

# Ordinary Council Meeting

Minutes

Tuesday 15 August 2023



**Minutes of the Ordinary Council Meeting**  
**Held on Tuesday, 15 August 2023 at the**  
**Parkes Council Chamber, 2 Cecile Street, Parkes**

**Present:**

Cr Ken Keith OAM	Councillor (Chairperson)
Cr Neil Westcott	Councillor (Deputy Chairperson)
Cr William Jayet	Councillor
Cr Marg Applebee	Councillor
Cr Jacob Cass	Councillor
Cr Ken McGrath	Councillor
Cr Louise O'Leary	Councillor
Cr George Pratt	Councillor
Cr Daniel Weber	Councillor
Cr Glenn Wilson	Councillor

**Council Officers in Attendance:**

Mr Kent Boyd PSM	General Manager
Mr Ben Howard	Director Operations
Mr Andrew Francis	Director Infrastructure and Strategic Futures
Mr Brendan Hayes	Director Planning and Community Services
Mr Anthony McGrath	Director Customer, Corporate Services and Economy
Mr Jaco Barnard	Chief Financial Officer
Mrs Mikaela Cass	Manager Governance, Risk and Corporate Performance
Mrs Shona Henry	Minutes

**NOTES**

The meeting commenced at 2.00pm and concluded at 4.52pm.

## **1 OPENING OF MEETING**

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The Mayor declared the Ordinary Council Meeting of Tuesday 15 August 2023 open and welcomed Councillors, Council Officers and members of the public attending and listening to the meeting.

The Mayor advised attendees that the meeting was being recorded and streamed live on the internet, to enhance the accessibility of Council meetings to the broader Parkes Shire community, and that the recording will be archived and made available on Council's website.

The Mayor asked that attendees ensure that mobile phones and other electronic devices were turned off or in silent mode for the duration of the meeting.

The Mayor further advised that all care would be taken to maintain privacy, however, as a visitor in the public gallery, members of the public should be aware that their presence may be recorded.

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## **2 ACKNOWLEDGEMENT OF COUNTRY**

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Cr Jayet read the following Acknowledgement of Country:

*Parkes Shire Council acknowledges the Traditional Custodians of the Wiradjuri Country and recognises and respects their cultural heritage, beliefs and continuing connection with the lands and rivers of the Parkes Shire.*

*Council pays its respects to Elders past, present and emerging and extends this respect to all First Nations peoples in the Parkes Shire.*

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## **3 PRAYER**

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The General Manager read the Prayer:

Almighty God,  
We ask for your blessing upon this Council,  
Direct and prosper our deliberations,  
For the true welfare of the people of the Parkes Shire and beyond.

AMEN

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## **4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE**

## **5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK**

Nil

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 JULY 2023

#### RESOLVED OCM 176/23

Moved: Cr William Jayet

Seconded: Cr Marg Applebee

That Ordinary Council Meeting receive and confirm the Minutes of the Ordinary Council Meeting held on Tuesday 18 July 2023 appended at *Annexure A*.

**CARRIED**

## 7 DISCLOSURES OF INTERESTS

The Mayor reminded Councillors and Council Officers of their obligation under Council's Code of Conduct to disclose and manage any conflicts of interest they may have in matters being considered at the meeting, and invited Councillors and Council Officers to disclose any such interests.

Ben Howard Director Operations disclosed a less than significant non-pecuniary interest in relation to item 12.4 2024 NSW Country Golf Championship Partnership and chose to leave meeting, not participate in debate and discussion on the matter, and not vote on the matter take. The reason provided was:

*On the Board of the organisation mentioned in the report."*

Kent Boyd General manager disclosed a pecuniary interest in relation to item 17.4 General Manager Performance Review for the period 01.07.2022 to 30.06.2023 and chose to leave meeting, not participate in debate and discussion on the matter, and not vote on the matter take. The reason provided was:

*"Individual mentioned in the Report."*

## 8 LATE BUSINESS

The Mayor advised that the following late items of business had been submitted by Council Officers, and invited a motion to enable the addition of the late items to the meeting agenda.

1. *9.6 Mayoral Minutes Succession Planning*
2. *Item 10.4 Minutes of the Community Liveability and Access Committee meeting held on 22 May 2023*

**9 MAYORAL MINUTE(S)****9.1 MEETINGS, FUNCTIONS AND EVENTS ATTENDED BY MAYOR AND COUNCILLORS****MOTION**

Moved: Cr William Jayet  
Seconded: Cr Marg Applebee

That Council:

1. Note the report on the Meetings functions and events attended in an official capacity, by the Mayor and Councillors during the period 18 July through to 15 August 2023.

