



REPORT

ORDINARY COUNCIL MEETING

26 OCTOBER 2023

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

ALSO IN ATTENDANCE: The Chief Executive Officer, the Director Organisational Performance, the Manager Corporate Governance, the Governance Team Leader, the Governance Officer, the Chief Financial Officer, the Statutory Accountant, the Director Strategy, Partnerships and Engagement, the Communications Partner, the IT Infrastructure Specialist, the Corporate Strategy and Performance Coordinator, the Director Development and Environment, the Manager Growth Planning, the Senior Growth Planner, the Team Leader Growth Planning Projects, the Director Infrastructure, the Manager Strategy Water Supply and Sewerage, the Director Community, Culture and Places (Kathryn McAlister), the Manager Recreation and Open Space and the Events and Partnerships Team Leader.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.32 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 V Etheridge. The acknowledgement of country was also read by Councillor Burns.

CCL23/269 LEAVE OF ABSENCE (ID23/2340)

There were no requests for leaves of absence.

CCL23/270 CONFLICTS OF INTEREST (ID23/2339)

The following conflicts of interest were declared:

- Councillor L Burns – Pecuniary Significant in CCL23/277 (CCC23/84)
- Councillor S Chowdhury – Non Pecuniary Less than Significant in CCL23/277 (CCC23/84)
- Councillor S Chowdhury – Non Pecuniary Less than Significant in CCL23/277 (CCC23/85)
- Councillor M Dickerson – Non Pecuniary Significant in CCL23/277 (CCC23/84)
- Councillor J Gough – Pecuniary Significant in CCL23/277 (CCC23/85)
- Councillor P Wells – Non Pecuniary Less than Significant in CCL23/277 (CCC23/84)

CCL23/271 PUBLIC FORUM (ID23/2341)

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

- Ms Kerry Palmer - regarding CCL23/287 – Tree Preservation Order – Outcome of Community Consultation

CCL23/272 CONFIRMATION OF MINUTES (ID23/2346)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 28 September 2023.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 28 September 2023 comprising pages 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of the series be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

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

Against: Nil.

INFORMATION ONLY MATTERS:

CCL23/273 MAYORAL APPOINTMENTS AND MEETINGS (ID23/2465)

The Council had before it the report dated 9 October 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor R Ivey and seconded by Councillor M Wright

MOTION

That the information contained in the report be noted.

CARRIED

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

Against: Nil.

CCL23/274 STATUS OF NOTICES OF MOTION - QUARTERLY UPDATE (ID23/2466)

The Council had before it the report dated 9 October 2023 from the Manager Corporate Governance regarding Status of Notices of Motion - Quarterly Update.

Moved by Councillor R Ivey and seconded by Councillor J Gough

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.

**CCL23/275 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - SEPTEMBER 2023
(ID23/2468)**

The Council had before it the report dated 9 October 2023 from the Director Strategy, Partnerships and Engagement regarding Monthly Reporting Snapshot for Councillors - September 2023.

Moved by Councillor P Wells and seconded by Councillor J Gough

MOTION

That the information contained within the report of the Director Strategy, Partnerships and Engagement dated 9 October 2023, 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:

**CCL23/276 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT
COMMITTEE - MEETING 12 OCTOBER 2023 (ID23/2343)**

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 12 October 2023.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 12 October 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.

CCL23/277 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 12 OCTOBER 2023 (ID23/2344)

The Council had before it the report of the Culture and Community Committee meeting held 12 October 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 12 October 2023, save and except clauses CCC23/84 and CCC23/85, 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.

CCC23/84 COMMUNITY SERVICES FUND 2023/2024 - ROUND 1 - COMMUNITY BENEFIT FUNDING IN ACCORDANCE WITH SECTION 356 LOCAL GOVERNMENT ACT 1993 (ID23/2233)

The Committee had before it the report dated 7 September 2023 from the Manager Community Services regarding Community Services Fund 2023/2024 - Round 1 - Community Benefit Funding in Accordance with Section 356 Local Government Act 1993.

