



REPORT ORDINARY COUNCIL MEETING 21 MARCH 2024

PRESENT: Councillors J Black, L Burns, S Chowdhury, M Dickerson , 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 Officers, the Executive Assistant CEO, the Manager Commercial Strategy, the Director Strategy, Partnerships and Engagement, the IT Infrastructure Specialist, the IT Support Officer, the Communications Partner, the IT Operations Coordinator, the Director Development and Environment, the Manager Building and Development Services, the Manager Growth Planning, the Manager Environmental Compliance, the Director Infrastructure, the Manager Major Projects, the Director Community, Culture and Places, the Manager Regional Events and the Manager Regional Experiences.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5:30pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor J Gough. The Acknowledgement of Country was also read by Councillor L Burns.

CCL24/37 LEAVE OF ABSENCE (ID24/53)

A request for Leave of Absence was received from Councillor V Etheridge who was absent from the meeting due to personal reasons.

Moved by Councillor J Black and seconded by Councillor D Mahon

MOTION

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

CARRIED

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

Against: Nil

CCL24/38 CONFLICTS OF INTEREST (ID24/54)

The following Conflicts of Interest were declared:

- Councillor J Gough - non-pecuniary, less than significant interest in CCC24/3
- Councillor S Chowdhury – non-pecuniary, less than significant interest in CCC24/3
- Councillor J Gough – pecuniary, significant interest in CCC24/61

CCL24/39 PUBLIC FORUM (ID24/55)

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

- Andrew Peadon (Dubbo Stock and Station Agents) regarding item CCL24/71 - Dubbo Regional Livestock Markets Business Structure Service Review.
- Di Clifford regarding item CCC24/3 - Dream Festival 2023 And Beyond.

CCL24/40 CONFIRMATION OF MINUTES (ID24/419)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 15 February 2023.

Moved by Councillor M Wright and seconded by Councillor J Gough

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 15 February 2024 comprising pages 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 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, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

INFORMATION ONLY MATTERS:

CCL24/41 MAYORAL APPOINTMENTS AND MEETINGS (ID24/386)

The Council had before it the report dated 22 February 2024 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury

MOTION

That the information contained within the report be noted.

CARRIED

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

Against: Nil

CCL24/42 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - FEBRUARY 2024 (ID23/2978)

The Council had before it the report dated 4 March 2024 from the Corporate Strategy Performance Coordinator regarding Monthly Reporting Snapshot for Councillors - February 2024.

Moved by Councillor M Wright and seconded by Councillor L Burns

MOTION

That the information contained within the report of the Corporate Strategy and Performance Coordinator, dated 4 March 2024, be noted.

CARRIED

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

Against: Nil

CCL24/43 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - FEBRUARY 2024 (ID24/411)

The Council had before it the report dated 8 March 2024 from the Revenue Accountant regarding Investment Under Section 625 of the Local Government Act - February 2024.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

That the information contained within the Investment under Section 625 of the Local Government Act Report, dated 8 March 2024, be noted.

CARRIED

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

Against: Nil

MATTERS CONSIDERED BY COMMITTEES:

CCL24/44 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 7 MARCH 2024 (ID24/503)

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 7 March 2024.

Moved by Councillor M Wright and seconded by Councillor L Wells

MOTION

That the report of the Infrastructure. Planning and Environment Committee meeting held on 7 March 2024 be adopted, save and except item IPEC24/11 with such item to be deferred to and dealt with in the confidential session of the Council meeting.

CARRIED

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

Against: Nil

CCL24/45 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 7 MARCH 2024 (ID24/504)

The Council had before it the report of the Culture and Community Committee meeting held 7 March 2024.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

That the report of the Culture and Community Committee meeting held on 7 March 2024 be adopted, save and except items CCC24/3 and CCC24/13 with such items to be dealt with separately, and CCC24/16 with such item to be deferred to and dealt with in the confidential session of the Council meeting.

