



REPORT ORDINARY COUNCIL MEETING 24 AUGUST 2023

PRESENT: Councillors J Black, L Burns, 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 Governance Officer Governance, the Director Strategy, Partnerships and Engagement, the Communications Partner, the IT Infrastructure Specialist, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure, the Manager Infrastructure Strategy and Design, Manager Infrastructure Delivery and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

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

CCL23/207 LEAVE OF ABSENCE (ID23/1097)

A request for leave of absence was received from Councillor S Chowdhury who was absent from the meeting due to personal reasons.

Moved by Councillor P Wells and seconded by Councillor D Mahon

MOTION

That such request for Leave of Absence be accepted and Councillor S Chowdhury be granted leave of absence from this meeting.

CARRIED

Councillor's J Black, J Gough and L Burns attended via audio-visual link.

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

Against: Nil.

CCL23/208 CONFLICTS OF INTEREST (ID23/1092)

The following conflicts of interest were declared:

- Clr J Black – non-pecuniary – less than significant in CCL23/219,
- Clr J Black – non-pecuniary – significant in CCL23/229,
- Clr M Wright – non-pecuniary – less than significant in CCL23/229
- Clr M Dickerson – non-pecuniary – significant in CCL23/234

CCL23/209 PUBLIC FORUM (ID23/1087)

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

- Mark Griggs – Rubbish in John Oxley Reserve since November Flood
- Mark Conn regarding – item CCL23/213 (IPEC23/34) - Saxa Road – Comobella Crossing, Mitchell Creek Causeway options
- Ron Batten regarding – item CCL23/219 - Notice of Motion of Rescission
- David Ryan – current condition of Bodangora Road
- Helen Sweeting – item CCL23/219 - Notice of Motion of Rescission
- Rebecca Miller – item CCL23/219 - Notice of Motion of Rescission
- Ray Murray – Workers Accommodation

CCL23/210 CONFIRMATION OF MINUTES (ID23/1102)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 27 July 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 July 2023 comprising pages 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 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, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

INFORMATION ONLY MATTERS:

CCL23/211 MAYORAL APPOINTMENTS AND MEETINGS (ID23/1915)

The Council had before it the report dated 3 August 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

That the information contained in the report be noted.

CARRIED

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

Against: Councillor J Black.

Councillor L Burns left the meeting (via video link) with the time being 06:06 pm.

**CCL23/212 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - JULY 2023
(ID23/1790)**

The Council had before it the report dated 2 August 2023 from the Chief Executive Officer regarding Monthly Reporting Snapshot for Councillors - July 2023.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

- 1. That the information contained within the report of the Chief Executive Officer dated 1 July 2023, be noted.**
- 2. That the proposed changes to the presentation of Major Capital Projects dashboard, as outlined in the report, be endorsed.**

CARRIED

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

Against: Nil.

Councillor L Burns returned to the meeting (via video link) with the time being 06:08 pm.

MATTERS CONSIDERED BY COMMITTEES:

**CCL23/213 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT
COMMITTEE - MEETING 10 AUGUST 2023 (ID23/2035)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 10 August 2023.

Moved by Councillor J Black and seconded by Councillor V Etheridge

MOTION

That the report of the Corporate Services Committee meeting, save and except item IPEC23/34, held on 10 August 2023, be adopted.

CARRIED

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

Against: Councillor L Burns.

**IPEC23/34 SAXA ROAD - COMOBELLA CROSSING, MITCHELL CREEK CAUSEWAY OPTIONS
(ID23/1750)**

The Council had before it the report dated 10 July 2023 from the Operations Engineer (West) regarding Saxa Road - Comobella Crossing, Mitchell Creek Causeway Options.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

1. That Council seek tenders for a design and construction of either a box culvert crossing or a bridge to replace the damaged Comobella crossing culvert in line with Options 2 and 3 outlined within the business paper IPEC23/34.
2. That Council seek funding under the Bridge Replacement Program and Disaster Recovery Funding Arrangements program to supplement project costs.
3. That Council write to the Minister for Roads advising of the importance of this crossing to secure the necessary funding for the replacement crossing.

