



REPORT

ORDINARY COUNCIL MEETING

8 DECEMBER 2022

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 Director Strategy, Partnerships and Engagement, the Communications Services Team Leader, the Chief Information Officer, the Director Development and Environment, the Manager Growth Planning, the Director Infrastructure, the Manager Fleet and Depot Services, the Director Community, Culture and Places, 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 5.30 pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities read by Councillor J Gough. The welcome to country was given by Councillor L Burns.

CCL22/307 LEAVE OF ABSENCE (ID22/2484)

There were no leave of absence received.

CCL22/308 CONFLICT OF INTEREST (ID22/2485)

The following conflicts of interest were declared:

- Director Community, Culture and Places – non-pecuniary, less than significant interest in CCL22/311
- Councillor M Wright – non-pecuniary, less than significant interest in CCL22/323
- Councillor J Black - non-pecuniary, less than significant interest in CCL22/323

CCL22/309 PUBLIC FORUM (ID22/2486)

There were no speakers in public forum.

CCL22/310 CONFIRMATION OF MINUTES (ID22/2487)

Confirmation of the minutes of the proceedings of the Ordinary Council and Committee of the Whole meeting held on 24 November 2022.

RECOMMENDATION

That the minutes of the proceedings of Dubbo Regional Council at the Ordinary meeting held on 24 November 2022 comprising pages as per the Attachments report provided under separate cover and Committee of the Whole held 24 November 2022 comprising pages as per the Attachments report provided under separate cover be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

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

MAYORAL MINUTE:

CCL22/311 EXPRESSION OF INTEREST THE GREENS UPDATE (ID22/2547)

The Council had before it the Mayoral Minute regarding Expression of Interest The Greens Update.

Moved by Councillor M Dickerson

MOTION

- 1. That members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerns commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.**
- 2. That Council determine the successful business/organisation from the Expression of Interest submissions for a Licence Agreement for 74 Wingewarra Street – The Greens.**
- 3. That consideration of this item be deferred to the end of the meeting to be considered with other confidential items at the December 2022 meeting.**
- 4. That it be made public which business/organisation is successful and the amount they will be paying for the use of 74 Wingewarra Street – The Greens.**

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:

CCL22/312 MAYORAL APPOINTMENTS AND MEETINGS (ID22/2482)

The Council had before it the report dated 28 November 2022 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor S Chowdhury and Councillor V Etheridge

MOTION

That the information contained in the report be noted.

CARRIED

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

Against: Nil

CCL22/313 BUILDING SUMMARY - NOVEMBER 2022 (ID22/2439)

The Council had before it the report dated 29 November 2022 from the Director Development and Environment regarding Building Summary - November 2022.

Moved by Councillor V Etheridge and seconded by Councillor M Wright

MOTION

That the report of the Director Development and Environment, dated 30 November 2022, 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

CCL22/314 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - NOVEMBER 2022 (ID22/2550)

The Council had before it the report dated 1 December 2022 from the Chief Financial Officer regarding Investment Under Section 625 of the Local Government Act - November 2022.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury

MOTION

That the information contained within the Investment is under Section 625 of the Local Government Act Report, dated 1 December 2022, 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:

CCL22/315 REPORT OF THE RECONCILIATION ACTION PLAN WORKING GROUP - MEETING 22 NOVEMBER 2022 (ID22/2551)

The Council had before it the report of the Reconciliation Action Plan Working Group meeting held 22 November 2022.

Moved by Councillor L Burns and seconded by Councillor P Wells

MOTION

That the report of the Reconciliation Action Plan Working Group meeting held on 22 November 2022, 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

CCL22/316 REPORT OF THE MULTICULTURAL ADVISORY COMMITTEE - MEETING 28 NOVEMBER 2022 (ID22/2562)

The Council had before it the report of the Multicultural Advisory Committee meeting held 28 November 2022.

Moved by Councillor S Chowdhury and seconded by Councillor P Wells

MOTION

That the report of the Multicultural Advisory Committee meeting held on 28 November 2022, 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

**CCL22/317 REPORT OF THE SPARC COMMITTEE - MEETING 21 NOVEMBER 2022
(ID22/2564)**

The Council had before it the report of the SPARC Committee meeting held 21 November 2022.

