

REPORT

ORDINARY COUNCIL MEETING

27 APRIL 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 (S Wade), the Governance Officer, the Director Strategy, Partnerships and Engagement, the Communications Services Team Leader, the Director Development and Environment, the Manager Growth Planning, the Manager Building and Development Services, the Director Infrastructure and the Director Community, Culture and Places.

Councillor M Dickerson assumed the Chair of the meeting.

The proceedings of the meeting commenced at 5.31pm 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 M Wright. The welcome to country was given by Councillor L Burns

CCL23/90 LEAVE OF ABSENCE (ID23/686)

There were no leave of absence received.

Councillor D Mahon attended via audio-visual link

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

CCL23/91 CONFLICTS OF INTEREST (ID23/688)

The following conflicts of interest were declared:

- Director Strategy, Partnership and Engagement - non-pecuniary – less than significant in CCL23/98 (CCC23/18)
- Councillor J Gough – non pecuniary – less than significant in CCL23/99 (CSC23/16)

CCL23/92 PUBLIC FORUM (ID23/687)

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

- Mr Bruce Bryant – regarding CCL23/108 D22-691 - Secondary Dwelling - Lot 461 DP565521, 12 Caves Road Apsley (ID23/753)
- Mr Nicholas Broadbent – regarding CCC23/18 Macquarie Conservatorium of Music Facility Options

CCL23/93 CONFIRMATION OF MINUTES (ID23/689)

Confirmation of the minutes of the proceedings of the Ordinary Council meeting held on 23 March 2023.

Moved by Councillor S Chowdhury and seconded by Councillor L Burns

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 23 march 2023 comprising pages 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 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:

CCL23/94 MAYORAL APPOINTMENTS AND MEETINGS (ID23/764)

The Council had before it the report dated 11 April 2023 from the Chief Executive Officer regarding Mayoral Appointments and Meetings.

Moved by Councillor P Wells and seconded by 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

CCL23/95 CLAUSE 4.6 VARYING DEVELOPMENT STANDARDS - UPDATE (ID23/564)

The Council had before it the report dated 5 April 2023 from the Manager Building and Development Services regarding Clause 4.6 Varying Development Standards - Update.

Moved by Councillor J Black and seconded by Councillor M Wright

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

CCL23/96 STATUS OF NOTICES OF MOTION - QUARTERLY UPDATE (ID23/558)

The Council had before it the report dated 21 March 2023 from the Manager Corporate Governance regarding Status of Notices of Motion - Quarterly Update.

Moved by Councillor S Chowdhury and seconded by Councillor L Burns

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

MATTERS CONSIDERED BY COMMITTEES:

CCL23/97 REPORT OF THE INFRASTRUCTURE, PLANNING AND ENVIRONMENT COMMITTEE - MEETING 13 APRIL 2023 (ID23/831)

The Council had before it the report of the Infrastructure, Planning and Environment Committee meeting held 13 April 2023.

Moved by Councillor J Black and seconded by Councillor S Chowdhury

MOTION

That the report of the Infrastructure, Planning and Environment Committee meeting held on 13 April 2023, be adopted.

CARRIED

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

Against: Nil

**CCL23/98 REPORT OF THE CULTURE AND COMMUNITY COMMITTEE - MEETING 13
APRIL 2023 (ID23/832)**

The Council had before it the report of the Culture and Community Committee meeting held 13 April 2023.

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

That the report of the Culture and Community Committee meeting held on 13 April 2023, be adopted, save and except CCC23/18 and CCC23/19 which will be dealt with separately.

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

CCC23/18 MACQUARIE CONSERVATORIUM OF MUSIC FACILITY OPTIONS (ID23/671)

The Committee had before it the report dated 30 March 2023 from the Director Organisational Performance regarding Macquarie Conservatorium of Music Facility Options.

RECOMMENDATION

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

1. That Council gives permissions to the Chief Executive Officer to negotiate a Commercial Lease for Council Building with the Macquarie Conservatorium for maximum period of 5 years.
2. That Council offer an Interest Free Loan for the purpose of a fit out for any building is offered to the Macquarie Conservatorium to be repayable over a 5 year period equal annual repayments to the maximum loan value of \$500,000.