**9.2 COMING KNOWN EVENTS FOR MAYOR AND COUNCILLORS****RESOLVED OCM 177/23**

Moved: Cr Marg Applebee  
Seconded: Cr Neil Westcott

That Council:

1. Note the known upcoming meetings, functions and events for the Mayor and Councillors for the period 16 August 2023 to 19 September 2023.

**CARRIED**

**9.3 2023 LOCAL GOVERNMENT NSW WATER MANAGEMENT CONFERENCE****MOTION**

Moved: Cr Marg Applebee  
Seconded: Cr Jacob Cass

That Council:

1. Note the letter of thanks from Local Government NSW.

**9.4 WESTERN REGIONAL ACADEMY OF SPORT PRESENTATION EVENING****RESOLVED OCM 178/23**

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Council:

1. Note the information.
2. Write a letter of congratulations to Elly Thornberry on her awards success.

**CARRIED****9.5 COUNTRY MAYORS ASSOCIATION MEETING 04 AUGUST 2023****RESOLVED OCM 179/23**

Moved: Cr Marg Applebee

Seconded: Cr George Pratt

That Council:

1. Note the information.

**CARRIED****9.6 SUCCESSION PLANNING****RESOLVED OCM 180/23**

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Council:

1. Note the Mayors decision.

**CARRIED****10 REPORTS OF COMMITTEES****10.1 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 1 AUGUST 2023****RESOLVED OCM 181/23**

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Council:

1. Receive and confirm the Minutes of the Extraordinary Council Meeting held on Tuesday 1 August 2023 appended at *Annexure A*.

**CARRIED**

**10.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 9 AUGUST 2023****RESOLVED OCM 182/23**

Moved: Cr Ken McGrath

Seconded: Cr George Pratt

That Council:

1. Receive and confirm the Minutes of the Local Traffic Committee Meeting held on Wednesday 9 August 2023 appended at *Annexure A*.

**CARRIED****10.3 MINUTES OF THE PARKES SPORTS COUNCIL MEETING HELD ON 8 AUGUST 2023****RESOLVED OCM 183/23**

Moved: Cr Louise O'Leary

Seconded: Cr Jacob Cass

That Council:

1. Receive and confirm the Minutes of the Parkes Sports Council Meeting held on Tuesday 8 August 2023 appended at *Annexure A*.
2. Place a copy of the Parkes Sports Council Annual Report on Council's web site.

**CARRIED****10.4 MINUTES OF THE COMMUNITY LIVEABILITY AND ACCESS COMMITTEE MEETING HELD ON 06 JUNE 2023****RESOLVED OCM 184/23**

Moved: Cr William Jayet

Seconded: Cr George Pratt

That Council:

1. Receive and confirm the Minutes of the Community, Liveability and Access Committee meeting held on 06 June 2023 appended at *Annexure A*.

**CARRIED**

## 11 REPORTS OF THE GENERAL MANAGER

### 11.1 INVESTMENTS & BORROWINGS REPORT AS AT 31 JULY 2023

#### RESOLVED OCM 185/23

Moved: Cr Jacob Cass  
 Seconded: Cr Daniel Weber

That Council:

Receive and note the Statement of Investments and Borrowings as on 31 July 2023

**CARRIED**

### 11.2 MAKING OF THE RATES AND FIXING OF CHARGES 2023-2024

#### RESOLVED OCM 186/23

Moved: Cr George Pratt  
 Seconded: Cr Jacob Cass

That Council:

1. In accordance with Chapter 15, Parts 4 and 5 of the *Local Government Act 1993*, make and levy the following rate for the 2023-2024 financial year:
  - (a) In relation to the Ordinary Rates, Council applies the increase of 3.7 per cent, inclusive of the rate peg, as determined by the Independent Pricing and Regulatory Tribunal.
  - (b) In relation to Ordinary Rates and pursuant to section 494 of the *Local Government Act 1993*, make and levy the following Ordinary Rate for the year 01 July 2023 to 30 June 2024:

Category and Sub-Category	Minimum Rate	Cents in Dollar (Ad Valorem)
Ordinary - Mining Copper Producing	\$590.00	3.4257630

**CARRIED**

### 11.3 DRAFT ANNUAL FINANCIAL REPORTS - 2022/2023

#### RESOLVED OCM 187/23

Moved: Cr Neil Westcott  
 Seconded: Cr Ken McGrath

That Council:

1. In accordance with the requirements of the *Local Government Act 1993* (as amended) and the Local Government Code of Accounting Practice and Financial Reporting, resolve to refer the accounts for audit.