CARRIED

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

Against: Councillors J Black and V Etheridge.

**CCL23/214 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 10
AUGUST 2023 (ID23/2036)**

The Council had before it the report of the Culture and Community Committee meeting held 10 August 2023.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

That the report of the Culture and Community Committee meeting held on 10 August 2023, be adopted.

CARRIED

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

Against: Nil.

**CCL23/215 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 10 AUGUST
2023 (ID23/2037)**

The Council had before it the report of the Corporate Services Committee meeting held 10 August 2023.

Moved by Councillor D Mahon and seconded by Councillor R Ivey

MOTION

That the report of the Corporate Services Committee meeting, save and except item CSC23/47, held on 10 August 2023, be adopted.

CARRIED

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

Against: Nil.

CSC23/47 AUSTRALIA DAY - SURVEY RESULTS FOR 2023 CEREMONIES AND PLANNING FOR 2024 CEREMONIES (ID23/1899)

The Council had before it the report dated 31 July 2023 from the Manager Corporate Governance regarding Australia Day - Survey results for 2023 ceremonies and planning for 2024 ceremonies.

Moved by Councillor D Mahon and seconded by Councillor M Wright

MOTION

- 1. That the report of the Manager Corporate Governance be noted.**
- 2. That the Australia day Ceremonies for Wellington and Dubbo to be held similar to last year, with the Wellington ceremony to be held on the evening of Thursday 25 January 2024 at 6.30pm and the Dubbo ceremony to be held on the morning of Friday 26 January 2024 8.00am**
- 3. That an Expression of Interest process be undertaken to form Australia Day Committees for Dubbo and Wellington.**
- 4. That food and beverage options, along with activities are to be similar at both ceremonies.**

CARRIED

For: Councillors J Black, V Etheridge, J Gough, R Ivey, D Mahon and M Wright.

Against: Councillor L Burns, M Dickerson, and P Wells.

NOTICES OF MOTION:

CCL23/216 MOTION FOR THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2023 (ID23/2023)

Council had before it a Notice of Motion dated 17 August 2023 from Councillor J Gough regarding the Motion for the Local Government NSW Annual Conference 2023.

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

- 1. That Council resolves to submit the following motion for consideration by the delegates at the LGNSW Conference in November 2023.**

2. That LGNSW formally request the NSW Government to undertake comprehensive reform of the existing Code of Conduct complaint system with specific regard to:
- a. Code of Conduct complaints about Councillors be lodged directly with the Office of Local Government to centralise the code of conduct complaint system, increasing efficiency, transparency and fairness.
 - b. The Office of Local Government assume full responsibility for the entire process of triaging complaints and managing or undertaking preliminary assessment and full investigation, to resolve complaints.
 - c. In the event that any individual complainant lodges three or more unsuccessful complaints in relation to any Councillors within a single term, such complainant shall be deemed a vexatious complainant. As a consequence, the said complainant will be barred from lodging any further complaints against that specific Council for the remaining term.

CARRIED

For: Councillors, L Burns, M Dickerson, J Gough, R Ivey and M Wright.

Against: Councillors J Black, V Etheridge, P Wells, D Mahon.

CCL23/217 CONCEPT DUBBO INDOOR AQUATIC CENTRE (ID23/2019)

Council had before it a Notice of Motion dated 14 August 2023 from Councillor S Chowdhury regarding the Concept Dubbo Indoor Aquatic Centre.

Under Section 10.4(b) of Council's Code of Meeting Practice the Chairperson deferred this item to the September Ordinary Meeting of Council.

CCL23/218 TREE PLANTING (ID23/2039)

Council had before it a Notice of Motion dated 14 August 2023 from Councillor S Chowdhury regarding the Tree Planting.

Under Section 10.4(b) of Council's Code of Meeting Practice the Chairperson deferred this item to the September Ordinary Meeting of Council.

NOTICE OF RESCISSION:

CCL23/219 NOTICE OF MOTION OF RESCISSION - CCL23/187 - MATTERS FOR CONSIDERATION AROUND PROVISION OF LAND TO NSW HEALTH FOR THE PURPOSES OF AN ALCOHOL AND OTHER DRUG REHABILITATION FACILITY (ID23/2061)

Council had before it a Notice of Motion of Rescission dated 17 August 2023 from Councillors R Ivey, M Wright and J Gough.