Moved by Councillor D Mahon and seconded by Councillor V Etheridge

RECOMMENDATION

1. That Council allocate \$101,800.99 to the community based organisations in accordance with Section 356 of The Local Government Act 1993 and notification to be sent to each recommended applicant:
 - Orana Education & Training Co Operative - \$ 993.89
 - Dubbo Legacy/Division of Orange Legacy - \$ 5,000.00
 - Orana Arts Inc - \$15,556.00
 - Boys to the Bush Ltd - \$12,800.00
 - Creative Community Concepts - \$16,000.00
 - Tubba-Gah Wiradjuri Aboriginal Corporation - \$11,220.00
 - City of Dubbo Turf Club - \$16,859.80
 - Orana Broadcasters Inc - \$ 8,716.60
 - Comobella Hall Trust - \$ 3,307.70
 - Orana Support Services - \$ 4,726.00
 - Dubbo Rivercare Group - \$ 1,856.00
 - Dubbo View Club - \$ 1,395.00
 - Western Region Academy of Sport - \$ 3,370.00
2. That all not recommended applicants be advised of Council's Grants Hub, as well as other funding opportunities and any advice to assist future applications for council financial assistance.

3. That surplus funds remaining from the 2023/2024 Round One be rolled over to 2023/2024 Round Two of the Community Services Fund.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

1. That Council allocate \$90,233.24 to the community based organisations in accordance with Section 356 of The Local Government Act 1993 and notification to be sent to each recommended applicant:
- | | |
|--|-------------|
| • Orana Education & Training Co Operative - | \$ 993.89 |
| • Dubbo Legacy/Division of Orange Legacy - | \$ 5,000.00 |
| • Orana Arts Inc - | \$15,556.00 |
| • Boys to the Bush Ltd - | \$12,800.00 |
| • Creative Community Concepts - | \$16,000.00 |
| • Tubba-Gah Wiradjuri Aboriginal Corporation - | \$11,220.00 |
| • Orana Broadcasters Inc - | \$ 8,716.60 |
| • Comobella Hall Trust - | \$ 3,307.70 |
| • Orana Support Services - | \$ 4,726.00 |
| • Dubbo Rivercare Group - | \$ 1,856.00 |
| • Dubbo View Club - | \$ 1,395.00 |
| • Western Region Academy of Sport - | \$ 3,370.00 |
2. That the application from Binjang Community Radio Incorporated, totalling \$5,292.05, be included in the Community Services Fund 2023/2024 Round 1 funding allocation.
3. That all not recommended applicants be advised of Council's Grants Hub, as well as other funding opportunities and any advice to assist future applications for council financial assistance.
4. That surplus funds remaining from the 2023/2024 Round One be rolled over to 2023/2024 Round Two of the Community Services Fund.

The amendment on being put to the meeting was carried.

CARRIED

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

CARRIED

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

Against: Nil.

Councillor R Ivey assumed the Chair of the meeting during discussion of this item.

Councillor L Burns declared a 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 L Burns sits on the board of the Tubba-Gah Wiradjuri Aboriginal Corporation.

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 is a volunteer board member of Orana Education and Training Co Operative (OEC), who have applied for funding from Council.

Councillor S Chowdhury declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor S Chowdhury was previously part of the ORISCON INC community group, but is no longer part of this group.

Councillor P Wells 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 P Wells is a volunteer member of the Tubba-Gah Corporation, but has no decision making responsibilities.

Councillor M Dickerson reassumed the Chair of the meeting.

CCC23/85 2023/2024 EVENT ASSISTANCE PROGRAM (ID23/2347)

The Committee had before it the report dated 21 September 2023 from the Events and Partnerships Team Leader regarding 2023/2024 Event Assistance Program.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

That each applicant be advised of the outcome of their application in accordance with the Financial Assistance Policy.

CARRIED

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

Against: Nil.

Councillor J Gough declared a 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 Gough owns a business which has applied/will be applying to trade at these events.

Councillor S Chowdhury declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor S Chowdhury volunteers for the Stuart Town Multicultural Festival and the Cross Cultural Carnivale events.

CCL23/278 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 12 OCTOBER 2023 (ID23/2345)

The Council had before it the report of the Corporate Services Committee meeting held 12 October 2023.

Moved by Councillor S Chowdhury and seconded by Councillor P Wells

MOTION

That the report of the Corporate Services Committee meeting held on 12 October 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.

