

Ordinary Council Meeting

Minutes

Tuesday 23 April 2024



Minutes of the Ordinary Council Meeting Held on Tuesday, 23 April 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 Councillor Cr George Pratt Cr Daniel Weber Councillor Cr Glenn Wilson Councillor

Council Officers in Attendance:

Mr Kent Boyd PSM General Manager

Mr Andrew Francis Director Infrastructure and Strategic Futures

Mr Logan Hignett Acting Director Operations

Mr Brendan Hayes Director Planning and Community Services

Mrs Carrie Olsen Acting 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 and Councillor Support Officer (Minute Secretary)

NOTES

The meeting commenced at 2:00 pm and concluded at 4:04 pm.



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1 OPENING OF MEETING

The Mayor declared the Ordinary Council Meeting of Tuesday 23 April 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

The General Manager 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 Mayor 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.

Inspire Council to make wise decisions,

Grant Integrity to face the truth,

Courage to make difficult choices,

And compassion for the needs of others,

We pray through Jesus Christ, Our Lord.

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 19 MARCH 2024

RESOLVED OCM 081/24

Moved: Cr William Jayet Seconded: Cr George Pratt

That Ordinary Council Meeting receive and confirm the Minutes of the Ordinary Council Meeting

held on Tuesday 19 March 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 Ken Keith OAM disclosed a significant non-pecuniary interest in relation to item 14.2 Request for Financial Assistance: Parkes Coradgery & Diggers Amateur Race Club Inc and chose to leave the meeting. The reason provided was:

"His brother is the Chairman."

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

"Is the Executive of the owner of the owner of the property Council is interested in purchasing."

8 LATE BUSINESS

The Mayor advised that no late items of business had been submitted to the meeting.

9 ADOPTION OF MULTIPLE ITEMS OF BUSINESS

The Council may, at any time, resolve to adopt multiple items of business, as recommended in the report, byway of a single resolution. The Chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the Business Paper, or that they wish to speak on (13.2).



9.1 ADOPTION OF MULTIPLE ITEMS OF BUSINESS

RESOLVED OCM 082/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

- 1. Adopt the following items in the Agenda as recommended in the report:
 - 12.1 Minutes of the Destination and Major Events Advisory Committee Meeting held on 5 March 2024.
 - 12.2 Minutes of the Business and Investment Advisory Committee Meeting held on 19 March 2024.
 - 12.3 Minutes of the Community, Liveability and Access Advisory Committee Meeting held on 19 March 2024.
 - 12.4 Minutes of the Parkes Sports Council Meeting held on 9 April 2024.
 - 12.5 Minutes of the Arts Advisory Council Meeting held on 9 April 2024.
 - 12.6 Minutes of the Audit, Risk and Improvement Committee Meeting held on 10 April 2024.
 - 12.7 Minutes of the Parkes Sports Council Meeting held on 11 April 2024.
 - 12.8 Minutes of the Extraordinary Local Traffic Committee Meeting held on 15 April 2024.

CARRIED

10 MAYORAL MINUTE(S)

At 2:05 pm, Cr Glenn Wilson arrived.

At 2:05 pm, Logan Hignett arrived.

10.1 CESSATION OF RESOURCES FOR REGIONS FUND

RESOLVED OCM 083/24

Moved: Cr Jacob Cass Seconded: Cr Marg Applebee

That Council:

1. Support the Joint Submission on Cessation of Resources for Regions Fund



10.2 GOVERNOR-GENERAL OF AUSTRALIA

RESOLVED OCM 084/24

Moved: Cr Ken Keith OAM Seconded: Cr Marg Applebee

That Council:

- That the Mayor sends a letter, on behalf of the entire community, to His Excellency General
 the Honourable David Hurley and Her Excellency Mrs Linda Hurley noting the last three
 visits to Parkes and thanking them for their support of the Parkes Shire.
- 2. That the Mayor sends a letter to Samantha Mostyn AO in becoming the 28th Governor-General of Australia.

CARRIED

10.3 COUNTRY MAYORS ASSOCIATION FORBES HOUSING FORUM 8 - 9 APRIL 2024

RESOLVED OCM 085/24

Moved: Cr Neil Westcott Seconded: Cr George Pratt

That Council:

1. Receive and note the communique following the Country Mayors Association Housing Forum held on 8-9 April 2024, appended as *Annexure A*.

CARRIED

10.4 MEETINGS, FUNCTIONS AND EVENTS ATTENDED BY MAYOR AND COUNCILLORS

RESOLVED OCM 086/24

Moved: Cr George Pratt Seconded: Cr Ken Keith OAM

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 19 March 2024 through to 19 April 2024.