Moved by Councillor R Ivey and seconded by Councillor M Wright

MOTION

Councillor L Burns left the meeting time being 7.50pm due to audio visual technical issues.

Councillor S Chowdhury joined the meeting via audio visual link time being 7.51pm.

Councillor S Chowdhury left the meeting time being 7.52pm.

Moved by Councillor M Wright and seconded by Councillor D Mahon

MOTION

That at this juncture time being 7.59 council have a 5 minute adjournment to allow staff to contact Councillor L Burns to re-join the meeting.

CARRIED

For: Councillors J Black, M Dickerson, J Gough, D Mahon and M Wright.

Against: Councillors V Etheridge, R Ivey and P Wells.

The meeting resumed time being 8.04pm

That the Notice of Motion of Rescission be adopted.

CARRIED

For: Councillors M Dickerson, J Gough, R Ivey, D Mahon and M Wright.

Against: Councillors J Black, V Etheridge and P Wells.

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 3 days a week by Parliament of NSW and assigned to the Office of Stephen Lawrence MLC who has been actively involved for a long time in lobbying on the Rehab Centre for Dubbo issue and therefore will not affect his decision making on this item.

Moved by Councillor R Ivey and seconded by Councillor M Wright

MOTION

That the CEO undertake no further action as a result of the advice received from Western NSW LHD dated 3 August 2023 advising that *“both land parcels identified in the resolution have been previously assessed by the LHD and that the LHD has previously provided advice to both Officers and Councillors regarding both of them prior to the Council meeting on July 27th”,* and that advice stated that Bunglegumbie Road and Greengrove sites are not considered suitable.

CARRIED

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

Against: Councillors J Black, V Etheridge and P Wells.

REPORTS FROM STAFF:

CCL23/220 BUS SERVICE IMPROVEMENTS IN DUBBO - 16 CITIES PROGRAM 2 (ID23/1999)

The Council had before it the report dated 7 August 2023 from the Senior Traffic Engineer regarding Bus Service Improvements in Dubbo - 16 Cities Program 2.

Moved by Councillor V Etheridge and seconded by Councillor P Wells

MOTION

1. That Council approval be granted for the implementation of the Transport for New South Wales 16 Regional Cities Bus Services Improvement Program to 17 locations in Dubbo in accordance with Appendix 1 – Proposed New and Modified Bus Zone Locations for 16 Cities Dubbo – Round 2 (excel spreadsheet) and Appendix 2 – Bus Zone Locations incorporating:
 - a. Modification/Formalisation to existing Bus Zones.
 - b. New Bus Zones.
 - c. Time restricted bus zones changed to full time zones (24/7).
 - d. New and expanded bus routes.
 - e. Bus Services on Sundays.
 - f. Increased bus services to selected bus routes.
 - g. New J-pole signs and additional bus shelters throughout the City.
 - h. Removal of time restricted and unrestricted car parking spaces to achieve bus access to kerbside.
 - i. Relocation of an existing accessible parking space.
 - j. Conversion of some existing No Parking Zones.
 - k. Modifications to on street line marking at selected locations.

CARRIED

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

Against: Nil.

**CCL23/221 2023 DUBBO STAMPEDE RUNNING FESTIVAL - TEMPORARY ROAD CLOSURE
(ID23/2000)**

The Council had before it the report dated 7 August 2023 from the Senior Traffic Engineer regarding 2023 Dubbo Stampede Running Festival - Temporary Road Closure.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