CCL23/279 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING 3 OCTOBER 2023 (ID23/2380)

The Council had before it the report of the Audit, Risk and Improvement Committee meeting held 3 October 2023.

Moved by Councillor R Ivey and seconded by Councillor M Wright

MOTION

That the report of the Audit, Risk and Improvement Committee meeting held on 3 October 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:

CCL23/280 TREE PLANTING (ID23/2369)

Council had before it a Notice of Motion dated 27 September 2023 from Councillor S Chowdhury regarding the Tree Planting.

Moved by Councillor S Chowdhury and seconded by Councillor Wright

MOTION

That the CEO provide a report on potential community tree planting activities from existing funding.

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.

CCL23/281 CONCEPT DUBBO INDOOR AQUATIC CENTRE (ID23/2370)

Council had before it a Notice of Motion dated 27 September 2023 from Councillor S Chowdhury regarding the Concept Dubbo Indoor Aquatic Centre.

Moved by Councillor S Chowdhury and seconded by Councillor J Black

MOTION

That the CEO provide a report back to council that:

- a. includes previous architectural concept designs for indoor aquatic facilities, and**
- b. costs and associated quantity surveying for construction, operational costs and provide funding alternatives.**

CARRIED

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

Against: Councillor J Gough

The Director Organisational Performance entered the meeting at 6.04 pm.

CCL23/282 RENEWABLE ENERGY AWARENESS AND CAREER TRAINING (REACT) CENTRE (ID23/2510)

Council had before it a Notice of Motion dated 18 October 2023 from Councillor R Ivey regarding the Renewable Energy Awareness and Career Training (REACT) Centre.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

That the Chief Executive Officer produce a high level conceptual business case for a Renewable Energy Awareness and Career Training (REACT) Centre by December 2023. The proposal will have, at a minimum, the following focus areas:

- To be based in Wellington district.**
- Focused on building skills in the renewable sector as a whole.**
- Focused on building capacity in the local community to participate in the REZ delivery and maintenance.**
- Providing a tourism and public education experience that has state-wide significance and quality as the long lasting legacy for the region.**
- Opportunities for external funding.**

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.

CCL23/283 CALLING FOR ACTION TO REDUCE RATES OF CRIME IN THE DUBBO LOCAL GOVERNMENT AREA (ID23/2514)

Council had before it a Notice of Motion dated 19 October 2023 from Councillor J Black regarding the Calling for Action to Reduce Rates of Crime in the Dubbo Local Government Area.

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

- 1 That Dubbo Regional Council acknowledges that the Dubbo Regional Council LGA has levels of crime in numerous categories that are well above the NSW State average as recorded by the NSW Bureau of Crime Statistics and Research (BOCSAR), and that this is a completely unsatisfactory situation which requires immediate government action.**
- 2 That the Mayor write to relevant Federal and State Government Ministers on the following matters:**
 - a. the need to address the underlying causes of these high crime rates.**
 - b. requesting funding for Justice Reinvestment pilot projects, and other initiatives, to be implemented in the Dubbo LGA with a focus on reducing the underlying factors which lead to engagement with the criminal justice system.**
- 3 That the Mayor write to the NSW Minister for Police and Counter-terrorism on the following matters**
 - a. to request an audit of police numbers across the Dubbo LGA, and for all vacant positions that service the Dubbo LGA to be filled immediately.**
 - b. to immediately implement 24 hour policing in Wellington, which includes a 24-hour police presence (meaning on-duty police) and a 24 hour police station.**
- 4 That the CEO provide a report back to Council updating on responses 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.

REPORTS FROM STAFF:

CCL23/284 PRESENTATION OF COUNCIL'S 2022/2023 FINANCIAL STATEMENTS (ID23/2366)

The Council had before it the report dated 26 September 2023 from the Statutory Accountant regarding Presentation of Council's 2022/2023 Financial Statements. The Council were provided with a presentation by the NSW Audit Office on this item.

Moved by Councillor M Wright and seconded by Councillor L Burns

MOTION

That the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2023 be accepted by 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.

CCL23/285 APPROACH ROAD TO NEW DUBBO BRIDGE INTERSECTION - FUNDING CONSIDERATIONS (ID23/2506)

The Council had before it the report dated 17 October 2023 from the Chief Executive Officer regarding Approach Road to New Dubbo Bridge Intersection - Funding Considerations.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

That Council accepts the risk that there is the potential that Council is required to fund the signalised intersection on the new Dubbo Bridge approach road to the value of \$11 million should grant applications be unsuccessful.