10.5 COMING KNOWN EVENTS FOR MAYOR AND COUNCILLORS

RESOLVED OCM 087/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

 Note the known upcoming meetings, functions and events for the Mayor and Councillors for the period 20 April 2024 through to 17 May 2024.

CARRIED

11 COUNCILLOR REPORT(S)

11.1 PARKES MASTERS GAMES 2024

RESOLVED OCM 088/24

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

That:

- 1. Note the report from Councillor Louise O'Leary.
- 2. Council writes to the Parkes Masters Games (PMG) Executive Committee and thank them for their efforts in arranging the PMG.

CARRIED

12 REPORTS OF COMMITTEES

12.1 MINUTES OF THE DESTINATION AND MAJOR EVENTS ADVISORY COMMITTEE MEETING HELD ON 5 MARCH 2024

RESOLVED OCM 089/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Destination and Major Events Advisory Committee Meeting held on Tuesday 5 March 2024 appended at *Annexure A*.



12.2 MINUTES OF THE BUSINESS AND INVESTMENT ADVISORY COMMITTEE MEETING HELD ON 5 MARCH 2024

RESOLVED OCM 090/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Business and Investment Advisory Committee Meeting held on Tuesday 5 March 2024 appended at *Annexure A*.

CARRIED

12.3 MINUTES OF THE COMMUNITY, LIVEABILITY AND ACCESS ADVISORY COMMITTEE MEETING HELD ON 19 MARCH 2024

RESOLVED OCM 091/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Community, Liveability and Access Advisory Committee Meeting held on Tuesday 19 March 2024 appended at *Annexure A*.

CARRIED

12.4 MINUTES OF THE PARKES SPORTS COUNCIL MEETING HELD ON 9 APRIL 2024

RESOLVED OCM 092/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Parkes Sports Council Meeting held on Tuesday 9 April 2024 appended at *Annexure A*.



12.5 MINUTES OF THE ARTS ADVISORY COUNCIL MEETING HELD ON 9 APRIL 2024

RESOLVED OCM 093/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Arts Advisory Council Meeting held on Tuesday 9 April 2024 appended at *Annexure A*.

CARRIED

12.6 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 10 APRIL 2024

RESOLVED OCM 094/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and note the Minutes of the Audit, Risk and Improvement Committee Meeting held on Wednesday 10 April 2024 appended at *Annexure A*.

CARRIED

12.7 MINUTES OF THE PARKES SPORTS COUNCIL MEETING HELD ON 11 APRIL 2024

RESOLVED OCM 095/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Parkes Sports Council Meeting held on Thursday 11 April 2024 - Sports Grants Selection Committee appended at *Annexure A*.



12.8 MINUTES OF THE EXTRAORDINARY LOCAL TRAFFIC COMMITTEE MEETING HELD ON 15 APRIL 2024

RESOLVED OCM 096/24

Moved: Cr Neil Westcott Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Extraordinary Local Traffic Committee Meeting held on Monday 15 April 2024 appended at *Annexure A*.

CARRIED

13 REPORTS OF THE GENERAL MANAGER

13.1 DEDICATION OF LAND TO RELOCATE THE PARKES LOCAL STATE EMERGENCY SERVICES HEADQUARTERS

RESOLVED OCM 097/24

Moved: Cr George Pratt Seconded: Cr Marg Applebee

That:

- 1. Council approves the use of part Lot 4 DP1100153 as set out herein for the future development of the Parkes SES Headquarters.
- 2. Council approves the expansion of Lot 4 DP1100153 eastward by up to 10m.
- 3. On subdivision all land remains operational land.
- 4. That the seal of council be applied to facilitate subdivisions and boundary changes as outlined herein.

CARRIED

13.2 INVESTMENTS & BORROWINGS REPORT AS AT 31 MARCH 2024

RESOLVED OCM 098/24

Moved: Cr Ken Keith OAM Seconded: Cr Marg Applebee

That:

Receive and note the Statement of Investments and Borrowings as on 31 March 2024



13.3 MONTHLY FINANCIAL REPORT AS AT 31 MARCH 2024

RESOLVED OCM 099/24

Moved: Cr William Jayet Seconded: Cr Jacob Cass

That Council:

1. Receive and note the year to date financial reports for the period up to 31 March 2024.

CARRIED

14 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY

14.1 REQUEST TO USE PEAK HILL TI FUND - 78 CASWELL STREET, PEAK HILL - SAFETY AND AMENITY.

RESOLVED OCM 100/24

Moved: Cr Ken Keith OAM Seconded: Cr Louise O'Leary

That Council:

- 1. Provide public notice of its intention to provide \$2,800 to replace the mesh covers on the window and door at 78 Caswell Street in Peak Hill.
- 2. Pursuant to section 356 of the *Local Government Act 1993*, approve the payment of \$2,800 and authorise the use of the Peak Hill Town Improvement Fund, subject to no submissions being received.