Moved by Councillor M Wright and seconded by Councillor J Black

MOTION

That the report of the SPARC Committee meeting held on 21 November 2022, 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

REPORTS FROM STAFF:

CCL22/318 RENEWABLE ENERGY BENEFIT FRAMEWORK (ID22/2468)

The Council had before it the report dated 28 November 2022 from the Manager Growth Planning regarding Renewable Energy Benefit Framework.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

- 1. That Council endorse the Renewable Energy Benefit Framework provided here in Appendix 1.**
- 2. That for the purposes of negotiating Planning Agreements with Solar and Wind Energy Farms that Council requires 1.5% of Capital Investment Value to be provided as community benefits in a Planning Agreement entered into with Council.**
- 3. It should be noted that all Planning Agreements are required to be considered by Council and placed on public display in accordance with the requirements of the Environmental Planning and Assessment Act, 1979.**

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

CCL22/319 OPERATIONAL REVIEW OF THE DUBBO REGIONAL LOCAL ENVIRONMENTAL PLAN 2022 (ID22/2144)

The Council had before it the report dated 28 November 2022 from the Manager Growth Planning regarding Operational Review of the Dubbo Regional Local Environmental Plan 2022.

Moved by Councillor J Black and seconded by Councillor J Gough

MOTION

1. That a draft Planning Proposal for the Operational Review of the Dubbo Regional Local Environmental Plan 2022 be prepared in accordance with the information contained in this report.
2. That Operational Review Amendment Criteria be prepared in accordance with the information contained in this report.
3. That an Engagement Plan be prepared for the Operational Review of the Dubbo Regional Local Environmental Plan 2022.
4. That a report in respect of the items above be provided to Council for consideration at the April 2023 Council Meeting.

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

CCL22/320 ZERO EMISSIONS FLEET STRATEGY AND IMPLEMENTATION PLAN (ID22/2541)

The Council had before it the report dated 1 December 2022 from the Organisational Sustainability Coordinator regarding Zero Emissions Fleet Strategy and Implementation Plan.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

1. That Council adopt the Zero Emissions Fleet Strategy and Implementation Plan (attached in Appendix 1).
2. That an advertisement be placed in local media advising of Council's adoption of the Zero Emissions Fleet Strategy and Implementation Plan.

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

CCL22/321 LIGHTING AUDIT OF CAMERON PARK, WELLINGTON (ID22/2433)

The Council had before it the report dated 17 November 2022 from the Manager Recreation and Open Space regarding Lighting Audit of Cameron Park, Wellington.

Moved by Councillor J Gough and seconded by Councillor P Wells

MOTION

That Council consider an upgraded lighting system for Cameron Park, Wellington as part of the development of the draft 2023/2024 Budget and Operational Plan via the capital works prioritisation process.

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

CCL22/322 DRAFT WELLINGTON STREET TREE MASTERPLAN (ID22/2386)

The Council had before it the report dated 15 November 2022 from the Manager Recreation and Open Space regarding Draft Wellington Street Tree Masterplan.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

- 1. That the Wellington Street Tree Masterplan be publicly exhibited for a minimum of 28 days seeking input from the community in the finalisation of the masterplan.**
- 2. That following the public exhibition of the Wellington Street Tree Masterplan that any comments are considered and, as deemed appropriated, incorporated into the document.**
- 3. That the final draft Wellington Street Tree Masterplan be submitted back to Council for final consideration and adoption.**

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

**CCL22/323 DRAFT MACQUARIE RIVER MASTERPLAN (NORTH AND SOUTH PRECINCTS)
(ID22/2467)**

The Council had before it the report dated 23 November 2022 from the Manager Recreation and Open Space regarding Draft Macquarie River Masterplan (North and South Precincts).

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

- 1. That this report be noted.**
- 2. That the draft Macquarie River Masterplan (North and South Precincts) be placed on public exhibition from 12 December 2022 to 17 February 2023 to enable the community to make comment.**
- 3. That following the public exhibition period that a report be provided back to Council with a finalised Macquarie River Masterplan (North and South Precincts) for consideration at the march 2023 Ordinary Meeting 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

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

Councillor J Black declared a non-pecuniary, less than significant interest in the matter now before the Council and remained in the room during the Council's consideration of this matter. The reason for such interest is that Councillor J Black owns a rental property in North Dubbo but it does not adjoin the riverbank ovals and therefore will not affect his decision making on this item.