CARRIED

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

Against: Councillor J Black.

CCL23/286 DRAFT BUNGLEGUMBIE ROAD DEVELOPMENT CONTROL PLAN (ID23/2373)

The Council had before it the report dated 13 October 2023 from the Senior Growth Planner regarding Draft Bunglegumbie Road Development Control Plan.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

- 1. That Council adopt the draft Bunglegumbie Road Development Control Plan (attached in Appendix 1) for the purposes of public exhibition only.**
- 2. That the draft Bunglegumbie Road 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.

**CCL23/287 TREE PRESERVATION ORDER - OUTCOME OF COMMUNITY CONSULTATION
(ID23/2384)**

The Council had before it the report dated 4 October 2023 from the Manager Recreation and Open Space regarding Tree Preservation Order - Outcome of Community Consultation.

Moved by Councillor J Black and seconded by Councillor S Chowdhury
RECOMMENDATION

1. That Council prepare a report to come back to Council outlining a proposed framework for tree management guidelines for Trees on private land to an intervention level of 8 metres or higher and also 10 metres or higher (with DBH measurements) threshold, including:
 - Administration design;
 - Compliance; and
 - Resourcing implications
2. That Council develops an education program highlighting the importance of retaining trees, increasing canopy coverage and the benefits that they provide to our urban communities.

Moved by Councillor P Wells and seconded by Councillor V Etheridge

MOTION

1. That Council prepare a report to come back to Council outlining a proposed framework for tree management guidelines for Trees on private land to an intervention level of 8 metres or higher and also 10 metres or higher (with DBH measurements) threshold, including:
 - Administration design;
 - Compliance; and
 - Resourcing implications
2. That Council develops an education program highlighting the importance of retaining trees, increasing canopy coverage and the benefits that they provide to our urban communities.
3. That Council undertake a statistically valid survey to understand community attitude towards a Tree Preservation Order and that it be funded from the Tree Management Budget.

The amendment on being put to the meeting was carried.

CARRIED

For: Councillors L Burns, M Dickerson, V Etheridge, P Wells and M Wright.

Against: Councillors J Black, S Chowdhury, J Gough, R Ivey and D Mahon.

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

CARRIED

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

Against: Councillor Ivey

CCL23/288 DISCLOSURE OF INTEREST RETURNS (ID23/2490)

The Council had before it the report dated 13 October 2023 from the Manager Corporate Governance regarding Disclosure of Interest Returns.

Moved by Councillor S Chowdhury and seconded by Councillor D Mahon

MOTION

1. That the information in the report of the Manager Corporate Governance dated 13 October 2023, be noted.
2. That the tabling of the Disclosure of Interest Returns, as detailed in the report, be noted.
3. That it be noted that as there were no failures to lodge Disclosure of Interest Returns for the return period, no advice is required to be provided to the Office of Local Government in this matter.
4. That the lodged Disclosure of Interest Returns for Councillors and Designated Persons be placed on Council's website no later than 30 November 2023, noting that some private information will be redacted prior to publishing online.

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.

CCL23/289 ANNUAL REPORT ON COMPLAINT STATISTICS UNDER COUNCIL'S CODE OF CONDUCT - SEPTEMBER 2022 TO AUGUST 2023 (ID23/2485)

The Council had before it the report dated 11 October 2023 from the Manager Corporate Governance regarding Annual Report on Complaint Statistics Under Council's Code of Conduct - September 2022 to August 2023.

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

1. That the information contained within the report of the Manager Corporate Governance, dated 11 October 2023, be noted.
2. That quarterly Code of Conduct complaint reporting periods be amended as per the details contained within this report.

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.

CCL23/290 AMENDMENT TO COUNCIL POLICY - PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING (ID23/2170)

The Council had before it the report dated 3 October 2023 from the Manager Corporate Governance regarding Amendment to Council Policy - Public Interest Disclosures and Internal Reporting.

Moved by Councillor D Mahon and seconded by Councillor V Etheridge

MOTION

That the amendments to the Public Interest Disclosures and Internal Reporting Policy attached at 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.

