Results of Public Exhibition.
- Mrs Mary-Anne Dean – regarding the relocation of Mookerawa Waters Holiday Cabins.

CCL24/4 CONFIRMATION OF MINUTES (ID24/35)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 14 December 2023.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

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

CCL24/5 MAYORAL APPOINTMENTS AND MEETINGS (ID24/6)

The Council had before it the report dated 10 January 2024 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor M Wright 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.

CCL24/6 BUILDING SUMMARY - DECEMBER 2023 AND JANUARY 2024 (ID24/143)

The Council had before it the report dated 31 January 2024 from the Director Development and Environment regarding Building Summary - December 2023 and January 2024.

Moved by Councillor M Wright and seconded by Councillor L Burns

MOTION

That the report of the Director Development and Environment, dated 31 January 2024, 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.

CCL24/7 STATUS OF NOTICES OF MOTION - QUARTERLY UPDATE (ID23/2682)

The Council had before it the report dated 5 February 2024 from the Manager Corporate Governance regarding Status of Notices of Motion - Quarterly Update.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the report prepared by the Manager Corporate Governance 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.

CCL24/8 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - DECEMBER 2023 (ID24/3)

The Council had before it the report dated 5 February 2024 from the Revenue Accountant regarding Investment Under Section 625 of the Local Government Act - December 2023.

Moved by Councillor D Mahon and seconded by Councillor L Burns

MOTION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 5 February 2024, 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

**CCL24/9 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT -
JANUARY 2024 (ID24/220)**

The Council had before it the report dated 5 February 2024 from the Revenue Accountant regarding Investment Under Section 625 of the Local Government Act - January 2024.

Moved by Councillor S Chowdhury and seconded by Councillor L Burns

MOTION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 5 February 2024, 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.

**CCL24/10 UPDATE ON INVESTIGATIONS ON POTENTIAL BOUNDARY ALTERATION:
NORTH YEOVAL (ID24/164)**

The Council had before it the report dated 25 January 2024 from the Director Strategy, Partnership and Engagement regarding Update on investigations on potential boundary alteration: North Yeoval.

Moved by Councillor R Ivey and seconded by Councillor P Wells

MOTION

- 1. That the information in the report of the Chief Executive Officer, dated 25 January 2024 be noted.**
- 2. That a further report on a potential LGA boundary adjustment at North Yeoval be provided to Council in May 2024.**

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.

CCL24/11 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - DECEMBER 2023 AND JANUARY 2024 (ID23/2921)

The Council had before it the report dated 25 January 2024 from the Corporate Strategy and Performance Coordinator regarding the Monthly Reporting

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

That the item be deferred to the Corporate Services Committee to be held on 7 March 2024 in order to allow relevant amendments to be made.

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:

CCL24/12 CAMERON PARK TOILETS (ID24/168)

Council had before it a Notice of Motion dated 29 January 2024 from Councillor R Ivey regarding the Cameron Park Toilets as follows:

1. That the CEO provide a report to Council as part of the budget development process on the options to provide more toilet amenities in Cameron Park precinct.
2. That this report also include evidence as to the current constraints for use.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

1. **That the CEO provide a report to Council as part of the budget development process on the options to provide more toilet amenities in the Cameron Park precinct.**
2. **That this report also include evidence as to the current constraints for use.**

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.

CCL24/13 COUNCIL POOL PRIVATE MANAGEMENT - CONTRACT ADVICE - OPTIONS TO DE-PRIVATISE POOL MANAGEMENT (ID24/234)

Council had before it a Notice of Motion dated 6 February 2024 from Councillor J Black regarding the Council Pool Private Management - Contract Advice - Options to de-Privatise Pool Management.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

That in light of service, communication, labour and other operational problems with the management of the DRC Aquatic Leisure Centres (pools), the CEO seek urgent advice on whether the privatised management contract has been complied with by the operator, on whether the management of the three council pools can be brought back in house in a way that ensures the facilities are properly available to the community, and an outline of the cost of exiting the private management contract, and provide a report back to Council at the March Ordinary Council Meeting.