**CARRIED**



**11.4 ELECTION OF MAYOR AND DEPUTY MAYOR****RESOLVED OCM 188/23**

Moved: Cr Jacob Cass  
Seconded: Cr George Pratt

That Council:

1. Note the information on the process for the election of Mayor and Deputy Mayor to be held at the 19 September 2023 Council meeting.

**CARRIED**

**12 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY****12.1 ADOPTION OF THE REVISED OPERATIONAL PLAN AND BUDGET 2023-24****RESOLVED OCM 189/23**

Moved: Cr William Jayet  
Seconded: Cr Neil Westcott

That Council:

1. Receive and consider the submission received on the revised 2023-24 Fees and Charges, appended at *Annexure A*, and request the General Manager respond to the submission received.
2. Pursuant to section 405 of the *Local Government Act 1993*, adopt the revised Operational Plan 2023-24, including the 2023-24 Statement of Revenue Policy incorporating the annual budget and Schedule of Fees and Charges, appended at *Annexure B*.
3. Pursuant to clause 211(2) of the *Local Government General Regulation 2021*, approve expenditure and vote funds as detailed in the revised Operational Plan and Budget 2023-24.

**CARRIED**

**12.2 PUBLIC EXHIBITION OF DRAFT GENDER EQUITY STRATEGY****RESOLVED OCM 190/23**

Moved: Cr Marg Applebee  
Seconded: Cr Louise O'Leary

That Council:

1. Endorse public exhibition of the draft Gender Equity Strategy, appended at *Annexure A*, for a period of 28 days.
2. Receive a further report following the exhibition period that details any submissions received and considers the adoption of the draft Gender Equity Strategy.

**CARRIED**

**12.3 REQUEST FOR ACKNOWLEDGMENT AND SUPPORT FOR A COMMUNITY GYM AT BERRYMAN OVAL IN TRUNDLE****RESOLVED OCM 191/23**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Acknowledge the request by the Trundle and District Progress Association to establish a community gym at Berryman Oval in Trundle.
2. Consider any future requests from the Association to support the planning and fund-raising activities for a community gym.
3. Include the Trundle Community Gym project in the Integrated Planning and Reporting program and list it as a future project, which is supported by the Trundle community.

**CARRIED**

At this stage being 3.05pm having declared an interest in the following item Director of Operations temporarily left the meeting.

**12.4 2024 NSW COUNTRY GOLF CHAMPIONSHIP PARTNERSHIP****RESOLVED OCM 192/23**

Moved: Cr Neil Westcott

Seconded: Cr Jacob Cass

That Council:

1. Give public notice of its intention to provide \$5,000 in financial assistance to Golf NSW, as detailed in this report, to support the delivery of the 2024 NSW Men's Country Golf Championships to be held at Parkes Golf Club.
2. Pursuant to section 356 of the Local Government Act 1993, approve the provision of \$5,000 to Golf NSW, subject to no submissions being received.

**CARRIED**

Director of Operations rejoined the meeting at 3.11pm.

**13 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND STRATEGIC FUTURES****13.1 MAJOR PROJECTS AND CURRENT WORKS REPORT - INFRASTRUCTURE AND STRATEGIC FUTURES****RESOLVED OCM 193/23**

Moved: Cr Neil Westcott

Seconded: Cr William Jayet

That Council:

1. Receive and note the Infrastructure and Strategic Futures Major Projects and Current Works Report for August 2023, appended at *Annexure A*.

**CARRIED****13.2 PARKES WETLANDS ACTIVATION UNDER THE GROWING REGIONS PROGRAM****RESOLVED OCM 194/23**

Moved: Cr William Jayet

Seconded: Cr Marg Applebee

That Council:

1. Support the Growing Regions Program submission to activate the Parkes Wetlands
2. Allocate \$500,000 per year over two (2) financial years from the sewer fund reserves as Council's contribution to the Growing Regions Program submission to activate the Parkes Wetlands.

