

Ordinary Council Meeting

Minutes

Tuesday 19 March 2024



Minutes of the Ordinary Council Meeting
Held on Tuesday, 19 March 2024 at the
Parkes Council Chamber, 2 Cecile Street, Parkes

Present:

Cr Neil Westcott	Councillor (Chairperson)
Cr Marg Applebee	Councillor (Deputy Chairperson)
Cr Ken Keith OAM	Councillor
Cr William Jayet	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 Logan Hignett	Acting 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 Nikki Bevan	Acting Manager Governance, Risk and Corporate Performance
Mrs Toni Lennane	Executive & Councillor Support Officer (Minute Secretary)

NOTES

The meeting commenced at 2:04 pm and concluded at 3:53 pm.

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1 OPENING OF MEETING

The Mayor declared the Ordinary Council Meeting of Tuesday 19 March 2024 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.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Bill 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.

3 PRAYER

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

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE

Nil

5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 FEBRUARY 2024

RESOLVED OCM 053/24

Moved: Cr Marg Applebee

Seconded: Cr George Pratt

That Ordinary Council Meeting receive and confirm the Minutes of the Ordinary Council Meeting held on Tuesday 20 February 2024 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.

Cr Daniel Weber disclosed a significant non-pecuniary interest in relation to item 19.1 CBD Improvements - Property Acquisition for Parking and chose to leave the room. The reason provided was:

"Is a member of the Executive of Parkes Baptist Church who is the owner of the property."

Cr Ken Keith OAM disclosed a significant non-pecuniary interest in relation to item 14.2 Request to Host the 2024 Town Crier Championships and chose to leave the room. The reason provided was:

"Town Crier is my brother."

Cr Marg Applebee disclosed a significant non-pecuniary interest in relation to item 14.3 Request for Financial Assistance - Returned and Services League of Australia Sub-Branches and chose to leave the room. The reason provided was:

"I am an affiliated member of the Parkes Sub-Branch."

Cr Louise O'Leary disclosed a significant non-pecuniary interest in relation to item 14.3 Request for Financial Assistance - Returned and Services League of Australia Sub-Branches and chose to leave the room. The reason provided was:

"I am an affiliated member of the Parkes Sub-Branch of which Peak Hill is now under the Parkes Sub-Branch and I am on the Peak Hill ANZAC Sub-Committee."

Cr George Pratt disclosed a significant non-pecuniary interest in relation to item 14.3 Request for Financial Assistance - Returned and Services League of Australia Sub-Branches and chose to leave the room. The reason provided was:

"I am a member of the Parkes Sub-Branch."

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. **Reports of the Director of Customer, Corporate Services and Economy:**

14.3 Request for Financial Assistance - Returned and Services League of Australia Sub-Branched.

Moved: Cr Keith
Seconded: Cr Weber

9 ADOPTION OF MULTIPLE ITEMS OF BUSINESS

9.1 ADOPTION OF MULTIPLE ITEMS OF BUSINESS

RESOLVED OCM 054/24

Moved: Cr Marg Applebee
Seconded: Cr William Jayet

That Council:

1. Adopt the following items in the Agenda as recommended in the report:
 - 10.1 - Coming Known Events for Mayors & Councillors.
 - 10.2 - Meetings, Functions and Events Attended by Mayor and Councillors.
 - 10.3 - CNSWJO Board Meeting.
 - 10.4 - Country Mayors Association - NSW Government Budget Submission.
 - 12.1 - Minutes of the Parkes Sports Council Meeting held on 12 March 2024.

CARRIED

10 MAYORAL MINUTE(S)

10.1 COMING KNOWN EVENTS FOR MAYOR AND COUNCILLORS

RESOLVED OCM 055/24

Moved: Cr Marg Applebee
Seconded: Cr William Jayet

That Council:

1. Note the known upcoming meetings, functions and events for the Mayor and Councillors for the period 19 March 2024 through to 22 April 2024.

CARRIED

10.2 MEETINGS, FUNCTIONS AND EVENTS ATTENDED BY MAYOR AND COUNCILLORS**RESOLVED OCM 056/24**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

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 20 February 2024 through to 16 March 2024.

CARRIED**10.3 CNSWJO BOARD MEETING****RESOLVED OCM 057/24**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Receive and note the information about the CNSWJO Board meeting.

CARRIED**10.4 COUNTRY MAYORS ASSOCIATION - NSW GOVERNMENT BUDGET SUBMISSION****RESOLVED OCM 058/24**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. That the information be noted.
2. That a letter be sent to the NSW Government supporting the Country Mayors Budget Submission.

