



REPORT COMMITTEE OF THE WHOLE COUNCIL 4 NOVEMBER 2019

PRESENT: Councillors J Diffey, V Etheridge, D Grant, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Manager Governance Operations, the Administration Officer Governance, the Community Support Officer, the Manager Corporate Image and Communications and the Communications Partner,

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 6.38pm .

**CW19/21 MODIFICATIONS TO THE WASTE MANAGEMENT SERVICE CONTRACT
(ID19/1435)**

The Committee had before it the report dated 16 October 2019 from the Manager Resource Recovery and Efficiency regarding Modifications to the Waste Management Service Contract.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

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

CARRIED

Moved by Councillor V Etheridge and seconded by Councillor G Mohr

MOTION

The Committee recommends that Council adopt the following Waste Contract modifications that have been agreed to by JR Richards and Sons as follows:

- In lieu of rolling out new recycling bins to residents of the former Dubbo Council area, Council accepts the new service charge proposed by JR Richards and Sons that allows for the maintenance and replacement of the older bins.
- At the end of the waste contract in June 2028, the bulk bins and roll on-roll off bins purchased by Council for use at the various transfer stations during the term of the Waste Contract, will remain the property of Council.

CARRIED

CW19/22 LONG TERM LEASE OF THE DUBBO CITY HOLIDAY PARK (ID19/1405)

The Committee had before it the report dated 8 October 2019 from the Manager Regional Experiences regarding Long Term Lease of the Dubbo City Holiday Park.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

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

CARRIED

Moved by Councillor G Mohr and seconded by Councillor V Etheridge

MOTION

The Committee recommends:

1. That in accordance with Section 178 of the Local Government (General) Regulation 2005, Council decline to accept any tenders.
2. That the Chief Executive Officer be authorised to commence negotiations with the Australian Tourist Park Management trading as NRMA Parks and Resorts for the long term lease of the Dubbo City Holiday Park and any documentation be executed under Power of Attorney.
3. That the current contract of Management for the Dubbo City Holiday Park be extended to March 2020.
4. That a report be presented to Council in February 2020 with recommendations for a new long term lease for the Dubbo City Holiday Park.
5. That the documents and considerations in regard to this matter remain confidential to Council.

CARRIED

**CW19/23 SALE OF COUNCIL OWNED PROPERTY AT 15 DEPOT ROAD - LOT 52 DP 857537
(ID19/1460)**

The Committee had before it the report dated 23 October 2019 from the Manager Property Assets regarding Sale of Council Owned Property at 15 Depot Road - Lot 52 DP 857537.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

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

Moved by Councillor V Etheridge and seconded by Councillor S Lawrence

MOTION

The Committee recommends:

1. That 15 Depot Road Dubbo be offered for sale by public auction in December 2019.
2. That a four week marketing campaign be undertaken in the lead up to the property auction.
3. That a further report be presented to Council, following the obtaining of an independent valuation report and prior to the auction date, to enable the adoption of the reserve price for the auction of 15 Depot Road Dubbo.
4. That all documentation in relation to this matter be executed under Power of Attorney.
5. That the documents and considerations in regard to this matter remain confidential to Council

Moved by Councillor G Mohr and seconded by Councillor J Ryan

AMENDMENT

The Committee recommends:

1. **That 15 Depot Road Dubbo be offered for sale by public auction in December 2019.**
2. **That a four week marketing campaign be undertaken in the lead up to the property auction.**
3. **That the Chief Executive Officer be authorised to set a reserve price for the auction based on an independent valuation report being obtained prior to the auction date for 15 Depot Road Dubbo**
4. **That all documentation in relation to this matter be executed under Power of Attorney.**
5. **That the documents and considerations in regard to this matter remain confidential to 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

CW19/24 CODE OF CONDUCT MATTER

The Committee had before it the report dated 22 October 2019 from the Internal Ombudsman regarding Code of Conduct Matter.

Moved by Councillor G Mohr and seconded by Councillor D Grant

MOTION

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

CARRIED

Moved by Councillor A Jones and seconded by Councillor G Mohr

MOTION

That the Committee recommends that recommendations 1, 2, 3, 4 and 5 of the Internal Ombudsman's Investigation report be adopted.

CARRIED

Councillor S Lawrence declared a non-pecuniary, significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor S Lawrence has a personal connection to the subject matter of the conduct into the making of the complaint.

Councillor J Diffey declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that the matter could have affected Councillor Diffey's employment with NSW Parliament.

Councillor B Shields declared a non-pecuniary, less than significant interest in the matter now before the Committee and left the room and was out of sight during the Committee's consideration of this matter. The reason for such interest is that Councillor B Shields is named in the report.

As the Mayor and Deputy Mayor have left the meeting, Committee was required to elect a chairperson for the consideration of this matter. The election of the chairperson was performed by the Chief Executive Officer.

Councillor G Mohr nominated by Councillor J Ryan and seconded by Councillor V Etheridge.
Councillor G Mohr accepted the nomination.

As no other nominations were received Councillor G Mohr was elected unopposed
Councillor G Mohr assumed Chairmanship of the meeting for consideration of this matter.

The meeting closed at 7.04pm.

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CHAIRMAN