CARRIED

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

Against: Nil

CCC24/3 DREAM FESTIVAL 2023 AND BEYOND (ID24/214)

The Council had before it the report dated 2 February 2024 from the Events and Partnerships Team Leader regarding DREAM Festival 2023 and Beyond.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

1. That the Chief Executive Officer facilitate an Expression of Interest (EOI) process to determine a community group or other body to deliver the DREAM festival.
2. That Council provide funding support a maximum of \$40,000, to the community group or body for the organisation, planning and delivery of the DREAM festival based on Council's procurement practice and appropriate funding conditions set by Council.
3. That Council provide event support in line with standard practices, in addition to the \$40,000 funding.

Moved by Councillor S Chowdhury and seconded by Councillor J Black

AMENDMENT

1. **That the Chief Executive Officer facilitate an Expression of Interest (EOI) process to determine a community group or other body to deliver the DREAM festival.**
2. **That Council provide funding support of \$40,000, to the community group or body for the organisation, planning and delivery of the DREAM festival based on Council's procurement practice and appropriate funding conditions set by Council.**
3. **That Council provide event support in line with standard practices, in addition to the \$40,000 funding.**

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

Against: Councillor L Burns

Councillor J Gough 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 Gough owns a business that is involved with the DREAM Festival.

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 Chowdhury is a volunteer for the Cross Cultural Carnival and Multicultural event in Wellington.

**CCC24/13 PROGRESS TOWARD A COMMUNITY SAFETY AND CRIME PREVENTION PLAN
(ID24/259)**

The Council had before it the report dated 10 February 2024 from the Director Community, Culture and Places regarding Progress Toward a Community Safety and Crime Prevention Plan.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

- 1. That the progress report provided by Director Community, Culture and Places be noted.**
- 2. That it be noted that the Community Safety Plan will encompass 'Crime Prevention Priorities' and associated action plans.**
- 3. That the Chief Executive Officer develop a 'Youth Strategy' in collaboration with the Youth Council and other key stakeholders.**

CARRIED

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

Against: Nil.

CCL24/46 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 7 MARCH 2024 (ID24/505)

The Council had before it the report of the Corporate Services Committee meeting held 7 March 2024.

Moved by Councillor S Chowdhury and seconded by Councillor D Mahon

MOTION

That the report of the Corporate Services Committee meeting held on 7 March 2024, be adopted, save and except item CSC24/7 with such item to be deferred to and dealt with in the Confidential Session of the Council meeting.

CARRIED

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

Against: Nil

CCL24/47 REPORT OF THE WELLINGTON TOWN COMMITTEE - MEETING 26 FEBRUARY 2024 (ID24/474)

The Council had before it the report of the Wellington Town Committee meeting held 26 February 2024.

Moved by Councillor R Ivey and seconded by Councillor D Mahon

ALTERNATIVE MOTION

- 1. That the report of the Wellington Town Committee meeting held on 26 February 2024, be adopted.**
- 2. That during the next quarterly budget review, Council give consideration to the reallocation of \$5,000 funding, currently allocated to the Rhino Renewal Project, to the Sunken Garden Project.**

CARRIED

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

Against: Nil

CCL24/48 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING 4 MARCH 2024 (ID24/468)

The Council had before it the report of the Audit, Risk and Improvement Committee meeting held 4 March 2024.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

That the report of the Audit, Risk and Improvement Committee meeting held on 4 March 2024, be adopted.

CARRIED

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

Against: Nil

CCL24/49 REPORT OF THE DUBBO REGIONAL LIVESTOCK MARKETS ADVISORY COMMITTEE - MEETING 5 MARCH 2024 (ID24/502)

The Council had before it the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held 5 March 2024.

Moved by Councillor J Gough and seconded by Councillor L Burns

MOTION

That the report of the Dubbo Regional Livestock Markets Advisory Committee meeting held on 5 March 2024, be adopted.