CARRIED

10.5 PARKES MATERNITY SERVICES**RESOLVED OCM 059/24**

Moved: Cr William Jayet
Seconded: Cr Marg Applebee

That Council:

1. Receive and note the information.
2. That Council formally thank Mr Philip Donato MP for his question to Premier the Hon. Chis Minns (ALP) at Parliament House, Sydney on 13 March 2024.
3. That Council continue to work with Mr Donato to re-establish maternity and better health services generally for Parkes.

CARRIED**10.6 MAYORAL MEETINGS WITH NSW GOVERNMENT MINISTERS****RESOLVED OCM 060/24**

Moved: Cr Marg Applebee
Seconded: Cr William Jayet

That Council:

1. Write to the Local Member Mr Phil Donato MP to express our appreciation to him and his staff for facilitating the meetings and hosting the Parkes Council Executive in Parliament on 13 March 2024.
2. Write to each Minister with an invitation to visit Parkes and the wider region.
3. Write to each Minister and reiterate the requests made at the meeting.

CARRIED**11 COUNCILLOR REPORT(S)****11.1 BACKTRACK - YOUTH PROGRAM****RESOLVED OCM 061/24**

Moved: Cr Marg Applebee
Seconded: Cr Jacob Cass

That:

1. If there is community will to progress the BackTrack initiative, that the Council continue to work with the community to support the establishment of BackTrack in the Parkes Shire.

In Favour: Crs Neil Westcott, Marg Applebee, Ken Keith OAM, William Jayet, Jacob Cass, Ken McGrath, Louise O'Leary, George Pratt, Daniel Weber and Glenn Wilson

Against: Nil

CARRIED 10/0

12 REPORTS OF COMMITTEES

12.1 MINUTES OF THE PARKES SPORTS COUNCIL MEETING HELD ON 12 MARCH 2024

RESOLVED OCM 062/24

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Receive and confirm the Minutes of the Parkes Sports Council Meeting held on Tuesday 12 March 2024 appended at *Annexure A*.

CARRIED

13 REPORTS OF THE GENERAL MANAGER

13.1 MONTHLY FINANCIAL REPORT AS AT 29 FEBRUARY 2024

RESOLVED OCM 063/24

Moved: Cr Marg Applebee

Seconded: Cr Ken Keith OAM

That Council:

1. Receive and note the year to date financial reports for the period up to 29 February 2024.

CARRIED

13.2 INVESTMENTS & BORROWINGS REPORT AS AT 29 FEBRUARY 2024

RESOLVED OCM 064/24

Moved: Cr George Pratt

Seconded: Cr William Jayet

That:

1. Receive and note the Statement of Investments and Borrowings as on 29 February 2024

CARRIED

14 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY**14.1 REQUEST FOR FINANCIAL ASSISTANCE: INKREDIBLE FUNDRAISER AND FLASH DAY****RESOLVED OCM 065/24**

Moved: Cr Marg Applebee

Seconded: Cr Daniel Weber

That:

1. Council receive and note the correspondence from the Inkredible Experience Tattoo Gallery, appended at *Annexure A*.
2. Council does not provide Financial Assistance to the Inkredible Fundraiser and Flash Day event due to there being insufficient funds available in the Community Events Budget and because the event only partially returns the investment by Council in donations to charity.

Motion:

Council does provide financial assistance in the amount of \$2,200.00 for the 2023 / 2024 financial year.

In Favour: Crs Neil Westcott, Marg Applebee, Ken Keith OAM, William Jayet, Jacob Cass, Ken McGrath, Louise O'Leary, George Pratt, Daniel Weber and Glenn Wilson

Against: Nil

CARRIED 10/0

At this stage being 2:35 pm Cr Ken Keith left the room.

At this stage being 2:36 pm Cr Glenn Wilson arrived.

14.2 REQUEST TO HOST THE 2024 TOWN CRIER CHAMPIONSHIPS**RESOLVED OCM 066/24**

Moved: Cr Ken McGrath

Seconded: Cr Marg Applebee

That:

1. Council receive and note the correspondence from Mr Tim Keith, appended in *Annexure A*.
2. Council agrees to host and financially support the NSW Town crier championships provided that the members of the Ancient and Honourable Guild of Australian Town Criers agree to assist the Event team by seeking sponsorship and reducing costs where practicable.

CARRIED

At this stage being 2:39 pm Cr Ken Keith returned to the room.

At this stage being 2:41 pm Councillors Marg Applebee, George Pratt and Louise O'Leary all left the room.