CCL23/291 REVIEW OF COUNCIL COMMUNITY COMMITTEES (ID22/2626)

The Council had before it the report dated 13 October 2023 from the Manager Corporate Governance regarding Review of Council Community Committees.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge.

MOTION

- 1. That Council maintain the existing committees until the end of the Council term.**
- 2. That the findings of the service review be considered by the new council following election in September 2024.**
- 3. That each community committee hold a workshop with members to improve effectiveness and propose relevant changes to the terms of reference to enable better community engagement outcomes.**

The amendment on being put to the meeting was carried.

CARRIED

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

CARRIED

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

Against: Nil.

CCL23/292 COMMENTS AND MATTERS OF URGENCY (ID23/2342)

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:

- *CCL23/293 – Dubbo Advanced Wastewater Treatment Plant Proposal* (Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- *CCL23/294 – Annual Urban and Rural Bitumen Sealing Program – Quotation Approval* (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.
- *CCL23/295 – River Street West Stage 1 – Pre-Cast Stormwater Pipes* (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.
- *CCL23/296 – Wheelers Lane Dubbo stage 2 – Asphalt Tender Approval* (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.
- *CCL23/297 – Tender for the Resurfacing of Barden Park Athletic Track* (Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- *CCL23/298 – Strategic Plan for Acquisition of the Former Dubbo City Bowling Club Site* (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.
- *CCL23/299 – Compulsory Acquisition of Easements for the Huckel/Macquarie Street Sewerage and Stormwater Upgrade Works* (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.
- *CCL23/300 – Proposed Sale of, and Creation of Easement Over, Lot 131 on DP1277458* (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.
- *CCL23/301 – Appointments to the Audit, Risk and Improvement Committee* (Section 10A(2)(a)) - personnel matters concerning particular individuals (other than Councillors).

- *CCL23/302 – Amended Compulsory acquisition of Crown Land for Public Road – Upgrade of Goolma Road and Twelve Mile Road Intersection (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.*

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 7.50 pm.

The open session resumed at 8.28 pm.

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

CCL23/293 DUBBO ADVANCED WASTEWATER TREATMENT PLANT PROPOSAL (ID23/2486)

The Council had before it the report dated 11 October 2023 from the Manager Strategy Water Supply and Sewerage regarding Dubbo Advanced Wastewater Treatment Plant Proposal.

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, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)).

CARRIED

Moved by Councillor L Burns and seconded by Councillor V Etheridge

MOTION

- 1. That it be noted that Council's existing strategies have considered the benefits and constraints as to how recycled water, when treated to a higher standard than currently delivered at the Dubbo Sewerage Treatment Plant (STP), can be utilised in times of water scarcity for purposes such as industrial potable water replacement and the irrigation of recreational assets that are located along the Macquarie-Wambuil River foreshores of Dubbo's urban area.**
- 2. That Council proceed with a Public Private Partnership (PPP) with the private entity identified within the report to deliver a higher level of effluent treatment capability at the Dubbo Sewerage Treatment Plant (STP) in line with Council's strategic plans described above and that the CEO be authorised to submit the proposal to the Office of Local Government for consideration.**

3. That at this initial assessment stage, the dimensions of the project and its outcomes should be costed based on expectations about responsibilities, risk management and anticipated or preferred sources of funding. The January 2022 Public Private Partnerships Guidelines (PPP Guidelines) stipulate that it is vital at this early stage that Council determine what the project will deliver so that it can make a clear and unambiguous resolution to that effect. It is expected that at this stage, Council will have before it the material it is intending to submit to the Office of Local Government for assessment under the PPP Guidelines.

CARRIED

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

Against: Nil.

Councillor S Chowdhury left the room, the time being 7.52 pm and was absent for this item.

CCL23/294 ANNUAL URBAN AND RURAL BITUMEN SEALING PROGRAM – QUOTATION APPROVAL (ID23/2457)

The Council had before it the report dated 5 October 2023 from the Manager Infrastructure Delivery regarding Annual Urban and Rural Bitumen Sealing Program – Quotation Approval.