CCL22/324 MACQUARIE REGIONAL LIBRARY PERFORMANCE REPORT - JULY 2022 TO SEPTEMBER 2022 (ID22/2168)

The Council had before it the report dated 19 October 2022 from the Manager Macquarie Regional Library regarding Macquarie Regional Library Performance Report - July 2022 to September 2022.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

That the Macquarie Regional Library Quarterly Performance Report for July 2022 to September 2022 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

CCL22/325 DUBBO REGIONAL COUNCIL - ALCOHOL FREE ZONES - REINSTATEMENT FOR 2023 (ID22/2498)

The Council had before it the report dated 28 November 2022 from the Manager Community Services regarding Dubbo Regional Council - Alcohol Free Zones - Reinstatement for 2023.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

- 1. That the proposed alcohol free zones to cover public roadways, footpaths and car parks as detailed in Appendix 1 attached to the report of Manager Community**

Services dated 25 November 2022 be adopted.

2. That the period of operation of the alcohol free zones in item 1 above be from 1 February 2023 to 31 January 2027, 24 hours per day.
3. That an agreement by Council to lease a section of public area for use as a restaurant under Section 125 of the Roads Act 1993 overrides the provisions of an alcohol free zone.

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

CCL22/326 AUSTRALIA DAY CIVIC EVENTS FOR 2023 (ID22/2549)

The Council had before it the report dated 1 December 2022 from the Governance Team Leader regarding Australia Day Civic Events for 2023.

Moved by Councillor L Burns and seconded by Councillor P Wells

MOTION

1. That the proposed trial events be implemented for community celebrations to mark Australia Day 2023 in Dubbo and Wellington.
2. That council undertake community consultation following Australia Day events to gauge community feedback and expectations.
3. That a comprehensive plan following community consultation be developed and presented to council at a future meeting 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

CCL22/327 PURCHASE OF LAND FOR RURAL FIRE SERVICE (ID22/2434)

The Council had before it the report dated 17 November 2022 from the Administration Officer regarding Purchase of Land for Rural Fire Service.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

1. That Council undertake a subdivision of Lot 81 on DP750760 to create a new proposed lot as described within this report (New Lot).
2. That Council purchase the New Lot on behalf of NSW Rural Fire Service (RFS).
3. That the New Lot be maintained by the RFS at the RFS' cost.
4. That all costs incurred as part of the subdivision and purchase of the New Lot be the responsibility of the RFS.

5. Upon acquisition of the New Lot, that the New Lot be classified as 'Operational Land' in accordance with the *Local Government Act 1993 (NSW)*.
6. That all documents required to be signed as part of this report be executed under the Common Seal of Council.

CARRIED

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

Against: Nil

CCL22/328 QUESTIONS ON NOTICE - COUNCILLOR DAMIEN MAHON (ID22/2544)

The Council had before it the report dated 1 December 2022 from the Councillor regarding Questions on Notice - Councillor Damien Mahon.

Moved by Councillor D Mahon and seconded by Councillor S Chowdhury

MOTION

That the information contained in this report be noted.

CARRIED

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

Against: Nil

CCL22/329 COMMENTS AND MATTERS OF URGENCY (ID22/2488)

There were no matters recorded under this clause.

CONFIDENTIAL COUNCIL

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:

- CCL22/330 – Tender for Construction of Infrastructure Delivery Office Building – Hawthorn Street Depot Dubbo
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CCL22/331 – Quotation for the Supply and Delivery of the Three Dual Control 6x4 Side Loading Green Waste Collection Trucks

(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.

- CCL22/332 – Tender for the Troy Gully Sewer Pump Station Augmentation Works
(Section 10A(2)(c)) - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.
- CCL22/333 – Tender for the Netball Courts Resurfacing Nita McGrath Complex
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CCL22/334 – Tender for the Installation of Sports Lights on the John McGrath Fields
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CCL22/335 – Expression of Interest – Corporate Partnership Program Event Attraction
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.
- CCL22/336 – Update on Investigations for the Creation of a Special Purpose Vehicle for Residential Development Operations
(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.
- CCL22/337 – Tender for the Construction of a 3D Concrete Amenities Building – Lions 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.
- CCL22/338 – Update Strategic Information Communication Technology (ICT) Risk Management
(Section 10A(2)(f)) - closed to the public for the following reason: matters affecting the security of the Council, Councillors, Council Staff or Council Property
- CCL22/339 – Annual Performance Appraisal of the Chief Executive Officer
(Section 10A(2)(a)) - is closed to the public for the following reason: personnel matters concerning particular individuals (other than Councillors)
- CCL22/311 – Expression of Interest The Greens Update – deferred from Open Council
(Section 10A(2)(d)(i)) - information that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

At this juncture it was moved by Councillor S Chowdhury and seconded by Councillor J Gough that the Council resolves into Closed Session, the time being 6.52pm.