14.3 REQUEST FOR FINANCIAL ASSISTANCE - RETURNED AND SERVICES LEAGUE OF AUSTRALIA SUB-BRANCHES**RESOLVED OCM 067/24**

Moved: Cr Glenn Wilson

Seconded: Cr Jacob Cass

That:

1. Council move the allocation of \$30,000 in the Parkes TIF for the Cooke Park Masterplan to the 2024-2025 Financial Year.
2. Council provides public notice of its intention to provide up to \$6,400.00 in financial assistance from the Parkes Town Improvement Fund (TIF) to the Returned and Services League of Australia NSW ("RSL") Sub-Branches. This assistance will be provided by in-kind support to facilitate the delivery of ANZAC Ceremonies across the Parkes Shire in April 2024.
3. Council approve the provision of \$6,400.00 in financial assistance from the Parkes TIF by way of in-kind support to support the delivery of the annual ANZAC Ceremonies, subject to no formal submissions being received.
4. Council allow the Mayor and other Councillor representatives to attend the various ceremonies being conducted around the Shire.

CARRIED

At this stage being 2:44 pm Councillors Marg Applebee, George Pratt and Louise O'Leary all returned to the room.

15 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND SUSTAINABILITY**15.1 MAJOR PROJECTS AND CURRENT WORKS REPORT - INFRASTRUCTURE AND SUSTAINABILITY****RESOLVED OCM 068/24**

Moved: Cr Ken Keith OAM

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the Infrastructure and Strategic Futures Major Projects and Current Works Report for March 2024, appended at *Annexure A*.

CARRIED

16 REPORTS OF THE DIRECTOR OPERATIONS**16.1 MAJOR PROJECTS AND CURRENT WORKS - OPERATIONS****RESOLVED OCM 069/24**

Moved: Cr Ken McGrath

Seconded: Cr George Pratt

That Council:

1. Receive and note the Operations Major Projects and Current Works Report for March 2024, appended at *Annexure A*.

CARRIED

At this stage being 2:50 pm Anthony McGrath left the room.

At this stage being 2:52 pm Anthony McGrath returned to the room.

17 REPORTS OF THE DIRECTOR PLANNING AND COMMUNITY SERVICES**17.1 DA2023/0107 - PLACE OF PUBLIC WORKSHIP - 165 NASH STREET, PARKES****RESOLVED OCM 070/24**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That:

1. Approve Development Application 2023/0107 subject to conditions within the attached Development Assessment report.

In Favour: Crs Neil Westcott, Marg Applebee, Ken Keith OAM, William Jayet, Jacob Cass, Ken McGrath, Louise O'Leary, George Pratt, Daniel Weber and Glenn Wilson

Against: Nil

CARRIED 10/0

At this stage being 2:53 pm Anthony McGrath left the room.

At this stage being 2:55 pm Anthony McGrath returned to the room.

17.2 FEBRUARY 2024 BUILDING STATISTICS REPORT**RESOLVED OCM 071/24**

Moved: Cr George Pratt

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the February 2024 Building Statistics Report.

CARRIED

17.3 PARKES SHIRE COUNCIL ART COLLECTION POLICY**RESOLVED OCM 072/24**

Moved: Cr Ken Keith OAM

Seconded: Cr William Jayet

That:

1. Council adopt the Parkes Shire Council Art Collection Policy.

CARRIED**18 NOTICES OF MOTION/QUESTIONS WITH NOTICE****18.1 CRIME IN PARKES****RESOLVED OCM 073/24**

Moved: Cr Jacob Cass

Seconded: Cr Glenn Wilson

That Council:

1. That our Mayor, Cr Neil Westcott, write to our Local Member, Phil Donato MP for Orange, advising him of the situation and requesting information on what is being done to combat the rise of petty and serious crime within his electorate and specifically within the Parkes Shire.
2. That Council request to schedule regular meetings with the NSW Police Local Area Command (LAC) so that we, as Councillors and representatives of our community, know what is being done at a local level and can answer questions surrounding this when asked and provide the figures back to the Workshop.
3. We undertake a targeted review of our CCTV at areas where vandalism is more prevalent to ensure that we have functional cameras, determine what assets require more coverage to deter or capture these incidents, and determine whether the cost of upgrading our CCTV capabilities outweighs the cost of replacing equipment and staff hours to clean and fix these issues.

In Favour: Crs Neil Westcott, Marg Applebee, Ken Keith OAM, William Jayet, Jacob Cass, Ken McGrath, Louise O'Leary, George Pratt, Daniel Weber and Glenn Wilson

Against: Nil

CARRIED 10/0

At this stage being 3:22 pm Jaco Barnard left the room.

At this stage being 3:24 pm Andrew Francis left the room.