CARRIED

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

Against: Nil

NOTICES OF MOTION:

CCL24/50 NARROMINE NARWONAH WASTE-TO-ENERGY PLANT UPDATE (ID24/494)

The Council had before it a Notice of Motion dated 11 March 2024 from Councillor J Black regarding the Narromine Narwonah Waste-To-Energy Plant Update.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

1. That the Chief Executive Officer bring a report to the May 2024 Ordinary Council meeting detailing where the Narromine Narwonah Waste-to-Energy Plant proposal is currently up to with applications and approvals.
2. That report provides details about the project and its alignment to EPA Policy settings, and any potential impacts on the Dubbo LGA.

The motion on being put to the meeting was lost.

LOST

For: Councillors J Black and L Burns.

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

CCL24/51 WIRADJURI TOURISM CENTRE FUNDING PROPOSAL (ID24/492)

The Council had before it a Notice of Motion dated 11 March 2024 from Councillor J Black regarding the Wiradjuri Tourism Centre Funding Proposal.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

1. That it be noted that the Create NSW grant contributing \$5 million to the construction of the Wiradjuri Tourism Centre must be spent by June 2026.
2. That it be noted that the estimate for ongoing operational expense is \$400,000 per annum as a starting point and this figure does not include depreciation which impacts on Council's financial sustainability.
3. That Council withdraw its application to the Growing Regions Round One which requires a 50|50 funding arrangement meaning a \$2.2 million payment by Dubbo Regional Council which is proposed to be funded via an internal loan.
4. That the Chief Executive Officer work with Aboriginal organisations to establish a First Nations led operating model for the Wiradjuri Tourism facility.
5. That it be noted that a First Nations led application would be able to apply for future rounds of the Growing Regions Fund that would be based on a 90% Australian Government and 10% 'other' financial contribution.
6. That it be noted that the Create NSW grant could be considered as the 10% contribution in the above First Nations led operating model negating the need for Council capital investment of \$2.2 million plus a presently unknown amount in forgone

interest from an internal loan and that the project would focus on spending the Create NSW funding first as a priority within project expenditure phasing.

7. That Council prepares an Expression of Interest application for Round 2 of the Growing Regions Program when it opens, to fund up to 90% of the Wiradjuri Tourism Centre, utilising the Create NSW funds as Councils match funding contribution.

The motion on being put to the meeting was lost.

LOST

For: Councillor J Black.

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

REPORTS FROM STAFF:

At this juncture, Councillor L Burns left the meeting, the time being 6:59pm.

CCL24/52 PROPOSED BUS ZONE - SWIFT STREET, WELLINGTON (ID24/501)

The Council had before it the report dated 12 March 2024 from the Senior Traffic Engineer regarding Proposed Bus Zone - Swift Street, Wellington.

Moved by Councillor Ivey and seconded by Councillor J Gough

MOTION

That Council approval be granted for the implementation of two bus zones in Swift Street Wellington (refer to Appendix 1) and time restricted from 6 am to 7 pm, Monday to Friday, in accordance with Council's plan TM 7611.

CARRIED

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

Against: Nil

Absent: *Councillor L Burns*

CCL24/53 PROPOSED 'KEEP CLEAR' ZONE - POLICE STATION - BRISBANE STREET DUBBO (ID24/500)

The Council had before it the report dated 12 March 2024 from the Senior Traffic Engineer regarding Proposed 'Keep Clear' Zone - Police Station - Brisbane Street Dubbo.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

That Council approval be granted for the installation of 'Keep Clear' road markings to the north and south-bound carriageways of Brisbane Street, Dubbo in accordance with Council's Plan TM 7610.

CARRIED

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

Against: Nil

Absent: *Councillor L Burns*

CCL24/54 PROPOSED BUS ZONE RELOCATION - BOUNDARY ROAD, DUBBO (ID24/498)

The Council had before it the report dated 12 March 2024 from the Senior Traffic Engineer regarding Proposed Bus Zone Relocation - Boundary Road, Dubbo.

Moved by Councillor J Black and seconded by Councillor P Wells

Councillor L Burns returned to the meeting, the time being 7:00pm

MOTION

That the existing bus zone in Boundary Road Dubbo, immediately west of the Jubilee Street intersection and adjacent the medical centre, be relocated west to the eastern side of the South Dubbo Tavern driveway with two carparking spaces reinstated to the vacated bus zone site.