LOST

For: Councillor M Dickerson.

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

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

1. **That Council delegate authority to the Chief Executive Officer to negotiate the terms**

of the Lease Agreement for the Macquarie Conservatorium to occupy 139 Darling Street, Dubbo including:

- a. A peppercorn lease per annum for a period of 5 years with an option for an additional 5 year term by mutual agreement,
 - b. That the lease amount be reviewed at the end of the initial 5 year period and
 - c. that the Macquarie Conservatorium be responsible for all outgoings under the lease arrangements including but not limited to utilities, fit out, repairs and maintenance on the agreed arrangement
2. That it be noted the lease amount is below market value and therefore can be considered as a financial assistance grant to the Macquarie Conservatorium 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 it be noted that the preferred location for The Macquarie Conservatorium is part of a cultural hub that Dubbo Regional Council is considering in strategic analysis to be located adjacent to and including the Western Plains Cultural Centre, Dubbo.

CARRIED

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

Against: Councillors M Dickerson and D Mahon.

**CCC23/19 DUBBO AQUATIC LEISURE CENTRES REQUEST FOR PROPOSAL (RFP)
(ID23/513)**

The Committee had before it the report dated 13 March 2023 from the Director Organisational Performance regarding Dubbo Aquatic Leisure Centres Request for Proposal (RFP).

Moved by Councillor J Gough and seconded by Councillor S Chowdhury

MOTION

1. That Council calls for Request for Proposal for the Contract Management of the Dubbo Aquatic Centres including Dubbo Aquatic Leisure Centres, Wellington Aquatic Centre, and Geurie Pool.
 - a. That proposals could be for a single facility or for multiple facilities.
2. That the operational management of the contract is for a five (5) year period, commencing 1 July 2023 and concluding 30 June 2028. There is an option for an additional two (2) times twelve (12) month extensions, as indicated within the specification.
3. That the Dubbo Regional Council's Aquatic Leisure Centres operational setting within each of the facilities, are determined by the following:
 - a. Season Length – set by Dubbo Regional Council with a set minimum and maximum date for each centre.
 - b. Opening Hours – set by Dubbo Regional Council with a set minimum and maximum hours for each centre.
 - c. Kiosk hours – set by contractor

- d. Slide opening hours – set by contractor
- 4. That the Aquatic Leisure Centres Fees and charges setting within each of the facilities, are determined by the following:
 - a. Admissions – Dubbo Regional Council set a minimum and maximum fee
 - b. Other Fees - Dubbo Regional Council set a minimum and maximum fee
 - c. Kiosk – Contractor
 - d. Slide – Contractor
- 5. That the Contract is responsible for all operational maintenance
- 6. That Council is responsible for all Capital Works and asset maintenance over \$2,000 required at all any of the three facilities.

CARRIED

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

Against: Councillors J Black and P Wells

**CCL23/99 REPORT OF THE CORPORATE SERVICES COMMITTEE - MEETING 13 APRIL 2023
(ID23/833)**

The Council had before it the report of the Corporate Services Committee meeting held 13 April 2023.

Moved by Councillor D Mahon and seconded by Councillor J Black

MOTION

That the report of the Corporate Services Committee meeting held on 13 April 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:

**CCL23/100 REPATRIATION OF AXE GRINDING GROOVE ROCK FROM WIRADJURI PARK TO
TERRAMUNGAMINE RESERVE (ID23/808)**

Council had before it a Notice of Motion dated 20 April 2023 from Councillor L Burns regarding the Repatriation of Axe Grinding Groove Rock.

Moved by Councillor L Burns and seconded by Councillor V Etheridge

MOTION

1. That the CEO provide formal communications to Transport for NSW regarding the large rock to be repatriated to Terramungamine Reserve.
2. That the CEO facilitate relevant stakeholder meetings to progress this initiative

including the cost of repatriation be covered by Transport for NSW as part of the new Dubbo bridge project.

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:

CCL23/101 REVIEW OF RATES STRUCTURE FOR 2023/2024 (ID23/433)

The Council had before it the report dated 14 April 2023 from the Revenue Accountant regarding Review of Rates Structure for 2023/2024.