18.2 INTER AGENCY WORKING GROUP**RESOLVED OCM 074/24**

Moved: Cr Jacob Cass

Seconded: Cr Louise O'Leary

That Council:

1. That invitation be extended for a representative of the Department of Regional NSW and a representative for TAFE NSW to join the Business & Investment Advisory Committee.

In Favour: Crs Neil Westcott, Marg Applebee, Ken Keith OAM, William Jayet, Jacob Cass, Ken McGrath, Louise O'Leary, George Pratt, Daniel Weber and Glenn Wilson

Against: Nil

CARRIED 10/0CARRIED**19 CONFIDENTIAL MATTERS****RESOLVED OCM 075/24**

Moved: Cr William Jayet

Seconded: Cr Marg Applebee

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:

19.1 CBD IMPROVMENTS - PROPERTY ACQUISITION FOR PARKING

This matter is considered to be confidential under Section 10A(2) - d(ii) 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 competitor of the council.

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.

19.2 PSC2023/116 SUPPLY AND DELIVERY OF REPLACEMENT SCREENS FOR SEWER TREATMENT PLANT

This matter is considered to be confidential under Section 10A(2) - d(i) 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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.

19.3 SALE OF LAND FOR UNPAID RATES & CHARGES

This matter is considered to be confidential under Section 10A(2) - b 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 discussion in relation to the personal hardship of a resident or ratepayer.

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.

19.4 PARKES AQUATIC CENTRE

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.

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

At 3:25 pm, the Meeting went into Closed Session.

RESOLVED OCM 076/24

Moved: Cr Jacob Cass

Seconded: Cr George Pratt

That Ordinary Council Meeting:

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

CARRIED

At 3:51 pm, the Council in Closed Session returned to Open Session.

19 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.

At this stage being 3:25 pm Cr Daniel Weber left the room.

At this stage being 3:26 pm Andrew Francis and Jaco Barnard returned to the room.

19.1 CBD IMPROVEMENTS - PROPERTY ACQUISITION FOR PARKING**RESOLVED OCM 077/24**

Moved: Cr Ken Keith OAM

Seconded: Cr William Jayet

That:

1. That the information be received and noted.

CARRIED

At this stage being 3:27 pm Cr Daniel Weber returned to the room.

19.2 PSC2023/116 SUPPLY AND DELIVERY OF REPLACEMENT SCREENS FOR SEWER TREATMENT PLANT**RESOLVED OCM 078/24**

Moved: Cr Glenn Wilson

Seconded: Cr Jacob Cass

That:

1. Endorses the RFT Evaluation Report and endorses that VoR Environmental are nominated as the preferred tenderer for the Supply and Delivery of Replacement Screens for the Sewer Treatment Plant.
2. Endorses the awarding of the Contract to VoR Environmental pending contract execution.

CARRIED

19.3 SALE OF LAND FOR UNPAID RATES & CHARGES**RESOLVED OCM 079/24**

Moved: Cr Louise O'Leary

Seconded: Cr Marg Applebee

That:

1. That Council proceed with the sale of land for unpaid rates for eligible properties as attached to this report.
2. That Council delegate authority to the General Manager to take the following actions pertaining to the properties specified in the report:
 - a. To withdraw from sale of any property that, prior to commencement of the auction, has had all rates and charges payable (including overdue rates and charges) paid in full; or a suitable payment arrange has been agreed to and entered into including a suitable upfront payment being made.
 - b. To set a date, time, and place for the sale.
 - c. To review and select persons or organisations to supply the services needed for sale of land process, from the list of expressions of interest submitted.
 - d. To withdraw any property from sale for technical or legal reasons.
 - e. To set reserve prices for sale of the properties at auction.
 - f. To negotiate by private treaty and accept offers for the sale of any property that fails to sell at auction.
 - g. To execute sale and purchase contracts, and property transfer documents, under Council's Common Seal.
 - h. To write off residual rates outstanding due to shortfall in sale for individual properties.
3. That the General Manager be authorised to appoint a Council Officer to bid on the Council's behalf for selected properties in the upcoming Sale of Land for Unpaid Rates auction.

CARRIED

At this stage being 3:37 pm Cr George Pratt left the room.

At this stage being 3:38 pm Cr George Pratt returned to the room.

19.4 PARKES AQUATIC CENTRE

RESOLVED OCM 080/24

Moved: Cr Ken McGrath

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the response to the Question with Notice submitted by Cr Ken McGrath, as detailed in this report.

CARRIED

20 CONCLUSION OF MEETING

The meeting concluded at 3:53 pm.

This is the final page of the minutes comprising 19 pages numbered 1 to 19 of the Ordinary Council Meeting held on Tuesday, 19 March 2024 and confirmed on Tuesday, 23 April 2024.



Cr Neil Westcott

MAYOR