CARRIED

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

Against: Nil

CCL24/55 PROPOSED PART TIME TAXI ZONE REINSTALMENT - TALBRAGAR STREET, DUBBO (ID24/497)

The Council had before it the report dated 12 March 2024 from the Senior Traffic Engineer regarding Proposed Part Time Taxi Zone Reinstalment - Talbragar Street, Dubbo.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

That the part time taxi zone in Talbragar Street, Dubbo, previously approved to provide late night taxi services to the Castlereagh Hotel outside of bus zone times and removed under the 16 Regional Cities Services Improvement Program in 2023, be reinstated and time restricted from 10 pm to 5 am.

CARRIED

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

Against: Nil

CCL24/56 2024 WELLINGTON BOOT - TRAFFIC MANAGEMENT FOR BUSHRANGERS CREEK ROAD WELLINGTON (ID24/499)

The Council had before it the report dated 12 March 2024 from the Senior Traffic Engineer regarding 2024 Wellington Boot - Traffic Management for Bushrangers Creek Road Wellington.

Moved by Councillor J Gough and seconded by Councillor R Ivey

MOTION

That Council approval be granted to the Wellington Race Club to implement the Traffic Management MTM - The Wellington Boot Event - Bushrangers Creek Road (Appendix 1) to facilitate the traffic and pedestrian environment for the event to be held in the Wellington Racecourse on Sunday, 14 April 2024 subject to conditions of Dubbo Regional Council:

- a. **The Traffic Management will be implemented on Sunday, 14 April 2024 between 7 am to 6 pm.**
- b. **The submission of a Traffic Management Plan and Traffic Control Plan to Council prior to the event date. All traffic control measures contained in the Plan are to be in accordance with the Australian Standard (AS 1742.3:2019) and TfNSW's 'Guide to Traffic Control at Worksites and approved by an accredited person. Traffic Control Plan MTM - The Wellington Boot Event - Bushrangers Creek Road is to be implemented for the event.**
- c. **The organiser is to provide Council's relevant appointed officer with a copy of the Public Liability Insurance Policy for the amount of at least \$20 million. Such policy is to note that Council, Transport for NSW (TfNSW) and the NSW Police are indemnified against any possible action as a result of the event.**
- d. **The implementation of the traffic management and traffic control is to be undertaken**

by an accredited traffic control company with personnel required to have current TfNSW certification.

- e. The applicant is responsible for all traffic control required for the event in accordance with the approved Traffic Control Plan.
- f. Parking along each side of the Bushrangers Creek Road is to be prohibited with the exception of designated areas for bus and/or taxi set down and pick up activity.
- g. The applicant is to provide Council with a formal letter of acceptance of the conditions prior to final approval.
- h. All costs associated with implementing the event are to be met by the event organiser.

CARRIED

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

Against: Nil

CCL24/57 PROPOSED ON STREET PARKING MANAGEMENT - NORTH STREET, DUBBO - ST PIUS PRIMARY SCHOOL (ID24/496)

The Council had before it the report dated 12 March 2024 from the Senior Traffic Engineer regarding Proposed On Street Parking Management - North Street, Dubbo - St Pius Primary School.

Moved by Councillor D Mahon and seconded by Councillor P Wells

MOTION

That Council approval be granted for the implementation of the proposed on-street parking management in North Street, Dubbo, adjacent to St Pius Primary School incorporating a relocation of the disabled car parking spaces, extended no parking zone, for set down and pick up activities, and relocation of the school time restricted bus zone in accordance with Council's Plan 7612 (Appendix 2).