CARRIED

At 2:31 pm, Cr Ken Keith OAM left the meeting.



14.2 REQUEST FOR FINANCIAL ASSISTANCE: PARKES CORADGERY & DIGGERS AMATEUR RACE CLUB INC

RESOLVED OCM 101/24

Moved: Cr William Jayet Seconded: Cr Jacob Cass

That Council:

- 1. Receive and note the correspondence from the Parkes Coradgery & Diggers Amateur Race Club Inc., appended at *Annexure A*.
- 2. Provide public notice of its intention to provide \$4,300.00 in financial assistance from the Parkes Town Improvement Fund (TIF) to the Parkes Coradgery & Diggers Amateur Race Club Inc. This assistance will be provided by in-kind support to facilitate the delivery of the Parkes Picnic Races in June 2024.
- 3. Approve the provision of \$4,300.00 in financial assistance from the Parkes TIF to support the delivery of the annual Parkes Picnic Races, subject to no formal submissions being received.

CARRIED

At 2:33 pm, Cr Ken Keith OAM rejoined the meeting.

14.3 PARKES SHIRE PROMOTIONAL SIGNAGE PROPOSAL

RESOLVED OCM 102/24

Moved: Cr George Pratt Seconded: Cr Jacob Cass

That:

1. Council endorses the proposed Parkes Shire Signage Proposal.

CARRIED

15 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND SUSTAINABILITY

15.1 MAJOR PROJECTS AND CURRENT WORKS REPORT - INFRASTRUCTURE AND SUSTAINABILITY

RESOLVED OCM 103/24

Moved: Cr Jacob Cass Seconded: Cr George Pratt

That Council:

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



15.2 FOR INFORMATION - DRAFT INDIGENOUS PARTICIPATION PLAN

RESOLVED OCM 104/24

Moved: Cr Louise O'Leary Seconded: Cr William Jayet

That:

- 1. Council resolves to promote indigenous participation in future Council projects; and
- Council notes the intention to adopt an Indigenous Participation Plan to be tabled at the May Council meeting

CARRIED

16 REPORTS OF THE DIRECTOR OPERATIONS

16.1 CENTRAL WEST DISASTER RECOVERY FUNDING

RESOLVED OCM 105/24

Moved: Cr Jacob Cass Seconded: Cr Ken Keith OAM

That:

- 1. Council receive and note the report.
- 2. Council endorse the projects proposed under the Community Assets Program Fund and the Regional Transport Resilience Fund.

CARRIED

At 2:57 pm, Andrew Francis left the meeting.

At 3:00 pm, Andrew Francis returned to the meeting.

16.2 REDETERMINATION OF RENT - CROWN LAND

RESOLVED OCM 106/24

Moved: Cr Marg Applebee Seconded: Cr William Jayet

That:

 The General Manager and Mayor lobby the Minister for Local Government, the Minister for Planning Industry and Environment and LGNSW regarding the inequity of Council's ability to raise revenue constrained by rate pegging versus the ability of the Crown Lands Department to apply unconstrained rental increases, and shifting those costs to Local Government.



16.3 MAJOR PROJECTS AND CURRENT WORKS - OPERATIONS

RESOLVED OCM 107/24

Moved: Cr Marg Applebee Seconded: Cr William Jayet

That Council:

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

CARRIED

17 REPORTS OF THE DIRECTOR PLANNING AND COMMUNITY SERVICES

17.1 PARKES SHIRE COUNCIL AND HOMES NSW - HOMES NSW COLLABORATION AGREEMENT

RESOLVED OCM 108/24

Moved: Cr William Jayet Seconded: Cr Ken Keith OAM

That:

1. Council resolves to endorse the Collaboration Agreement between Parkes Shire Council and Homes NSW.

CARRIED

17.2 PARKES SHIRE COUNCIL SECTION 94A(7.12) PLAN- APPENDIX 1 WORKS SCHEDULE

RESOLVED OCM 109/24

Moved: Cr Marg Applebee Seconded: Cr George Pratt

That:

1. Council adopt the amendments to the Parkes Shire Council Section 94a(7.12) Plan-Appendix 1 Works Schedule and place on public exhibition for 28 days.