1. That the application of the Dubbo Running Festival Committee Incorporated be approved for the undertaking of the Dubbo Stampede Running Event on Sunday 27 August 2023, between 6.15 am and 1.00 pm, on condition of the NSW Police, Transport for NSW (TfNSW) and subject to the following conditions of Dubbo Regional Council (Council):
 - a. A temporary road closure will be implemented between 6.00 am and 10.15 am on Obley Road, commencing on the southern side of Taronga Western Plains Zoo access south of the intersection on Camp Road, including the implementation of a Traffic Control Plan and detour via the Newell Highway and Camp Road intersection. 'Zoo Local Traffic' access only will be available at the intersection of the Newell Highway and Obley Road.
 - b. That temporary road closures be implemented between 6.00 am and 12.00 noon in Tamworth Street, west of the intersection of South Street, to its conclusion and changed traffic conditions for Macquarie Street between 6.00 am and 10.15 am and Huckel Street between 7.00 am and 11.45 am.
 - c. The submissions of a Traffic Management Plan (TMP) and Traffic Control Plan (TCP) for Council approval in accordance with Australian Standard 1742.3 and TfNSW's Guide to Traffic Control at Worksites, prepared by an accredited person. Council's TCP TM7052 is to be implemented for the event.
 - d. The concurrence of TfNSW, Special Events and Operational Planning - Transport Management Centre for the implementation of event and detour of Obley Road signage on the Newell Highway.
 - e. Traffic controllers and trained course marshals are to be provided at all road closure points, and other locations as identified in the Event Management Plan, with restricted access only to emergency and authorised vehicles. All traffic controllers are to be specifically authorised for the event with current TfNSW certification.
 - f. Council's Executive Manager Governance and Internal Control must sight a copy of the current 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.
 - g. The applicant is responsible for the provision of all traffic control required for the event in accordance with the TCP.
 - h. The applicant is responsible for all costs associated with the placement of a public notification and advice to the residents within the closed and affected roads, prior to the event advising of the 2023 Dubbo Stampede Running Festival.

- i. All traffic advisory signs to be placed in accordance with the approved TCP and the Traffic and Event Management Plan.
- j. The NSW Police consent and conditions for the running of the event as considered necessary.
- k. The applicant is to provide Council with a signed and dated copy of the Traffic and Event Management Plan.
- l. The applicant to submit to Council all the appropriate documentation required, accepting the above terms and conditions, before final approval will be granted.
- m. All costs associated with implementing these event conditions are to be met by the event organiser.
- n. That in the event of the Tamworth Street footbridge being closed due to flooding; the 'Contingency Plan' as detailed in the Event and Traffic Management Plan shall be invoked requiring the closure of Tamworth and South streets, and the use of Huckel Street in accordance with Appendices 7, 8 and 9 of the TMP and the TCP TM7052 (Appendix 1 - Sheet 2).

CARRIED

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

Against: Nil.

**CCL23/222 2023 STUART TOWN MULTICULTURAL FESTIVAL - ROAD CLOSURE
(ID23/2001)**

The Council had before it the report dated 7 August 2023 from the Senior Traffic Engineer regarding 2023 Stuart Town Multicultural Festival - Road Closure.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

1. That Council approval be granted for a temporary road closure of Molong Street between Alexander Street and Bell Street on Sunday, 1 October 2023 for the 2023 Stuart Town Multicultural Festival between 6 am and 5 pm, subject to the following conditions:
 - a. TfNSW consent for the event to utilise part of the Burrendong Way between Molong and Bell streets as a detour with TfNSW concurrence provided to Council. In the event that consent is not granted, the applicant is to advise Council if the event can proceed with a re-design that excludes the use of Burrendong Way.
 - b. The submission of an Event and Traffic Management Plan and Traffic Control Plan to Council for approval in accordance with Australian Standard 1742.3, and the TfNSW Guide to Traffic Control at Worksites prepared by an accredited person. Dubbo Traffic Control Traffic Control Plan - Molong Street Road Closure 180222 (Appendix 2) is to be updated for the event.
 - c. 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.
- d. Council's Executive Manager Governance and Internal Control must sight a copy the current Public Liability Insurance Policy for a minimum amount of \$20 million on which Dubbo Regional Council, TfNSW and the 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 control required for the event in accordance with the Traffic Control Plan.
 - f. The applicant is responsible for all costs associated with the placement of a public notification, a minimum of two weeks prior to the event, and advice to the residents within the closed roads advising of the 2023 Stuart Town Multicultural Festival and the road closure of Molong Street, Stuart Town.
 - g. All traffic advisory signs shall be placed in accordance with the approved Traffic Control Plan and the Event and Traffic Management Plan.
 - h. The NSW Police's consent and conditions for the running of the event as considered necessary.
 - i. The applicant is to provide Council with a signed and dated copy of the Event and Traffic Management Plan.
 - j. The applicant is to submit to Council all the appropriate documentation required, accepting the above terms and conditions before final approval will be granted.
 - k. All costs associated with implementing these event conditions are to be met by the event organiser.