CARRIED

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

Against: L Burns, M Dickerson, R Ivey,

CCL24/14 DEVELOPING A PUBLIC TOILET POLICY/STRATEGY (ID24/235)

Council had before it a Notice of Motion dated 5 February 2024 from Councillor J Black regarding the Developing a Public Toilet Policy/Strategy as follows:

1. That, just as many other councils have done, Dubbo Regional Council develop a Public Toilet Policy/Strategy for adoption.
2. That the CEO provide a report to council with a draft policy, addressing the areas that the policy would cover; to be broad and include those to do with the provision of toilets, design, style, fitting out and all other associated categories, as per similar policies.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

1. That, just as many other councils have done, Dubbo Regional Council develop a Public Toilet Policy/Strategy for adoption.
2. That the CEO provide a report to council with a draft policy, addressing the areas that the policy would cover; to be broad and include those to do with the provision of toilets, design, style, fitting out and all other associated categories, as per similar policies.

LOST

For: Councillors J Black, L Burns, V Etheridge, and P Wells.

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

REPORTS FROM STAFF:

CCL24/15 DECEMBER 2023 QUARTERLY BUDGET REVIEW STATEMENT (ID24/208)

The Council had before it the report dated 1 February 2024 from the Chief Financial Officer regarding December 2023 Quarterly Budget Review Statement.

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

1. That the Quarterly Budget Review Statements as at 31 December 2023, as attached to the report of the Chief Executive Officer dated 1 February 2024, 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.

CCL24/16 2024 WELLINGTON VINTAGE FAIR - WELLINGTON SHOWGROUND (ID24/205)

The Council had before it the report dated 1 February 2024 from the Senior Traffic Engineer regarding 2024 Wellington Vintage Fair - Wellington Showground.

Moved by Councillor D Mahon and seconded by Councillor P Wells

MOTION

That Council approval be granted to the Rotary Club of Wellington Vintage Fair Committee to implement the Wellington Vintage Fair Traffic Management Plan "Dubbo Traffic Control - Vintage Fair 210124" to facilitate the traffic and pedestrian environment in Showground Road, Bushrangers Creek Road and Renshaw McGirr Way associated with the Wellington Vintage Fair to be held in the Wellington showground/racecourse on Saturday 2 and Sunday 3 March 2024 subject to Transport for NSW (TfNSW) approval and conditions of Dubbo Regional Council and NSW Police as considered necessary:

- a. The Traffic Management will be implemented on Saturday 2 and Sunday 3 March 2024 between the periods from 6 am to 6 pm.
- b. The submission of a Traffic Management Plan and Traffic Control Plan to Council and NSW Police Service prior to the event date. All traffic control measures contained in the Plan are to be in accordance with the Australian Standard (AS 1742.3:2019) and TfNSW's 'Guide to Traffic Control at Worksites and approved by an accredited person. Council Traffic Control Plan TM 7241 is to be implemented for the event.
- c. The organiser is to provide Council's relevant appointed officer with a copy of the

Public Liability Insurance Policy for the amount of at least \$20 million. Such policy is to note that Council, TfNSW and the NSW Police are indemnified against any possible action as a result of the Parade.

- d. The implementation of the traffic management and traffic control is to be undertaken by an accredited traffic control company with personnel required to have current TfNSW certification.
- e. The applicant is responsible for all traffic control required for the event in accordance with the approved Traffic Control Plan.
- f. The applicant is to provide Council with a formal letter of acceptance of the conditions prior to final approval.
- g. All costs associated with implementing the event 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.

CCL24/17 2024 ANZAC DAY CEREMONIES - DUBBO LOCAL GOVERNMENT AREA (ID24/204)

The Council had before it the report dated 1 February 2024 from the Senior Traffic Engineer regarding 2024 Anzac Day Ceremonies - Dubbo Local Government Area.