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 L Burns

MOTION

1. That the contract for the 'Annual Urban and Rural Bitumen Resealing Program' be awarded to 'Countrywide Asphalt and Civil' in accordance with Local Government Act 1993 Section 55 (3) for the amount of \$1,353,649 (incl 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, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

CCL23/295 RIVER STREET WEST STAGE 1 - PRE-CAST STORMWATER PIPES (ID23/2487)

The Council had before it the report dated 11 October 2023 from the Project Engineer regarding River Street West Stage 1 - Pre-cast Stormwater Pipes.

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 V Etheridge and seconded by Councillor M Wright

MOTION

- 1. That the contract for River Street West Stage 1 – Pre-cast Stormwater Products be awarded to Holcim (Australia) Pty Ltd in accordance with Local Government Act 1993 Section 55 (3) for the amount of \$644,047.23 (incl 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, M Dickerson, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil.

Councillor S Chowdhury returned to the room, the time being 7.55 pm.

CCL23/296 WHEELERS LANE DUBBO STAGE 2 - ASPHALT TENDER APPROVAL (ID23/2410)

The Council had before it the report dated 4 October 2023 from the Project Engineer regarding Wheelers Lane Dubbo Stage 2 - Asphalt Tender Approval.

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 V Etheridge

MOTION

1. That the contract for the construction of asphalt deep lift road pavement for Wheelers Lane stage 2 be awarded to Bitupave Ltd T/A Boral Asphalt in accordance with Local Government Act 1993 Section 55 (3) for the amount of \$2,023,262 (excl 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.

**CCL23/297 TENDER FOR THE RESURFACING OF BARDEN PARK ATHLETIC TRACK
(ID23/2386)**

The Council had before it the report dated 3 October 2023 from the Sporting Asset Coordinator regarding Tender for the Resurfacing of Barden Park Athletic Track.

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, 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 L Burns

MOTION

1. That the tender received for the resurfacing of the Barden Park Track be noted.
2. That Dubbo Regional Council engage Polytan Asia Pacific Pty Ltd for the resurfacing of Barden Park Athletics for the amount of \$1,236,496.27 including GST (\$1,112,846.67 ex gst).
3. That Council delegate the Chief Executive Officer to approve variations to the contract relating to the tender subject to budget limitations in relation to any change of scope of the works.
4. That all documents 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.

CCL23/298 STRATEGIC PLAN FOR ACQUISITION OF THE FORMER DUBBO CITY BOWLING CLUB SITE (ID23/2375)

The Council had before it the report dated 29 September 2023 from the Director Organisational Performance regarding Strategic Plan for Acquisition of the Former Dubbo City Bowling Club Site.

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 V Etheridge

MOTION

1. That the CEO be authorised to enter into negotiations with the Dubbo RSL Memorial Club to purchase the former Dubbo city bowling club site.
2. That a subsequent report be brought to council with the outcome of the negotiations
3. That the information contained within this report remain confidential to the council.

CARRIED

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

Against: Councillors M Dickerson and P Wells.

CCL23/299 COMPULSORY ACQUISITION OF EASEMENTS FOR THE HUCKEL/MACQUARIE

STREET SEWERAGE AND STORMWATER UPGRADE WORKS (ID23/2469)

The Council had before it the report dated 10 October 2023 from the Manager Property and Land Development regarding Compulsory Acquisition of Easements for the Huckel/Macquarie Street Sewerage and Stormwater Upgrade 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 D Mahon and seconded by Councillor V Etheridge

MOTION

1. That Council approve and proceed with the compulsory acquisition of easements for the purposes, and for the areas, as detailed in this report, over the following properties:
 - (a) Lot 6 on DP1237318;
 - (b) Lot 334 on DP659254;
 - (c) Lot 11 on DP1246403;
 - (d) Lot W on DP395875; and
 - (e) Lot X on DP395875.
2. That the compulsory acquisition of easements over the properties noted in resolution no. 1 (above) are acquired:
 - (a) pursuant to s186(1) of the *Local Government Act 1993*; and
 - (b) in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*, and upon acquisition, that Council's interests are classified as operational in accordance with Chapter 6, Part 2 of the *Local Government Act 1993*.
3. That Council register an acquisition plan against the properties noted in resolution no. 1 (above).
4. 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* for Council to compulsorily acquire easements over the properties noted in resolution no. 1 (above).
5. 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* for Council to compulsorily acquire easements over the properties noted in resolution no. 1 (above).
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 the easements over the properties noted in resolution no. 1 (above).
7. That any documents which may not be executed by the Chief Executive Officer under

delegation be executed under the Common Seal of Council.