CARRIED

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

Against: Nil.

CCL23/223 DRAFT PLANNING AGREEMENT - HOLCIM AUSTRALIA PTY LTD (ID23/1419)

The Council had before it the report dated 9 August 2023 from the Team Leader Growth Planning Projects regarding Draft Planning Agreement - HOLCIM Australia Pty Ltd.

Moved by Councillor V Etheridge 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 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, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

At this juncture the Mayor advised that there were two items with Clause Number CCL23/225. Therefore the item The Voice: Education, Information and Participation will become CCL23/225A.

CCL23/225 DUBBO REGIONAL HOUSING ROADMAP - PROGRESS REPORT (ID23/2021)

The Council had before it the report dated 9 August 2023 from the Graduate Growth Planner regarding Dubbo Regional Housing Roadmap - Progress Report.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

1. That progress in respect of the Dubbo Regional Housing Roadmap be noted.
2. That Council approach the Real Estate Institute NSW (Orana Division) to gauge their interest in undertaking joint promotion of residential development opportunities in Dubbo and Wellington, particularly in respect of secondary dwellings, residential subdivision opportunities and other initiatives.
3. That a further progress report be provided to Council in March 2024, outlining progress of the actions included in the Housing Roadmap.

CARRIED

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

Against: Nil.

CCL23/225A THE VOICE: EDUCATION, INFORMATION AND PARTICIPATION (ID23/1903)

The Council had before it the report dated 1 August 2023 from the Director Community, Culture and Places regarding The Voice: Education, Information and Participation.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

1. That the options provided for a Voice Information session be noted.
2. That Council proceed with Option 3, which includes a Panel of 4 and a Master of ceremonies, livestream, and both the Convention Centre or Dubbo Regional Theatre and Convention Centre as suitable venues as detailed on page 211 of the business papers.

CARRIED

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

Against: R Ivey.

CCL23/226 NSW LOCAL GOVERNMENT ELECTIONS 2024 - PRE POLL PERIOD (ID23/2062)

The Council had before it the report dated 17 August 2023 from the Manager Corporate Governance regarding NSW Local Government Elections 2024 - Pre Poll Period.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

1. That Council provide advice to the NSW Electoral Commission on the length of the pre-poll period for the upcoming NSW Local Government Elections 2024;
 - a. to keep the pre-poll period to the two weeks leading into the election.

CARRIED

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

Against: Nil.

CCL23/227 RECOMMENDED CHANGES TO THE AUDIT AND RISK MANAGEMENT COMMITTEE (ID23/2029)

The Council had before it the report dated 10 August 2023 from the Manager Corporate Governance regarding Recommended Changes to the Audit and Risk Management Committee.

Moved by Councillor M Wright and seconded by Councillor R Ivey

MOTION

1. That the name of the current Audit and Risk Management Committee be changed to Audit, Risk and Improvement Committee (ARIC) to align with legislation and reference material as stipulated by the Office of Local Government.
2. That the Audit, Risk and Improvement Committee Charter, as attached as Appendix 1 be adopted.
3. That the Audit, Risk and Improvement Committee Terms of Reference, as attached at Appendix 2 be adopted.
4. That expressions of interest be sought for the independent positions on Council's Audit, Risk and Improvement Committee, being the Chair and two independent Members.
5. That Council determine that the fees payable to the ARIC Independent Chair, and the two Independent Members, be increased by 10% for the next term of the Committee.

CARRIED

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

Against: Nil.