Moved by Councillor D Mahon and seconded by Councillor P Wells

MOTION

That Council approval be granted to the Returned and Services League Sub-branches in Dubbo and Wellington and the Stuart Town Anzac Committee to undertake their respective Anzac Day Marches on Thursday 25 April 2024 and implement road closures and detours as conditioned by Transport for NSW (TfNSW), NSW Police and Council's following conditions of consent:

1. **Dubbo:**
 - a. For the Dawn Service and Anzac Day March, temporary road closures are to be provided:
 - Dawn Service in Darling Street between Talbragar and Wingewarra streets from 5 am to 6.30 am.
 - Anzac Day March in Brisbane Street between Wingewarra and Serisier streets and Wingewarra Street between Darling and Brisbane streets from 9 am to 10.45 am.
 - Wingewarra Street from Brisbane to Macquarie streets and Macquarie Street from Wingewarra to Talbragar streets from 10.15 am to 11 am.
 - Talbragar Street from Macquarie Street to Memorial Drive, Victoria Park, from 10.45 am to 11.15 am, Darling Street from Talbragar to Wingewarra streets from 10.15 am.
 - Wingewarra Street between Darling and Brisbane streets as directed by the

NSW Police at the conclusion of the Cenotaph service at approximately 12 noon to 12.30 pm.

- Council's Traffic Control Plan TM 7048 (attached as Appendix 1) is to be used for the event.
 - b. Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval with the Traffic Control Plan submitted a minimum three weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS1742.3 and the TfNSW 'Traffic Control at Worksites Manual' prepared by an accredited person.
 - c. Traffic controllers and/or trained Marshalls are to be provided at all road closure points, and other locations as identified in the Traffic Control Plan (attached as Appendix 1).
 - d. Council's Governance Team Leader must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council and NSW Police are specifically noted to be indemnified against any action resulting from the event.
 - e. The applicant is responsible for the provision of all traffic controls required for the event (i.e., Marshalls, traffic barriers and signs).
 - f. A public notification is required for the Anzac Day March a minimum of seven days prior to the event.
 - g. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.
2. Wellington:
- a. For the Anzac Day March, a temporary road closure is to be provided on the Mitchell Highway, being Nanima Crescent and Lee Street, between Maughan and Whiteley streets from 10.45 am to 11 am, with the detour via Arthur, Warne, Percy and Whiteley streets. Council's Traffic Control Plan Wellington Anzac Detour TM 7270 (attached as Appendix 2) is to be used for this event.
 - b. The applicant is to gain approval from TfNSW for the closure and detour of the Mitchell Highway and Road Occupancy Licence with evidence provided to Council of such approval and conditions as warranted.
 - c. Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval, with the Traffic Control Plan submitted a minimum three weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS 1742.3 and the TfNSW 'Traffic Control at Worksites Manual' prepared by an accredited person.
 - d. Traffic controllers and/or trained Marshalls are to be provided at all road closure points, and other locations as identified in the Traffic Control Plan (attached as Appendix 2).
 - e. Council's Governance Team Leader must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, TfNSW and NSW Police are specifically noted to be indemnified against any action resulting from the event.
 - f. The applicant is responsible for the provision of all traffic controls required for the event (i.e., Marshalls, traffic barriers and signs).
 - g. A public notification is required for the Anzac Day March a minimum of seven

days prior to the event.

- h. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.

3. Stuart Town:

- a. For the Anzac Day Ceremony, a temporary road closure is to be provided in Molong Street, between the Burrendong Way (Alexander Street) and Bell Street from 8 am to 2.30 pm, with a detour of Molong Street via Burrendong Way and Bell Street. Council's Traffic Control Plan TM 7175 (attached as Appendix 3) is to be used for the event.
- b. Concurrence is required from the TfNSW for the event to utilise part of Burrendong Way between Molong and Bell streets as a detour with advice provided to Council.
- c. Submission of a Traffic Management Plan and Traffic Control Plan to Council for approval with the Traffic Control Plan to be submitted a minimum of three weeks prior to the event. All traffic control measures contained in the Plan are to be in accordance with Australian Standard AS1742.3 and the TfNSW 'Traffic Control at Worksites Manual' prepared by an accredited person.
- d. Traffic controllers and/or trained Marshalls are to be provided at all road closure points, and other locations, as identified in the Traffic Control Plan (attached as Appendix 3).
- e. Council's Governance Team Leader must sight a copy of the Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, TfNSW and NSW Police are specifically noted to be indemnified against any action resulting from the event.
- f. The applicant is responsible for the provision of all traffic controls required for the event (i.e., Marshalls, traffic barriers and signs).
- g. A public notification is required for the Anzac Day March a minimum of seven days prior to the event, with notification letters to be delivered to the affected residents within the road closure areas in the village.
- h. The applicant is to forward a letter to Council with all the required documentation accepting the above conditions before final approval will be granted.