8. 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.

CCL23/300 PROPOSED SALE OF, AND CREATION OF EASEMENT OVER, LOT 131 ON DP1277458 (ID23/2488)

The Council had before it the report dated 11 October 2023 from the Manager Property and Land Development regarding Proposed Sale of, and Creation of Easement Over, Lot 131 on DP1277458.

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 S Chowdhury

MOTION

1. That Council agree to the sale of Lot 131 on DP1277458 to the parties, and on the terms, as detailed in this report.
2. That if a contract for the sale of Lot 131 on DP1277458:
 - (a) is not exchanged by 31 December 2023; or
 - (b) is rescinded or terminated,then Council agrees to undertake an expression of interest for the sale of Lot 131 on DP1277458.
3. That Council agree to grant an easement to protect Telstra infrastructure located within Lot 131 on DP1277458, with such easement to burden the title to Lot 131 on DP1277458.
4. That Council delegate to the Chief Executive Officer the power to negotiate, finalise and execute any documents relating to:
 - (a) an agreement for the sale of Lot 131 on DP1277458, including any contractual documentation, provided that the terms of the contract are in accordance with Council's resolution to this report;
 - (b) any easement over Lot 131 on DP1277458; and
 - (c) any NSW Land Registry Service documentation relating to resolution no. 3(a) and 3(b).
5. That any documents which may not be executed by the Chief Executive Officer under delegation be executed under the Common Seal of Council.
6. 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.

**CCL23/301 APPOINTMENTS TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE
(ID23/2484)**

The Council had before it the report dated 11 October 2023 from the Manager Corporate Governance regarding Appointments to the Audit, Risk and Improvement Committee.

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 V Etheridge and seconded by Councillor S Chowdhury

RECOMMENDATION

1. That Council proceed to interview the five applicants that submitted Expressions of Interest to be Independent Representatives on the Audit, Risk and Improvement Committee.
2. That the interview panel members be the Mayor, Deputy Mayor, Chief Executive Officer and Councillor S Chowdhury.
3. That Council delegate authority to the interview panel members to appoint the Chairperson and Independent Representatives, following the interview process.
4. That the information contained within this report remain confidential to the Council.

Moved by Councillor J Black and seconded by Councillor L Burns

MOTION

1. **That Council proceed to interview the five applicants that submitted Expressions of Interest to be Independent Representatives on the Audit, Risk and Improvement Committee.**
2. **That the interview panel members be the Mayor, Deputy Mayor, Chief Executive Officer and Councillor S Chowdhury.**
3. **That the independent interview panel make a recommendation to Council of the independent panel members.**
4. **That the information contained within this report remain confidential to the Council.**

The amendment on being put to the meeting was carried.

CARRIED

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

CARRIED

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

Against: Nil.

CCL23/302 AMENDED COMPULSORY ACQUISITION OF CROWN LAND FOR PUBLIC ROAD - UPGRADE OF GOOLMA ROAD AND TWELVE MILE ROAD INTERSECTION (ID23/2483)

The Council had before it the report dated 11 October 2023 from the Property Development Officer regarding Amended Compulsory Acquisition of Crown Land for Public Road - Upgrade of Goolma Road and Twelve Mile Road Intersection.

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 M Wright

MOTION

1. That Council approve the new Plan of Acquisition DP1299112 noted within this report.
2. 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.
3. 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 DP1299112 for the purposes of public road.
4. 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 DP1299112.
5. 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 1299112.
6. That upon acquisition, Lot 11, Lot 12 and Lot 13 in registered acquisition plan 1299112 be classified as operational land in conformity with the *Local Government Act 1993 (NSW)*.

7. That Council execute the Deed of Variation to the Head Licence with Department of Community and Justice, Corrective Services NSW noted within the report, under the Common Seal of Council.
8. That Council execute the Deed of Assignment and Variation to the Sub-Licence with UWF Nominees (A.C.N. 660 499 221) noted within this report, under Common Seal of Council.
9. 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 1299112.
10. 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.

The meeting closed at 8.38 pm.

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CHAIRPERSON