CARRIED

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

Against: Nil

CCL24/58 DRAFT FOREST GLEN SOLAR FARM PLANNING AGREEMENT - RESULTS OF PUBLIC EXHIBITION (ID24/233)

The Council had before it the report dated 5 March 2024 from the Team Leader Growth Planning Projects regarding Draft Forest Glen Solar Farm Planning Agreement - Results of Public Exhibition.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

- 1. That Council enter into a Planning Agreement (attached in Appendix 1) with X-Elio Roma Hub Solar Farm Pty Ltd or an associated entity of the same.**
- 2. That Council execute the Planning Agreement by affixing the Common Seal.**

CARRIED

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

Against: Nil

CCL24/59 DRAFT BUNGLEGUMBIE ROAD DEVELOPMENT CONTROL PLAN - RESULTS OF PUBLIC EXHIBITION (ID23/2765)

The Council had before it the report dated 7 March 2024 from the Senior Growth Planner regarding Draft Bunglegumbie Road Development Control Plan - Results of Public Exhibition.

Moved by Councillor M Wright and seconded by Councillor L Burns

MOTION

- 1. That Council adopt the amended draft Bunglegumbie Road Development Control Plan (attached in Appendix 1) and that it come into effect on 25 March 2024.**
- 2. That Council note the submissions received during the public exhibition period (attached in Appendix 2).**

CARRIED

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

Against: Nil

**CCL24/60 DEVELOPMENT APPLICATION D23-260 - COMMERCIAL DEVELOPMENT
LOT 10 DP 1075057, 99-103 MACQUARIE STREET DUBBO
APPLICANT: ICANSO PTY LTD
OWNER: ICANSO PTY LTD AND GH DUBBO PTY LTD (ID24/190)**

The Council had before it the report dated 7 March 2024 from the Senior Planner regarding Development Application D23-260 – Commercial Development Lot 10 DP 1075057, 99-103 Macquarie Street Dubbo
Applicant: Icanso Pty Ltd
Owner: Icanso Pty Ltd and GH Dubbo Pty Ltd.

Moved by Councillor M Wright and seconded by Councillor L Burns

MOTION

1. That Development Application D23-260 for Mixed-Use Development at Lot 10 DP 1075087, 99-103 Macquarie Street, Dubbo, be approved subject to the conditions of consent set out in Appendix 2.
2. That those people making submissions be advised of Council's determination in this matter.

CARRIED

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

Against: Nil

**CCL24/61 COMMUNITY SERVICES FUND 2023/2024 - ROUND 2 - IN ACCORDANCE WITH
SECTION 356 LOCAL GOVERNMENT ACT 1993 (ID24/230)**

The Council had before it the report dated 5 February 2024 from the Manager Community Services regarding Community Services Fund 2023/2024 - Round 2 - in Accordance with Section 356 Local Government Act 1993.

Moved by Councillor S Chowdhury and seconded by Councillor D Mahon

MOTION

1. That Council allocate \$22,867 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:
 - Dubbo Base Hospital Pink Ladies \$4,800.00
 - St Brigid's Catholic Church Craft Group \$1,000.00
 - Pink Angels Incorporated \$7,918.00
 - Songwriters & Original Musicians Association Dubbo Inc. \$1,649.00
 - Wellington Family and Domestic Violence Collective \$7,500.00
2. That the surplus funds remaining from the 2023/2024 Round 2 be rolled over to 2024/2025 Round 1 of the Community Services Fund.

CARRIED

For: Councillors J Black, L Burns, S Chowdhury, M Dickerson, 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 is on the Board of the Wellington Family and Domestic Violence collective.

CCL24/62 BODANGORA WIND FARM COMMUNITY BENEFIT FUND 2024 (ID24/231)

The Council had before it the report dated 5 February 2024 from the Manager Community Services regarding Bodangora Wind Farm Community Benefit Fund 2024.