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.

**CCL24/18 AMENDMENTS TO THE RENEWABLE ENERGY BENEFIT FRAMEWORK
(ID23/1003)**

The Council had before it the report dated 24 January 2024 from the Team Leader Growth Planning Projects regarding Amendments to the Renewable Energy Benefit Framework.

Moved by Councillor J Gough and seconded by Councillor L Burns

MOTION

1. That Council adopt the amended Renewable Energy Benefit Framework (attached in Appendix 1) that includes the following amendments:
 - a. Electricity Generating Works (includes solar energy farms, wind energy farms, pumped hydro, hydrogen energy developments and any other developments that meet the definition of Electricity Generating Works):
 - Funding target equivalent to 1.5% of Capital Investment Value of the project, with payment of all funds as annual payments.
 - b. Battery Energy Storage Systems:
 - Funding target equivalent to 0.50% of Capital Investment Value of the project, with payment of all funds prior to the commencement of the development, or
 - Funding target equivalent to 0.75% of Capital Investment Value of the project, with payment of funds as annual payments over the life of the project.
2. That:
 - a. Council note the draft NSW Government Department of Planning and Environment Energy Policy Framework (attached in Appendix 2).
 - b. In the absence of detailed analysis from the NSW Government Department of Planning and Environment that the following per megawatt rates are considered acceptable to Council as they are more aligned to 1.5% of Capital Investment Value of a project:
 - \$1,050 per megawatt per annum for solar energy development; and
 - \$1,250 per megawatt per annum wind energy development.
3. That Council establish a Renewable Energy Committee, with the aim to provide a consultation link between Council, the community and developers of renewable energy projects.

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.

CCL24/19 PLANNING PROPOSAL R23-007 - MINIMUM LOT SIZE AREA AMENDMENTS AT 20L ROCKY ROAD, DUBBO (ID23/2545)

The Council had before it the report dated 8 January 2024 from the Growth Planner regarding Planning Proposal R23-007 - Minimum Lot Size Area Amendments at 20L Rocky Road, Dubbo.

Moved by Councillor S Chowdhury and seconded by Councillor P Wells

MOTION

1. That Council endorse the Planning Proposal (attached in Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 by changing the minimum lot size area at part of 20L Rocky Road, Dubbo (Lot 13 DP258406) from 20ha to 8ha.
2. That Council submit the Planning Proposal to the NSW Department of Planning and

Environment for a Gateway Determination.

3. That Council request the Chief Executive Officer or delegate be authorised as the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979.
4. That Council support a minimum 28 days public exhibition period for the Planning Proposal, subject to the conditions of a Gateway Determination.
5. 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.

Councillor J Black 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 J Black owns a block of land near the subject holding and in order to maintain public confidence he will leave the room while this matter is considered.

CCL24/20 DRAFT SPICERS CREEK WIND FARM PLANNING AGREEMENT - RESULTS OF PUBLIC EXHIBITION (ID23/1798)

The Council had before it the report dated 1 February 2024 from the Development Contributions Planner regarding Draft Spicers Creek Wind Farm Planning Agreement - Results of Public Exhibition.

Moved by Councillor R Ivey and seconded by Councillor M Wright

MOTION

1. That Council enter into a Planning Agreement (attached in Appendix 1) with Squadron Energy Pty Ltd.
2. That Council execute the Planning Agreement by affixing the Common Seal.
3. That Council note the submissions received during the public exhibition periods (attached in Appendix 2 and 3).
4. That Council establish a Renewable Energy Committee, with the aim to provide a consultation link between Council, the community and developers of renewable energy projects.

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.