Moved by Councillor P Wells and seconded by Councillor M Wright

MOTION

1. That the 2023/2024 rate structure incorporate a General Income Variation increase (the rate pegging limit) of 3.7% being the maximum permitted for the 2023/2024 rating year as determined by IPART.
2. That the Rates Structure to be included in the Revenue Policy as part of the 2023/2024 Operational plan include newly defined boundaries for the Residential Dubbo Urban rating sub-category.
3. That the properties subject to a new rating category be notified by Council with a Declaration of Rate Category letter.
4. That the ad valorem amount applicable to Residential Village and Residential Geurie be set to ensure that the minimum rate is applicable to less than 50% of properties.
5. That it be noted the revenue policy containing the rating structure will go out on Public Exhibition once 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

CCL23/102 DRAFT 2023/2024 BUDGET AND FEES/CHARGES (ID23/679)

The Council had before it the report dated 21 April 2023 from the Chief Financial Officer regarding Draft 2023/2024 Budget and Fees/Charges.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

1. That the 2023/2024 draft Dubbo Regional Council Budget (including Fees and Charges) and Forward Forecasts for 2024/2025, 2025/2026 and 2026/2027 be adopted by Council for the purposes of public exhibition only.

2. That the 2023/2024 draft Dubbo Regional Council Budget (including Fees and Charges) and Forward Forecasts for 2024/2025, 2025/2026 and 2026/2027 be placed on public exhibition from Monday, 1 May 2023 until 5 pm Monday, 29 May 2023.
3. That the 2023/2024 draft Macquarie Regional Library Budget (including Fees and Charges) and Forward Forecasts for 2024/2025, 2025/2026 and 2026/2027 be adopted by Council for the purposes of public exhibition only.
4. That the 2023/2024 draft Macquarie Regional Library Budget (including Fees and Charges) and Forward Forecasts for 2024/2025, 2025/2026 and 2026/2027 be placed on public exhibition from Monday, 1 May 2023 until 5 pm Monday, 29 May 2023.
5. That community and stakeholder engagement be undertaken in accordance with the community engagement principles included in this report.
6. That the interest rate on overdue rates and charges be the maximum, as advised by the Minister for Local Government for the 2023/2024 year.
7. That the annual pensioner rebates on both water and sewerage charges be maintained at \$100.00 each for the 2023/2024 financial year.
8. That the annual pensioner rebate on the Domestic Waste Management Service Charge – Three Bin Service be maintained at \$52.00 for the 2023/2024 financial year.

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

CCL23/103 DRAFT 2023/2024 DELIVERY PROGRAM AND OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS (ID23/571)

The Council had before it the report dated 22 March 2023 from the Director Strategy, Partnerships and Engagement regarding Draft 2023/2024 Delivery Program and Operational Plan and associated documents.

Moved by Councillor L Burns and seconded by Councillor P Wells

MOTION

1. That the draft 2023/2024 Delivery Program and Operational Plan (attached as Appendix 1), draft Macquarie Regional Library 2023/2024 Operational Plan (attached as Appendix 2), draft Long Term Financial Plan (attached as Appendix 3) and Strategic Asset Management Plan (attached as Appendix 4) be endorsed by Council for the purposes of public exhibition.
2. That the draft 2023/2024 Delivery Program and Operational Plan (attached as Appendix 1), draft Macquarie Regional Library 2023/2024 Operational Plan (attached as Appendix 2), draft Long Term Financial Plan (attached as Appendix 3) and Strategic Asset Management Plan (attached as Appendix 4) be placed on public exhibition from Monday, 1 May 2023 until 5 pm Monday, 29 May 2023.
3. That the Engagement Strategy as summarised in the report be endorsed.
4. That following completion of the public exhibition, a further report be presented to Council for consideration, addressing the outcomes of the 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

CCL23/104 RESULTS OF PUBLIC EXHIBITION - AMENDMENTS TO THE DUBBO DEVELOPMENT CONTROL PLAN 2013 AND WELLINGTON DEVELOPMENT CONTROL PLAN 2013 - DETACHED DEVELOPMENT (ID23/247)

The Council had before it the report dated 5 April 2023 from the Team Leader Growth Planning Projects regarding Results of Public Exhibition - Amendments to the Dubbo Development Control Plan 2013 and Wellington Development Control Plan 2013 - Detached Development.