Moved by Councillor R Ivey and seconded by Councillor L Burns

MOTION

1. That Council allocate to the community-based organisations the total funds of **\$73,000.**
2. The following funds be allocated to the corresponding community group as recommended by the Bodangora Community Consultative Committee in accordance with the Bodangora Wind Farm Community Benefit Fund Grant Guidelines:
 - Red Cross Australia Wellington Branch \$990.00
 - Wellington Senior Citizens \$3,256.00
 - Wellington Men's Shed \$2,450.00
 - Orana Support Service Inc \$18,000.00
 - Wellington Eisteddfod Society Inc \$9,421.00
 - Wellington Amateur Swimming Club Inc \$9,588.00
 - Binjang Community Radio Inc \$9,295.00
 - Rotary Club of Wellington NSW \$20,000.00
3. That remaining funds from Round 9 be rolled over to Round 10 of Bodangora Wind Farm Community Benefit Fund 2025.

CARRIED

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

Against: Nil

CCL24/63 DUBBO REGIONAL AIRPORT AIRLINE REGULAR PASSENGER TRANSPORT (RPT) FEES AND CHARGES 2024/2025 (ID24/418)

The Council had before it the report dated 27 February 2024 from the Manager Commercial Strategy regarding Dubbo Regional Airport Airline Regular Passenger Transport (RPT) Fees and Charges 2024/2025.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

1. That the draft 2024/2025 Fees and Charges reflect an increase of 6.2% for Passenger Fees and Charges at Dubbo Regional Airport, to \$19.45.
2. That the draft 2024/2025 Fees and Charges reflect an increase of 10% for Regular Passenger Transport Passenger Fees per passenger for Western Ports at Dubbo Regional Airport, to \$4.35.
3. That the Chief Executive Officer formally advise all airlines of proposed Passenger Fees and Charges.
4. That all other fees relating to Dubbo Regional Airport and Wellington Aerodrome and Recreation Park, including security fees and general aviation landing fees, be considered as part of the broader annual Revenue Policy and Fees and Charges review process.

CARRIED

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

Against: Nil

CCL24/64 CHANGE OF VENUE FOR ORDINARY MEETING OF COUNCIL - APRIL 2024 (ID24/456)

The Council had before it the report dated 1 March 2024 from the Governance Team Leader regarding Change of Venue for Ordinary Meeting of Council - April 2024.

Moved by Councillor J Black and seconded by Councillor M Wright

ALTERNATIVE MOTION

1. That Council adopt the change of location for the April 2024 Ordinary Council meeting to be held in the Wellington Council Chamber.
2. That Council adopt the change of location for the May 2024 Ordinary Council meeting to be held in the Dubbo Council Chamber.

CARRIED

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

Against: Nil

CCL24/65 INVESTMENT POLICY AND STRATEGY REVIEW - 2024 (ID24/477)

The Council had before it the report dated 8 March 2024 from the Chief Financial Officer regarding Investment Policy and Strategy Review - 2024.

Moved by Councillor M Wright and seconded by Councillor P Wells

MOTION

- 1. That the draft Investment Policy March 2024 and the draft Investment Strategy March 2024 attached to this report of the Chief Financial Officer, dated 8 March 2024 as Appendix 1 and Appendix 2, be adopted.**
- 2. That Council's Investment Policy and Investment Strategy be again reviewed and submitted to Council for determination in March 2025.**

CARRIED

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

Against: Nil

CCL24/66 QUESTION ON NOTICE - DUBBO RESCUE SQUAD BUILDING (ID24/495)

The Council had before it the report dated 12 March 2024 from Councillor J Black regarding Question on Notice - Dubbo Rescue Squad Building.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the information contained within the report be noted.

CARRIED

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

Against: Nil

CCL24/67 COMMENTS AND MATTERS OF URGENCY (ID24/475)

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:

- *IPEC24/11 – Tender for the Design and Construction of Saxa Road Comobella Causeway* (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.
- *CCC24/16 – Reclassification and Rezoning of Alexander Bell Memorial Park* (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.
- *CSC24/7 – Value to Negotiate with the Dubbo RSL for the Old Dubbo Bowling Club Update* (Section 10A(2)(d)(ii)) - information that would, if disclosed, confer a commercial advantage on a competitor of the Council.
- *CCL24/68 - Quotation For The Supply Of Network Server And Storage Infrastructure* (Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- *CCL24/69 - Dubbo Regional Council Animal Shelter - Tender For Construction* (Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- *CCL24/70 - Belgravia Leisure Contract For The Management Of Dubbo's Aquatic Leisure Centres* (Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- *CCL24/71 - Dubbo Regional Livestock Markets Business Structure Service Review* (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.