CCL23/228 2022/2023 DELIVERY PROGRAM AND OPERATIONAL PLAN - FINAL PROGRESS REPORT (ID23/2033)

The Council had before it the report dated 11 August 2023 from the Director Strategy, Partnerships and Engagement regarding 2022/2023 Delivery Program and Operational Plan -

Final Progress Report.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

That the report of the Director Strategy, Partnerships and Engagement, dated 11 August 2023, be noted.

CARRIED

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

Against: Nil.

CCL23/229 LOCAL SMALL COMMITMENTS ALLOCATION PROGRAM (ID23/2030)

The Council had before it the report dated 10 August 2023 from the Executive Officer Strategy Partnerships and Engagement regarding Local Small Commitments Allocation Program.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

- 1. That the report of the Executive Officer Strategy, Partnerships and Engagement, dated 10 August 2023, be noted.**
- 2. That the Chief Executive Officer submit the Project Details Form for the pre-determined nominated project, as outlined in the report, to the Local Small Commitments Allocation Program.**
- 3. That in the instance that information contained in the Project Details Form does not meet the eligibility and assessment criteria of the Local Small Commitment Allocation Program, a report outlining alternative projects be brought to Council for consideration.**

CARRIED

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

Against: Nil.

Councillor J Black declared a non-pecuniary, significant interest in the matter now before the Council and left the room during the Council's consideration of this matter. The reason for such interest is that Councillor J Black has been involved in participating for suggesting this project for funding.

Councillor M Wright declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor M Wright owns property and resides in Regand Park however his property does not overlook or adjoin the land referenced in the item and this will not affect his decision making on this matter.

CCL23/230 COMMENTS AND MATTERS OF URGENCY (ID23/1152)

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:

- *CCL23/231 - 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)
- *CCL23/232- Quotation for the Supply and Delivery of Two Motor Graders*
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- *CCL23/233 - Acquisition of Land Through TAFE NSW for Road Corridors Connecting Central West Precinct to Mitchell Highway*
(Section 10A(2)(a)) - is closed to the public for the following reason: personnel matters concerning particular individuals (other than Councillors)
- *CCL23/234 - Acquisition of Land from the Trustees of the Roman Catholic Church for the Diocese of Bathurst for Blueridge Link 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.
- *CCL23/235 - Proposed EOI for the sale or lease of Council-owned land at 69 Church Street and 154 Talbragar Street*
(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.
- *CCL23/236 - Proposed EOI for the sale or lease of Council-owned land at 69 Church Street and 154 Talbragar Street*
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.

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

At this juncture it was moved by Councillor M Wight and seconded by Councillor V Etheridge that the Council resolves into closed session, the time being 8.57pm.

The open session resumed at 9.21pm.

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

CCL23/231 PEOPLE CULTURE AND SAFETY QUARTERLY METRICS REPORT (ID23/2034)

The Council had before it the report dated 14 August 2023 from the Manager People Culture and Safety regarding People Culture and Safety Quarterly Metrics Report.

Moved by Councillor M Wright 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 R Ivey and seconded by Councillor M Wight

MOTION

- 1. That the information contained within the report of the Manager People Culture and Safety dated 14 August 2023, be noted.**
- 2. That all documentation in relation to this matter remain confidential to Council.**

CARRIED

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

Against: Nil.

CCL23/232 QUOTATION FOR THE SUPPLY AND DELIVERY OF TWO MOTOR GRADERS (ID23/1908)

The Council had before it the report dated 2 August 2023 from the Manager Fleet and Depot Services regarding Quotation for the Supply and Delivery of Two Motor Graders.

Moved by Councillor M Wright 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, 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 the quotation from WesTrac to supply two Caterpillar 140M Motor Graders for the purchase price of \$1,116,943.94 be approved.**

2. That plant number 282 and 284 be traded to WesTrac for \$510,000.00 resulting in a changeover cost of \$606,943.94.
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, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL23/233 ACQUISITION OF LAND THROUGH TAFE NSW FOR ROAD CORRIDORS CONNECTING CENTRAL WEST PRECINCT TO MITCHELL HIGHWAY (ID23/2031)

The Council had before it the report dated 11 August 2023 from the Manager Infrastructure Strategy and Design regarding Acquisition of Land Through TAFE NSW for Road Corridors Connecting Central West Precinct to Mitchell Highway.