**CARRIED****14 REPORTS OF THE DIRECTOR OPERATIONS****14.1 MAJOR PROJECTS AND CURRENT WORKS - OPERATIONS****RESOLVED OCM 195/23**

Moved: Cr Ken McGrath

Seconded: Cr George Pratt

That Council:

1. Receive and note the Operations Major Projects and Current Works Report for August 2023, appended at *Annexure A*.

**CARRIED**

At this stage being 3.39pm the Mayor adjourned the meeting for afternoon tea.  
The meeting resumed at 4.03pm

**15 REPORTS OF THE DIRECTOR PLANNING AND COMMUNITY SERVICES****15.1 JULY 2023 BUILDING STATISTICS REPORT****RESOLVED OCM 196/23**

Moved: Cr William Jayet

Seconded: Cr Neil Westcott

That Council:

1. Receive and note the July 2023 Building Statistics Report.

**CARRIED****15.2 PARKES SHIRE COUNCIL DEVELOPMENT CONTROL PLAN AMENDMENT****RESOLVED OCM 197/23**

Moved: Cr Jacob Cass

Seconded: Cr George Pratt

That Council:

1. Endorse public exhibition of the draft amendments numbered 1-4 to the Parkes Shire Council Development Control Plan and place on public exhibition for 28 days
2. Receive a further report concerning the adoption of the draft amendments following conclusion of the public exhibition period.

**CARRIED****15.3 PARKES SHIRE COUNCIL HIGHWAY SERVICE CENTRE STRATEGY****RESOLVED OCM 198/23**

Moved: Cr George Pratt

Seconded: Cr Ken McGrath

That Council:

1. Endorse public exhibition of the draft Parkes Shire Council Highway Service Centre Strategy and place on public exhibition for a period of 28 days.
2. Receive a further report concerning the adoption of the draft Parkes Shire Council Highway Service Centre following conclusion of the public exhibition period.

**CARRIED**

**15.4 DA 2023/0016- EXTRACTIVE INDUSTRY- QUARRY****UNANIMOUS SUPPORT****RESOLVED OCM 199/23**

Moved: Cr William Jayet  
Seconded: Cr Marg Applebee

That Council:

1. Approve DA 2023/0016 subject to the conditions contained within the report.

**CARRIED****UNANIMOUS SUPPORT****15.5 DA2023/0017- EXTRACTIVE INDUSTRY- QUARRY****RESOLVED OCM 200/23**

Moved: Cr Jacob Cass  
Seconded: Cr Marg Applebee

That Council:

1. Approve DA2023/0017 subject to the conditions contained within the report.

**CARRIED****15.6 DA 2023/0018 EXTRACTIVE INDUSTRY - QUARRY****UNANIMOUS SUPPORT****RESOLVED OCM 201/23**

Moved: Cr Neil Westcott  
Seconded: Cr Ken McGrath

That Council:

1. Approve DA2023/0018 subject to the conditions contained in the report.

**CARRIED****15.7 DA 2023/0019 - EXTRACTIVE INDUSTRY - QUARRY****UNANIMOUS SUPPORT****RESOLVED OCM 202/23**

Moved: Cr Marg Applebee  
Seconded: Cr Jacob Cass

That Council:

1. Approve DA 2023/0019 subject to the conditions contained within the report.

**CARRIED**

**16 NOTICES OF MOTION/QUESTIONS WITH NOTICE**

Nil

**17 CONFIDENTIAL MATTERS****RESOLVED OCM 203/23**

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Ordinary Council Meeting:

1. Moves into Closed Session to deal with the matters below, which are classified as confidential under section 10A(2) of *the Local Government Act 1993* for the reasons specified:

**17.1 ADDITION TO PROJECT SERVICES PANEL - SENIOR PROJECT ENGINEER - UMINEX**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

**17.2 ADDITION TO PROJECT SERVICES PANEL - HEALTH SAFETY ENVIRONMENT COMMUNICATIONS QUALITY (HSECQ) - UMINEX**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

**17.3 CRITICAL DROUGHT RELIEF (CDR) BORE TWO (2) DRILLING AND ESTABLISHMENT/CONVERSION TO MONITORING BORE - PSC2022/147**

This matter is considered to be confidential under Section 10A(2) - a and c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors) and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

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**17.4 GENERAL MANAGER PERFORMANCE REVIEW FOR THE PERIOD  
01.07.2022 TO 30.06.2023**

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

2. Exclude the media and public from the meeting on the basis that the business to be considered is classified as confidential, pursuant to 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*.
3. Withhold reports and correspondence relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.
4. Make public resolutions made by the Council in Closed Session after the conclusion of the Closed Session, and record such resolutions in the minutes of the Council meeting.

**CARRIED**

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At 4:24pm, the Meeting went into Closed Session.