**CCL24/21 RECOMMENDATION FOR COUNCIL ON POLICY SETTING IN RELATION TO
OVERGROWN BLOCKS IN THE DUBBO REGIONAL LOCAL GOVERNMENT AREA
(ID23/2646)**

The Council had before it the report dated 24 January 2024 from the Manager Environmental Compliance regarding Recommendation for Council on Policy setting in relation to Overgrown Blocks in the Dubbo Regional Local Government Area.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury

MOTION

1. That the CEO develop a Policy on 'Enforcing Compliance of Overgrown Blocks of Private Land' for Council's consideration.
2. That the policy enforcement methodology allows for three consecutive Orders and Fines to be issued to achieve compliance, before giving consideration to arranging to carry out the work to give effect to the terms of the Order and seeking to recover costs through the Court.

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.

**CCL24/22 TREE PLANTING OPPORTUNITIES FOR COMMUNITY GROUPS 2023 - 2024
(ID23/2687)**

The Council had before it the report dated 23 January 2024 from the Manager Recreation and Open Space regarding Tree Planting Opportunities for Community Groups 2023 - 2024.

Moved by Councillor S Chowdhury and seconded by Councillor J Black

MOTION

1. That this report be noted.
2. That Council does not support a free tree giveaway to residents due to the risks associated with the program, including planting in poor locations, future implications to public infrastructure and safety concerns.
3. That Council continues to support small scale community tree plants at targeted sites, associated with environmental restoration and rehabilitation sites and funding.
4. That Council considers providing an appropriate tree at a nominated site to persons being conferred Australian Citizenship, with this being limited to one tree/individual/family.
5. That as part of the 2024/2025 budget preparation and considerations, a 10% increase for tree maintenance be considered for the Greenspace Operations budget to offset the additional costs in establishment and maintenance of urban trees.

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.

CCL24/23 DRAFT 2023-2027 COMMUNITY ENGAGEMENT STRATEGY (INCLUDING COMMUNITY PARTICIPATION PLAN) (ID23/2802)

The Council had before it the report dated 28 November 2023 from the Manager Customer Experience and Engagement regarding Draft 2023-2027 Community Engagement Strategy (including Community Participation Plan).

Moved by Councillor P Wells and seconded by Councillor L Burns

MOTION

That the 2023-2027 Community Engagement Strategy (including Community Participation Plan), attached as Appendix 1, 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.

CCL24/24 DELIVERY PROGRAM AND OPERATIONAL PLAN - PROGRESS REPORT - JULY TO DECEMBER 2023 (ID24/119)

The Council had before it the report dated 14 January 2024 from the Corporate Strategy Performance Coordinator regarding Delivery Program and Operational Plan - Progress Report - July to December 2023.

Moved by Councillor M Wright and seconded by Councillor D Mahon

MOTION

- 1. That the 2023/2024 Delivery Program and Operational Plan – Progress Report – July to December 2023 (attached as Appendix 1) be noted.**
- 2. That the actions that are listed as cancelled/deferred for reasons outlined in this report be noted.**

CARRIED

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

Against: Nil.

CCL24/25 AUDIT OF SIGNS ACROSS THE URBAN AREAS OF THE LGA (ID23/2934)

The Council had before it the report dated 19 December 2023 from the Executive Officer Strategy Partnerships and Engagement regarding Audit of Signs across the Urban Areas of the LGA.

Moved by Councillor V Etheridge and seconded by Councillor L Burns

MOTION

- 1. That the report of the Executive Officer Strategy, Partnerships and Engagement, dated 19 December 2023, be noted.**
- 2. That investment in signage renewal program be considered as part of the budget development process.**
- 3. That the Chief Executive Officer develop internal policy and guidelines to support standardised signage across 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.

CCL24/26 REGIONAL PRECINCTS AND PARTNERSHIPS PROGRAM (ID24/57)

The Council had before it the report dated 11 January 2024 from the Executive Officer Strategy Partnerships and Engagement regarding Regional Precincts and Partnerships Program.