17.3 MARCH 2024 BUILDING STATISTICS UPDATE

RESOLVED OCM 110/24

Moved: Cr George Pratt Seconded: Cr William Jayet

That:

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

CARRIED

17.4 (DCPS) QUARTERLY RANGERS REPORT JANUARY TO MARCH 2024

RESOLVED OCM 111/24

Moved: Cr Jacob Cass Seconded: Cr William Jayet

That:

1. The report be noted.

CARRIED

18 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

19 CONFIDENTIAL MATTERS

RECOMMENDATION

That Ordinary Council Meeting:

 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 IMPROVEMENTS - ACQUISITION FOR CARPARKING

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 BUILDING BETTER REGIONS RAW WATER STORAGE LAGOON SMP PACKAGE (PSC2024/009)

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.

19.3 EXPRESSION OF INTEREST AIRPORT LAND

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.

At 3:37 pm, the Meeting went into Closed Session.

RESOLVED OCM 112/24

Moved: Cr Marg Applebee Seconded: Cr William Jayet That Ordinary Council Meeting:

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

CARRIED

At 3:37 pm, Cr Daniel Weber left the meeting.



19.1 CBD IMPROVEMENTS - ACQUISITION FOR CARPARKING

RESOLVED OCM 113/24

Moved: Cr William Jayet Seconded: Cr Louise O'Leary

DIRECTION OR ACTION SOUGHT

- 1. That Council agrees to purchase the property at 60 Currajong Street Parkes, being Lot 1 in DP 303396 as outlined in this report.
- 2. That the purchase be funded from the CBD improvements, developer contribution reserve.
- 3. That the land be declared operational land on acquisition
- 4. That the Seal of Council be applied as required to facilitate the purchase.

CARRIED

At 3:42 pm, Cr Daniel Weber rejoined the meeting.

19.2 BUILDING BETTER REGIONS RAW WATER STORAGE LAGOON SMP PACKAGE (PSC2024/009)

RESOLVED OCM 114/24

Moved: Cr Marg Applebee Seconded: Cr George Pratt

That:

- notes that by the request for tender process PSC2024/009, Council invited tenders from suitably qualified and experienced Structural Mechanical Pipework contractors to construct the pipework associated with a 20ML Raw Water Storage Lagoon in an area upstream of Parkes Water Treatment Plant (RFT);
- 2. receives the confidential agenda in relation to the RFT process and endorses the recommendations herein:
- 3. 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;
- 4. in accordance with s178(3)(e) of the Regulation, resolves to enter into negotiations with one or more of the existing tenderers named below, with a view to entering into a contract for the works, the subject matter of the RFT, with one or more of the Nominated Tenderers:
- 5. 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



- 6. in accordance with s178(4)(b) of the Regulation, notes that the reason for Council determining to enter into negotiations with one or more of the Nominated Tenderers are:
 - (a) Council is satisfied that the Nominated Tenderers would be capable of meeting the requirements set out in the RFT; and
 - (b) it is anticipated that a satisfactory result can be achieved through negotiating with one or more of the Nominated Tenderers; and
- 7. authorises the General Manager to:
 - (a) directly negotiate with one or more of the Nominated Tenderer, for the purpose of entering into a contract with one or more of the Nominated Persons in relation to the subject matter of the RFT; and
 - (b) execute any agreement arising from those negotiations.

CARRIED

19.3 EXPRESSION OF INTEREST AIRPORT LAND

RESOLVED OCM 115/24

Moved: Cr Jacob Cass Seconded: Cr William Jayet

That:

- 1. Council enters into negotiations with Boomerang Flying School for a 20-year lease-hold tenure of Lot 6 DP 1254543 Parkes Regional Airport, Spitfire Road, Parkes commencing at \$4.00 per square metre.
- 2. That Council authorise the General Manager and Director Operations to negotiate the Agreement Terms.
- 3. Authorise the General Manager and Mayor to sign and affix the Council Seal to all documentation to facilitate the lease-hold land tenure.

CARRIED

At 4:02 pm, the Council in Closed Session returned to Open Session.

20 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.

Wil White



21 CONCLUSION OF MEETING

The meeting concluded at 4:04 pm.

This is the final page of the minutes comprising 21 pages numbered 1 to 21 of the Ordinary Council Meeting held on Tuesday, 23 April 2024 and confirmed on Tuesday, 21 May 2024.

Cr Neil Westcott

MAYOR