Moved by Councillor M Wright 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 Council approve the acquisition of approximately 17,633 m² from Lot 11 DP 810036, as well as approximately 2,547m² from Lot 51 DP 1028071, currently owned by TAFE NSW:
 - a. by negotiation; or
 - b. by compulsory acquisition pursuant to s177 and s178 of the Roads Act 1993 (NSW) if negotiation fails
2. If resolution 1(b) applies, that Council register an acquisition plan against Lot 11 DP 810036 and Lot 51 DP 1028071.
3. 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 acquire part of Lot 11 DP 810036 and part of Lot 51 DP 1028071.
4. That any documents which may not be executed by the Chief Executive Officer under delegation be executed under the Common Seal of Council.
5. That Council delegate to the Chief Executive Officer the power to negotiate an agreement with relevant parties to acquire these road corridors through TAFE NSW land.

6. That a further report be provided to Council as to the next stage of the acquisition process.
7. That information in the body of this report remain confidential.

CARRIED

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

Against: Nil.

At this juncture time being 9.03 the Deputy Mayor Councillor Ivey assumed the chair

CCL23/234 ACQUISITION OF LAND FROM THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF BATHURST FOR BLUERIDGE LINK ROAD (ID23/2002)

The Council had before it the report dated 7 August 2023 from the Manager Property and Land Development regarding Acquisition of Land from the Trustees of the Roman Catholic Church for the Diocese of Bathurst for Blueridge Link Road.

Moved by Councillor M Wright 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 V Etheridge

RECOMMENDATION

1. That Council approve the compulsory acquisition of approximately 3,455m² from Lot 2508 on DP1093568 pursuant to s177 and s178 of the *Roads Act 1993* (NSW), and upon acquisition, classify the land as operational land.
2. That Council register an acquisition plan against Lot 2508 on DP1093568.
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 2508 on DP1093568.
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 2508 on DP1093568.
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 2508 on DP1093568.

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, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

Councillor M Dickerson declared a non-pecuniary, significant interest in the matter now before the Council and left the room during the Council's consideration of this matter. The reason for such interest is that Councillor M Dickerson sits on an advisory board for the Diocese of Bathurst.

At this juncture the Mayor returned to the room and assumed the chair time being 9.06pm

CCL23/235 PROPOSED EOI FOR THE SALE OR LEASE OF COUNCIL-OWNED LAND AT 69 CHURCH STREET AND 154 TALBRAGAR STREET (ID23/1906)

The Council had before it the report dated 1 August 2023 from the Manager Property and Land Development regarding Proposed EOI for the sale or lease of Council-owned land at 69 Church Street and 154 Talbragar Street.

Moved by Councillor M Wright 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 V Etheridge and seconded by Councillor P Wells

RECOMMENDATION

1. That Council undertakes an expression of interest process for:
 - (a) the lease of 69 Church Street, Dubbo; and
 - (b) the sale or lease of 154 Talbragar Street, Dubbo.
2. That a further report to Council be submitted outlining the results of the expression of interest process.
3. That all documentation in relation to this matter remain confidential to Council.

CARRIED

For: Councillors M Dickerson, V Etheridge, J Gough, R Ivey, P Wells and M Wright.

Against: Councillors J Black and D Mahon.

CCL23/236 WELLINGTON AERODROME AND RECREATION PARK RUNWAY AND APRON RESEAL (ID23/2022)

The Council had before it the report dated 9 August 2023 from the Manager Dubbo Regional Airport regarding Wellington Aerodrome and Recreation Park Runway and Apron Reseal.

Moved by Councillor M Wright 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 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 R Ivey

RECOMMENDATION

- 1. That Council accept the proposal from Bitupave Ltd trading as Boral Asphalt for CD23/856 and enter into a contract for Wellington Aerodrome and Recreation Park Runway and Apron reseal for the sum of \$596,619.10 inc GST.**
- 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 M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, and M Wright.

Against: Councillors J Black and P Wells.

The meeting closed at 9.26pm.

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CHAIRPERSON