<b>17.1 ADDITION TO PROJECT SERVICES PANEL - SENIOR PROJECT ENGINEER - UMINEX</b>
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**RESOLVED OCM 204/23**

Moved: Cr George Pratt

Seconded: Cr Marg Applebee

That Council:

Adopt the recommendation for the engagement of a Senior Project Engineer within the Project Management Office for a 48-week engagement equating to 44hrs per week at \$168/hr (excl GST) for a total cost \$390,297.60 (incl GST).

**CARRIED**

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<b>17.2 ADDITION TO PROJECT SERVICES PANEL - HEALTH SAFETY ENVIRONMENT COMMUNICATIONS QUALITY (HSECQ) - UMINEX</b>
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**RESOLVED OCM 205/23**

Moved: Cr George Pratt

Seconded: Cr Jacob Cass

That Council:

Adopt the recommendation for the engagement of a HSECQ Supervisor within the Project Management Office for a 48-week engagement equating to 44hrs per week, \$148/hr (excl GST) for a total cost \$343,833.60 (incl GST).

**CARRIED**

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**17.3 CRITICAL DROUGHT RELIEF (CDR) BORE TWO (2) DRILLING AND ESTABLISHMENT/CONVERSION TO MONITORING BORE - PSC2022/147****RESOLVED OCM 206/23**

Moved: Cr George Pratt

Seconded: Cr Neil Westcott

That Council:

It is recommended that the Tender process be cancelled and that negotiations be entered into with the three preferred Tenderers detailed within. Detailed Tender clarifications have been ongoing since May 2023. The only option considered viable, that will enable delivery of this infrastructure by the funding deed cutoff date of December 2023, is that detailed below.

It is therefore recommended that Council:

1. Receives the confidential report, *Critical Drought Relief Project Bore 2 Drilling And Establishment / Conversion To Monitoring Bore - PSC2022/147 (Confidential Report)* in relation to request for tender process PSC2022/147 (**RFT process**);
2. In accordance with s178(1)(b) of the *Local Government (General) Regulation 2021 (NSW) (Regulation)*, declines to accept any of the tenders submitted in response to the RFT process;
3. In accordance with s178(3)(e) of the Regulation, resolves to enter into negotiations with the persons identified for that purpose in the Confidential Report (**Nominated Persons**), in the manner described in the Confidential Report, with a view to entering into a contract for the services relating to the subject matter of the RFT process with one of the Nominated Persons;
4. That Council, in accordance with s178(4)(a) of the Regulation, notes that the reason for Council declining to invite fresh tenders or applications as referred to in ss178(3)(b)-(d) of the Regulation, is that:
  - a. It is not expected that further market testing will provide a more satisfactory result; and
  - b. It is anticipated that a satisfactory result can be achieved through negotiating with one or more of the Nominated Persons in the manner described in the Confidential Report; and
5. That all tenderers are notified as appropriate that no tenders for the RFT process were accepted; and
6. That the General Manager be authorised to directly negotiate with one or more of the Nominated Persons in the manner described in the Confidential Report, for the purpose of entering into a contract with a Nominated Person in relation to the subject matter of the RFT process, and execute that contract.

**CARRIED**

At this stage being 4.44pm the General Manager Kent Boyd having declared an interest in the following item left the meeting temporarily.



**17.4 GENERAL MANAGER PERFORMANCE REVIEW FOR THE PERIOD 01.07.2022 TO 30.06.2023**

**RESOLVED OCM 207/23**

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Council:

1. Receive the General Manager's Performance review appended as Attachment 1.
2. Congratulate the General Manager on the result of his performance review.
3. Review the General Manager's remuneration package in line with Office of Local Government General Manager Remuneration and Legacy Report benchmark.

**CARRIED**

The General Manager rejoined the meeting at 4.48pm

At 4:49pm, the Council in Closed Session returned to Open Session.

**18 REPORT OF CONFIDENTIAL RESOLUTIONS**

In accordance with clauses 14.22 and 14.23 of Council's Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson as soon as practicable. Such resolutions must be recorded in the publicly available minutes of the meeting.

**MOTION**

That Ordinary Council Meeting:

1. Resume in Open Session and note the Mayor's report on Confidential Resolutions.

**19 CONCLUSION OF MEETING**

The meeting concluded at 4:52pm.

This is the final page of the minutes comprising 17 pages numbered of the Ordinary Council Meeting held on Tuesday, 15 August 2023 to be confirmed on Tuesday, 19 September 2023.



**Cr Ken Keith OAM**  
MAYOR