**CCL22/330 TENDER FOR CONSTRUCTION OF INFRASTRUCTURE DELIVERY OFFICE
BUILDING - HAWTHORN STREET DEPOT DUBBO (ID22/2156)**

The Council had before it the report dated 29 November 2022 from the Manager Major Projects regarding Tender for Construction of Infrastructure Delivery Office Building - Hawthorn Street Depot Dubbo.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 S Chowdhury and seconded by Councillor V Etheridge

MOTION

- 1. That Council reject all tenders, on the basis that all tenders exceed the budget amount**
- 2. That Council enter into negotiations with the two lowest cost conforming tenderers, 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 CEO the authority to award the winning tender**
- 4. That Council delegate the Chief Executive Officer to approve the extension options for this tender if required.**
- 5. That Council delegate the Chief Executive Officer 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, V Etheridge, J Gough, R Ivey, D Mahon, P Wells and M Wright.

Against: Nil

**CCL22/331 QUOTATION FOR THE SUPPLY AND DELIVERY OF THREE DUAL CONTROL 6X4
SIDE LOADING GREEN WASTE COLLECTION TRUCKS (ID22/2574)**

The Council had before it the report dated 2 December 2022 from the Manager Fleet and Depot Services regarding Quotation for the Supply and Delivery of Three Dual Control 6x4 Side Loading Green Waste Collection Trucks.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

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

CARRIED

Moved by Councillor V Etheridge and seconded by Councillor P Wells

MOTION

- 1. That the quotation from Superior Pak to supply three Volvo FE trucks fitted with Superior Pak compactor bodies for the purchase price of \$1,392,849 be approved.**
- 2. That plant number 711, 712 and 2715 be sent to Pickles Auction for disposal.**
- 3. That all documentation in relation to this matter remain confidential to Council.**
- 4. That all documentation in relation to this matter be signed under the Common Seal of Council.**

CARRIED

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

Against: Nil

**CCL22/332 TENDER FOR THE TROY GULLY SEWER PUMP STATION AUGMENTATION
WORKS (ID22/2463)**

The Council had before it the report dated 22 November 2022 from the Capital Programs Coordinator regarding Tender for the Troy Gully Sewer Pump Station Augmentation Works.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 S Chowdhury

MOTION

1. That SNG Engineering Pty Ltd be engaged for contract T22-002 - Construction of Upgrade Works for Troy Gully for the tendered amount of \$2,912,255.50 (incl GST).
2. That \$1,600,000 be moved from restricted assets and allocated to the project.
3. That all documentation in relation to this matter remain confidential to Council.
4. That all documentation in relation to this matter be signed under the Common Seal of Council.

CARRIED

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

Against: Nil

CCL22/333 TENDER FOR THE NETBALL COURTS RESURFACING NITA MCGRATH COMPLEX (ID22/2415)

The Council had before it the report dated 17 November 2022 from the Sporting Asset Coordinator regarding Tender for the Netball Courts Resurfacing Nita McGrath Complex.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 P Wells and seconded by Councillor S Chowdhury

MOTION

1. That the tenders received for the Netball Courts Resurfacing at Nita McGrath Complex be noted.
2. That Dubbo Regional Council engages L-Don Sporting Areas Pty Ltd for the resurfacing of netball courts at Nita McGrath Complex for the amount of \$432,184.00 including GST.
3. That Council delegate the Chief Executive Officer to approve variations to a contract relating to the tender subject to budget limitations or change of scope of works.
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

CCL22/334 TENDER FOR THE INSTALLATION OF SPORTS LIGHTING ON THE JOHN MCGRATH FIELDS (ID22/2412)

The Council had before it the report dated 15 November 2022 from the Sporting Asset Coordinator regarding Tender for the Installation of Sports Lighting on the John McGrath Fields.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 S Chowdhury

MOTION

- 1. That the tenders received for the John McGrath Sports Lights be noted.**
- 2. That Dubbo Regional Council engages Haydjack Pty Ltd T/AS O'Brien Electrical Dubbo for John McGrath Sports Lights for the amount of \$710,083.00 including GST.**
- 3. That Council delegate the Chief Executive Officer to approve variations to a contract relating to the tender subject to budget limitations or change of scope of works.**
- 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

**CCL22/335 EXPRESSION OF INTEREST - CORPORATE PARTNERSHIP PROGRAM - EVENT
ATTRACTION (ID22/2478)**

The Council had before it the report dated 25 November 2022 from the Events and Partnerships Team Leader regarding Expression of Interest - Corporate Partnership Program - Event Attraction.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 S Chowdhury and seconded by Councillor L Burns