Moved by Councillor J Gough and seconded by Councillor M Wright

MOTION

1. That Council adopt the amendments to the Dubbo Development Control Plan 2013 (attached in Appendix 1) and Wellington Development Control Plan 2013 (attached in Appendix 2).
2. That the amendments to the Dubbo Development Control Plan 2013 and Wellington Development Control Plan 2013 come into effect on 1 May 2023.

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

CCL23/105 RESULTS OF PUBLIC EXHIBITION - PLANNING PROPOSAL R22-002- CAVELLE DRIVE, DUBBO (ID23/666)

The Council had before it the report dated 5 April 2023 from the Growth Planner regarding Results of Public Exhibition - Planning Proposal R22-002- Cavelle Drive, Dubbo.

Moved by Councillor M Wright and seconded by Councillor J Black

MOTION

1. That Council adopt the Planning Proposal to amend the Dubbo Regional Local Environmental Plan 2022 (attached in Appendix 1) by rezoning part of Cavelle Drive, Dubbo (Lot 800 DP1280165, formerly Lot 700 DP1274329) from SP3 Tourist to R2 Low Density Residential and amending part of the Minimum Lot Size Area from No Minimum Lot Size to 800m².
2. That Council prepare drafting instructions and liaise with the NSW Government Department of Planning and Environment to arrange finalisation of the proposed amendment to the Dubbo Regional Local Environmental Plan 2022 and request gazettal of the Plan.
3. That the Chief Executive Officer (or delegate) be authorised to execute any required

documentation to finalise the amendment to the Dubbo Regional Local Environmental Plan 2022.

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

CCL23/106 COUNCIL RELATED DEVELOPMENT APPLICATION - CONFLICT OF INTEREST POLICY (ID23/665)

The Council had before it the report dated 3 April 2023 from the Manager Building and Development Services regarding Council Related Development Application - Conflict of Interest Policy.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

1. That the draft Council-Related Development Application Conflict of Interest Policy (attached as Appendix 2) be noted and adopted.
2. That the adopted Council-Related Development Application Conflict of Interest Policy be placed on Council's website and an advertisement placed in the Daily Liberal (Council Column) confirming adoption of the Policy.
3. That relevant staff be notified of the adopted Council Policy and comply with the requirements contained therein.

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

CCL23/107 DRAFT PLANNING AGREEMENT - SPICERS CREEK WIND FARM (ID23/310)

The Council had before it the report dated 17 April 2023 from the Development Contributions Planner regarding Draft Planning Agreement - Spicers Creek Wind Farm.

Moved by Councillor J Black and seconded by Councillor R Ivey

MOTION

1. That Council negotiate a draft Planning Agreement with Squadron Energy Pty Ltd in respect of the Spicers Creek Wind Farm Project.
2. That a draft Planning Agreement be for 1.5% of the Capital Investment Value of the project.
3. That any draft Planning Agreement be aligned with the offer letter provided by Squadron Energy Pty Ltd dated 26 April 2023.
4. That in respect of the 107 proposed wind turbines in the Dubbo Regional Local Government Area and the 10 wind turbines proposed in the Warrumbungle Local

Government Area that Planning Agreement funding be considered on a pro rata basis per turbine.

5. **That a draft Planning Agreement be prepared in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2021.**
6. **That a draft Planning Agreement prepared in accordance with recommendations 1-4 be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.**
7. **That following the conclusion of the public exhibition period, a further report be presented to Council for consideration, including any submissions 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

CCL23/108 D22-691 - SECONDARY DWELLING - LOT 461 DP565521, 12 CAVES ROAD APSLEY (ID23/753)

The Council had before it the report dated 11 April 2023 from the Senior Planner regarding D22-691 - Secondary Dwelling - Lot 461 DP565521, 12 Caves Road Apsley.