Moved by Councillor M Wright and seconded by Councillor L Burns

MOTION

- 1. That the Chief Executive Officer submit an application for Dubbo South West Housing Precinct Plan for Stream one of the Regional Precincts and Partnerships Program.**
- 2. That the Chief Executive Officer submit an application for Blueridge Net Zero Business Park for stream two of the Regional Precincts and Partnerships Program.**
- 3. That Councillors be advised as to the status of applications as the information becomes available.**

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 D Mahon 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 D Mahon owns property in Blue Ridge Business Park.

**CCL24/27 QUESTION ON NOTICE - UPDATE TO ROADWORKS TAMWORTH STREET
PRECINCT DUBBO - COUNCILLOR JOSH BLACK (ID24/237)**

The Council had before it the report dated 7 February 2024 from the Councillor regarding Question on Notice - Update to Roadworks Tamworth Street precinct Dubbo - Councillor Josh Black.

Moved by Councillor J Black 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.

**CCL24/28 QUESTION ON NOTICE - LIONS PARK WEST DUBBO - 3D PRINTED TOILET
DESIGN METHODOLOGY - COUNCILLOR JOSH BLACK (ID24/241)**

The Council had before it the report dated 7 February 2024 from the Councillor regarding Question on Notice - Lions Park West Dubbo - 3D Printed Toilet Design Methodology - Councillor Josh Black.

Moved by Councillor J Black and seconded by Councillor L Burns

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.

CCL24/29 COMMENTS AND MATTERS OF URGENCY (ID24/107)

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:

- *CCL24/30 – Modification of the Geurie Raw Water Pump Station* (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.
- *CCL24/31– Undertaking of Sewer Rehabilitation Works* (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.
- *CCL24/32 – Mumbil Raw Water Pipeline Rehabilitation* (Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- *CCL24/33 – Long Term Lease or Sale of Mill’s Pit (93L Railway Lane)* (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.
- *CCL24/34– Proposed Agreement to Lease Part of Council-Owned Operational Land* (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.
- *CCL24/35 – Proposed Acquisitions of Parts of Land for Road Purposes* - (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.
- *CCL24/36 – People Culture and Safety Quarterly Metrics Report* - (Section 10A(2)(a)) - the reason being that the matter concerned personnel matters concerning particular individuals.

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

At this juncture it was moved by Councillor S Chowdhury and seconded by Councillor V Etheridge that the Council resolves into closed session, the time being 7.32 pm.

The open session resumed at 7.56 pm.

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

CCL24/30 MODIFICATION OF THE GEURIE RAW WATER PUMP STATION (ID24/176)

The Council had before it the report dated 30 January 2024 from the Manager Strategy Water Supply and Sewerage regarding Modification of the Geurie Raw Water Pump Station.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 D Mahon and seconded by Councillor V Etheridge

MOTION

1. That Council engage TWS Evolution Pty Ltd to undertake modification works on the Geurie Raw Water Pump Station for the quoted price of \$704,000 including GST, and in accordance with the pre-qualified LGP420 procurement panel.
2. That the scope of works provided by TWS Evolution Pty Ltd in relation to the proposed modification of the Geurie Raw Water Pump Station be treated as commercial in confidence.
3. That Council delegate the Chief Executive Officer to approve the extension options for this contract if required.
4. That Council delegate the Chief Executive Officer to approve contract variations for this contract subject to budget limitations.
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.

CCL24/31 UNDERTAKING OF SEWER REHABILITATION WORKS (ID24/174)

The Council had before it the report dated 30 January 2024 from the Capital Programs Coordinator regarding Undertaking of Sewer Rehabilitation Works.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 L Burns

MOTION

1. That Interflow Pty Limited be engaged for the 2023/2024 financial year utilising the LGP420 schedule of rates.
2. That Council delegate the Chief Executive Officer to approve the extension options for this contract if required.
3. That Council delegate the Chief Executive Officer to approve contract variations for this contract subject to budget limitations.
4. That all documentation in relation to this matter remain confidential to Council.
5. 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.