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 M Wright that the Council resolves into closed session, the time being 7:55 pm.

The open session resumed at 9:10 pm.

The Resolutions of the Closed session of Council were displayed on the screen on recommencement of live stream.

IPEC24/11 TENDER FOR THE DESIGN AND CONSTRUCTION OF SAXA ROAD COMOBELLA CAUSEWAY BRIDGE (ID24/5)

The Council had before it the report dated 9 January 2024 from the Manager Infrastructure Delivery regarding Tender for the Design and Construction of Saxa Road Comobella Causeway Bridge.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

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 M Wright and seconded by Councillor J Gough

MOTION

- 1. That a contract for the Design and Construction of the Saxa Road Comobella Crossing Bridge be awarded to Bridge and Marine Engineering Pty Ltd in accordance with Clause 178 (3) of the Local Government (General) Regulation 2021 for the amount of \$1,702,910 (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 L Burns, S Chowdhury, M Dickerson, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Councillor J Black.

CCC24/16 Reclassification and Rezoning of Alexander Bell Memorial Park (ID23/2688)

The Council had before it the report dated 20 February 2024 from the Manager Recreation and Open Space regarding Reclassification and Rezoning of Alexander Bell Memorial Park.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

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 J Gough and seconded by Councillor P Wells

MOTION

- 1. That Lot 43 DP619578 is not required for the purposes of public open space.**
- 2. That Council prepare a Planning Proposal to undertake reclassification of Alexander Bell Memorial Park from Community Land to Operational Land under the provisions of the Local Government Act 1993 and to rezone the land for the purposes of residential development under the provisions of the Dubbo Regional Local Environmental Plan 2022.**
- 3. That it be noted, in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the Local Government Act, 1993, Council is required to undertake community consultation for a period of no less than 28 days and hold a Public Hearing.**
- 4. That all documents in relation to this matter remain confidential to council.**

CARRIED

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

Against: Councillor J Black.

CSC24/7 VALUE TO NEGOTIATE WITH THE DUBBO RSL FOR THE OLD DUBBO BOWLING CLUB UPDATE (ID24/412)

The Council had before it the report dated 26 February 2024 from the Director Organisational Performance regarding Value to Negotiate with the Dubbo RSL for the Old Dubbo Bowling Club Update.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

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 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 S Chowdhury and seconded by Councillor M Wright

MOTION

1. That Council does not re submit an updated Expression of Interest for 74 Wingewarra Street, Dubbo.
2. That all documentation in relation to this matter remain confidential to Council.

The motion on being put to the meeting was lost.

LOST

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

For: Councillors L Burns and M Dickerson.

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

At this juncture the meeting adjourned, the time being 8.17 pm.

The meeting recommenced at 8.21 pm.

Moved by Councillor R Ivey and seconded by Councillor J Gough

FORESHADOWED MOTION

1. That the Chief Executive Officer advise the Dubbo RSL be advised that Council is not in a position to submit a revised EOI at this stage prior to the deadline of Monday, 25 March 2024.
2. That the Chief Executive Officer also advise the Dubbo RSL that Council is in negotiations with interested third parties and Council is exploring the opportunity of a joint submission in four weeks' time to the RSL which would result in positive community outcomes.

The foreshadowed motion on being put to the meeting was lost.

LOST

During the debate of the foreshadowed motion, an amendment was foreshadowed.

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

Against: Councillors J Black, L Burns, S Chowdhury, M Dickerson and P Wells.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

FORESHADOWED AMENDMENT

1. That Council resubmits an updated Expression of Interest to Dubbo RSL for 74 Wingewarra Street, Dubbo, with an increase of 10% on the original Expression of Interest.
2. That all documentation in relation to this matter remain confidential to Council.