MOTION

- 1. That Council note the progress of the Corporate Partnership Program to date.**
- 2. That a further report be provided to Council following the closure of the Expression of Interest process.**
- 3. That the documents and considerations in regard 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:

**CCL22/336 UPDATE ON INVESTIGATIONS FOR THE CREATION OF A SPECIAL PURPOSE
VEHICLE FOR RESIDENTIAL DEVELOPMENT OPERATIONS (ID22/2483)**

The Council had before it the report dated 28 November 2022 from the Manager Property and Land Development regarding Update on investigations for the creation of a special purpose vehicle for residential development operations.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 R Ivey and seconded by Councillor S Chowdhury

MOTION

1. That the report of Manager Property and Land Development be noted.
2. That all matters within this report are kept 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

CCL22/337 TENDER FOR THE CONSTRUCTION OF A 3D CONCRETE AMENITIES BUILDING - LIONS PARK (ID22/2499)

The Council had before it the report dated 29 November 2022 from the Manager Procurement regarding Tender for the Construction of a 3D Concrete Amenities Building - Lions Park.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

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

CARRIED

Moved by Councillor M Wright and seconded by Councillor V Etheridge

MOTION

1. That Council reject all tenders, on the basis that all tenders exceed the budget amount
2. That Council enter into negotiations with the two conforming tenderers, 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 CEO the authority to award the winning tender within the allocated budget.
4. That Council delegate the Chief Executive Officer to approve variations to a contract relating to the tender subject to budget limitations.
5. 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

**CCL22/338 UPDATE: STRATEGIC INFORMATION COMMUNICATION TECHNOLOGY (ICT)
RISK MANAGEMENT (ID22/2497)**

The Council had before it the report dated 28 November 2022 from the Chief Information Officer regarding Update: Strategic Information Communication Technology (ICT) Risk Management.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 matters affecting the security of the Council, Councillors, Council Staff or Council Property (Section 10A(2)(f)).

CARRIED

Moved by Councillor D Mahon and seconded by Councillor P Wells

MOTION

That the report by the Chief Information Officer dated 8 December 2022 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

CCL22/311 EXPRESSION OF INTEREST THE GREENS UPDATE (ID22/2547)

The Council had before it the Mayoral Minute regarding Expression of Interest The Greens Update.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

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 M Wright and seconded by Councillor J Gough

MOTION

- 1. That based on the independent review of the EOI applications that Council enters into a sub-Licence Agreement with NSW Rugby Union for 74 Wingewarra Street, Dubbo (The Greens), for an annual sub licence fee of \$ \$31,460 (including gst) and all**

operating costs with an estimated annual value of \$43,000 (including gst) for a term of one year and one year option.

2. That Council delegate authority to Chief Executive Officer to negotiate the other terms of the Licence Agreement, including the amount of rent which may be the subject of a grant for financial assistance under s356 of the Local Government Act 1993.
3. That any necessary documentation in relation to this matter be executed under the Common Seal of Council.
4. That the premises must be shared by successful applicant with existing licence holder Dubbo Film Makers who occupies a portion of the site.
5. That all applicants be notified of the outcome of the Expressions of Interest.
6. That the information contained within this report remain confidential to the 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 Director Community Culture and Places 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 Director Community Culture and Places has 2 sons that participate in the NSW Rugby Programs and 2 children that play for St Johns Junior Rugby League.

At this juncture the time being 8.19 pm, all staff left the room with the exception of the Manager Corporate Governance for the determination of the next item.

**CCL22/339 ANNUAL PERFORMANCE REVIEW OF THE CHIEF EXECUTIVE OFFICER
(ID22/2548)**

The Council had before it the report dated 1 December 2022 from the Manager People Culture and Safety regarding Annual Performance Review of the Chief Executive Officer.

Moved by Councillor S Chowdhury and seconded by Councillor J Gough

MOTION

The Council recommends that members of the press and public be excluded from the meeting during consideration of this item, the reason being that the matter concerned personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a)).

CARRIED

Moved by Councillor R Ivey and seconded by Councillor V Etheridge

MOTION

1. That this Council receive and endorse the CEO performance review report, and in doing so acknowledge and commend the CEO for the excellent leadership that he has demonstrated for Dubbo Regional Council, in the last 12 months.
2. That this Council recognise the input and support that the CEO has given to Councillors to fulfil their roles.
3. That Council recognise that the CEO embodies the organisational values, being Progressive, Sustainable, One Team, and Integrity.
4. That the CEO continue to develop the areas discussed during the performance appraisal.

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 Open Session resumed at 8.37pm.

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

The meeting closed at 8.43 pm.

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CHAIRPERSON