CCL24/32 MUMBIL RAW WATER PIPELINE REHABILITATION (ID24/175)

The Council had before it the report dated 30 January 2024 from the Capital Programs Coordinator regarding Mumbil Raw Water Pipeline Rehabilitation.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 J Gough and seconded by Councillor S Chowdhury

MOTION

1. That Council directly engage Interflow Pty Limited as per the pre-qualified panel LGP420 in an amount of \$1,009,162.11 including GST.
2. That Council delegate the Chief Executive Officer to approve the extension options for this contract if required.
3. That Council delegate the Chief Executive Officer to approve contract variations for this contract subject to budget limitations.
4. That all documentation in relation to this matter remain confidential to Council.
5. 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.

CCL24/33 LONG TERM LEASE OR SALE OF MILL'S PIT (93L RAILWAY LANE) (ID23/2768)

The Council had before it the report dated 23 January 2024 from the Manager Recreation and Open Space regarding Long Term Lease or Sale of Mill's Pit (93L Railway Lane).

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 J Gough and seconded by Councillor S Chowdhury

MOTION

- 1. That this report be noted.**
- 2. That Council proceeds with issuing an Expression of Interest to identify the potential of entering either a long-term lease or sale of the parcel of land (Lot 1 DP263339).**
- 3. That proceeds of the lease or sale is used for community priorities identified in community strategic documents.**
- 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, D Mahon, P Wells and M Wright.

Against: J Black.

CCL24/34 PROPOSED AGREEMENT TO LEASE PART OF COUNCIL-OWNED OPERATIONAL LAND (ID24/193)

The Council had before it the report dated 31 January 2024 from the Manager Property and Land Development regarding Proposed agreement to lease part of Council-owned operational land.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 M Wright and seconded by Councillor L Burns

MOTION

1. That Council agree to enter into an agreement to lease land to Squadron Energy or an associated entity of same:
 - a. for the property
 - b. on the key termsgenerally, as described within the body of the report.
2. That Council delegate to the Chief Executive Officer the power to negotiate the other terms of the agreement to lease, provided that all key terms must generally be in accordance with the terms as outlined in this report.
3. That it be noted that a subsequent report shall be provided to Council for consideration of the negotiated terms of the agreement to lease.
4. That all information in relation to this matter is kept confidential.
5. That any documents requiring execution by Council relating to this report 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.

**CCL24/35 PROPOSED ACQUISITIONS OF PARTS OF LAND FOR ROAD PURPOSES
(ID24/213)**

The Council had before it the report dated 1 February 2024 from the Manager Property and Land Development regarding Proposed acquisitions of parts of land for road purposes.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 J Black and seconded by Councillor L Burns

MOTION

1. That Council approve the compulsory acquisition of approximately:
 - a. 30,285m² from Lot 11 on DP1293863;

- b. 16,837m² from Lot 51 on DP612578; and
- c. 27,445m² from Lot 2 on DP1246347,
pursuant to s177 and s178 of the *Roads Act 1993* (NSW), and upon acquisition,
classify the land as operational land.
2. That Council register acquisition plans against Lot 11 on DP1293863, Lot 51 on DP612578 and Lot 2 on DP1246347.
3. That Council approve the making of an application to the Minister for Local Government to issue a Proposed Acquisition Notice under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) for Council to compulsorily acquire part of Lot 11 on DP1293863, Lot 51 on DP612578 and Lot 2 on DP1246347.
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 part of Lot 11 on DP1293863, Lot 51 on DP612578 and Lot 2 on DP1246347.
5. 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 part of Lot Lot 11 on DP1293863, Lot 51 on DP612578 and Lot 2 on DP1246347.
6. That any documents which may not be executed by the Chief Executive Officer under delegation be executed under the Common Seal of Council.
7. 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.

CCL24/36 PEOPLE CULTURE AND SAFETY QUARTERLY METRICS REPORT (ID24/212)

The Council had before it the report dated 2 February 2024 from the Manager People Culture and Safety regarding People Culture and Safety Quarterly Metrics Report.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

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 P Wells and seconded by Councillor V Etheridge

MOTION

1. That the information contained within the report of the Manager People Culture and Safety dated 2 February 2024 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.

The meeting closed at 8.01pm

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CHAIRPERSON