Moved by Councillor M Wright and seconded by Councillor J Black

MOTION

1. **That Council defer this item for consideration at a future meeting of council if the recently submitted additional information once assessed is deemed to be inadequate.**
2. **That should the recently submitted additional information be deemed to be sufficient once assessed, that the application be determined under delegated authority.**
3. **That the applicant and those people making submissions be advised on Council's decision in this matter.**

CARRIED

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

Against: Councillors S Chowdhury, P Wells

CCL23/109 MEMORIAL PLAQUES AND DONATION OF PARK FURNITURE AND TREES POLICY (ID23/736)

The Council had before it the report dated 5 April 2023 from the Manager Recreation and Open Space regarding Memorial Plaques and Donation of Park Furniture and Trees Policy.

Moved by Councillor J Gough and seconded by Councillor V Etheridge

MOTION

1. **That a draft Council Policy – Plaques and Donation of Park Furniture and Trees Policy,**

based on the existing Management Policy, be placed on public exhibition for a period of 28 days during the first quarter 2023/2024 financial year.

2. That a subsequent report be provided to Council detailing 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

CCL23/110 FINANCIAL ASSISTANCE PROGRAM 2022/2023 ROUND TWO (ID23/466)

The Council had before it the report dated 9 March 2023 from the Manager Community Services regarding Financial Assistance Program 2022/2023 Round Two.

Moved by Councillor S Chowdhury and seconded by Councillor V Etheridge

MOTION

1. That Council approve the below grant recommendations, in line with the eligible criteria and notifications to be sent to each successful applicant:
 - RSPCA NSW \$7,800.00
 - Girls Brigade Dubbo NSW \$4,100.00
2. That all unsuccessful 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 2022/2023 Round Two be rolled over to 2023/2024 Round One of the Financial Assistance Program.

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

CCL23/111 COMMUNITY SERVICES FUND 2022/2023 ROUND 2 - COMMUNITY BENEFIT FUNDING IN ACCORDANCE WITH SECTION 356 LOCAL GOVERNMENT ACT 1993 (ID23/462)

The Council had before it the report dated 9 March 2023 from the Manager Community Services regarding Community Services Fund 2022/2023 Round 2 - Community Benefit Funding in Accordance with Section 356 Local Government Act 1993.

Moved by Councillor M Wright and seconded by Councillor S Chowdhury

MOTION

1. That Council allocate \$17,398.14 of the \$59,245.88 to the community based organisations the following funds in accordance with Section 356 of The Local Government Act 1993 and notification to be sent to each successful applicant:

• Dubbo & District Family History Society	\$957.44
• Dubbo and District Pipe Band	\$2,300.00
• Emmanuel Care Centre	\$3,400.00
• Orana Heights Public School P&C Association	\$9,244.70
• Orana Toy Library	\$996.00
• Red Cross, Wellington Branch	\$500.00
2. That all unsuccessful 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 2022/2023 Round Two be rolled over to 2023/2024 Round One of the Community Services Fund.	

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

CCL23/112 COMMENTS AND MATTERS OF URGENCY (ID23/690)

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:

- *CCL23/113 – Tender for the Heavy Patching Program – Road Maintenance Council Contract (RMSS) (ID23/768)*
(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 this item.

At this juncture it was moved by Councillor S Chowdhury and seconded by Councillor J Black that the Council resolves into closed session, the time being 7.12pm.

The open session resumed at 7.17pm.

The Manager Corporate Governance read out the following resolutions made in the closed session in Council.

CCL23/113 TENDER FOR THE HEAVY PATCHING PROGRAM - ROAD MAINTENANCE COUNCIL CONTRACT (RMCC) (ID23/768)

The Council had before it the report dated 12 April 2023 from the Senior Project Engineer regarding Tender for the Heavy Patching Program - Road Maintenance Council Contract (RMCC).

Moved by Councillor S Chowdhury and seconded by Councillor J Black

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

RECOMMENDATION

- 1. That the contract for VP342823 for the full service for heavy patching (including stabilising pavement) on the Golden Highway and the Goolma Road be awarded to Stabilised Pavements of Australia Pty Ltd for the amount of \$3,773,848.82 (including GST).**
- 2. That all documentation in relation to this matter remain confidential to Council.**
- 3. That all documentation in relation to this matter be signed under the Common Seal of Council.**

CARRIED

For: Councillors 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 7.18pm.

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CHAIRPERSON