The foreshadowed amendment on being to the meeting became the motion. **CARRIED**

The motion on being put to the meeting was carried. **CARRIED**

For: Councillors J Black, L Burns, S Chowdhury, R Ivey, D Mahon and P Wells.

Against: Councillors M Dickerson, J Gough and M Wright

CCL24/68 QUOTATION FOR THE SUPPLY OF NETWORK SERVER AND STORAGE INFRASTRUCTURE (ID24/461)

The Council had before it the report dated 5 March 2024 from the Chief Information Officer regarding Quotation for the supply of Network Server and Storage Infrastructure.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

MOTION

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

CARRIED

Moved by Councillor J Black and seconded by Councillor M Wright

MOTION

1. That the quotation from Hitech Support Pty Limited for the supply of network server and storage infrastructure at a cost of \$300,280.00 (ex GST) be accepted.
2. That all documentation in relation to this matter remain confidential to Council.
3. That all documentation in relation to this matter be signed under the Common Seal of Council.

CARRIED

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

Against: Nil

CCL24/69 DUBBO REGIONAL COUNCIL ANIMAL SHELTER - TENDER FOR CONSTRUCTION (ID24/460)

The Council had before it the report dated 6 March 2024 from the Manager Environmental Compliance regarding Dubbo Regional Council Animal Shelter - Tender for Construction.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

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 S Chowdhury and seconded by Councillor P Wells

MOTION

1. That Council reject all tenders.
2. That Council enter into negotiations with the highest scoring conforming tenderer, with a view to reduce the costs of the constructions to meet budget expectations, as it is not considered that inviting fresh tenders will produce a favourable result.
3. That Council delegate to the Chief Executive Officer the authority to award the winning tender.
4. That Council delegate to the Chief Executive Officer the authority to approve the extension options for this tender if required.
5. That Council delegate the Chief Executive Officer the authority to approve variations to a contract relating to the tender, subject to budget limitations.
6. That all documentation in relation to this matter remain confidential to Council.
7. 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, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Councillor J Black.

The Manager Corporate Governance, Ms A Rouse, declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Ms Rouse's brother is one of the tendering companies.

**CCL24/70 BELGRAVIA LEISURE CONTRACT FOR THE MANAGEMENT OF DUBBO'S
AQUATIC LEISURE CENTRES (ID24/478)**

The Council had before it the report dated 8 March 2024 from the Manager Recreation and Open Spaces regarding Belgravia Leisure Contract for the Management of Dubbo's Aquatic Leisure Centres.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g)).

CARRIED

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

- 1. That it be noted that the contract with Belgravia Leisure was signed on 18 August 2023 for \$1,487,336 per annum (including GST) for the management of the aquatic centres, and the contract has been legally complied with to date.**
- 2. That it be noted that should Council resume direct staff management of the aquatic centres, Council would likely be liable to pay out the remaining term of the contract, being \$5.9 million, at a minimum.**
- 3. That it be noted, should Council sever the contract with Belgravia Leisure, Council would also incur significant challenges in recruiting and resourcing internal management, in addition to increased ongoing annual operating costs.**

CARRIED

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

Against: Nil

CCL24/71 DUBBO REGIONAL LIVESTOCK MARKETS BUSINESS STRUCTURE SERVICE REVIEW (ID24/413)

The Council had before it the report dated 27 February 2024 from the Manager Commercial Strategy regarding Dubbo Regional Livestock Markets Business Structure Service Review.

Moved by Councillor S Chowdhury and seconded by Councillor M Wright

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 M Wright and seconded by Councillor R Ivey

MOTION

1. That an Expression of Interest process be undertaken for either the Lease or Sale of the Dubbo Regional Livestock Markets facility.
2. That, following the outcome of the Expression of Interest process, the Chief Executive Officer provide a report to Council for consideration.
3. That all documentation in relation to this matter remain confidential to Council.

CARRIED

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

Against: Councillors S Chowdhury and J Black.

The meeting closed at 9.12 pm.

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CHAIRPERSON