

Extraordinary Council Meeting

Minutes

Tuesday 5 August 2025



Minutes of the Extraordinary Council Meeting
Held on Tuesday, 5 August 2025 at the
Parkes Council Chamber, 2 Cecile Street, Parkes

Present:

Cr Neil Westcott	Councillor (Chairperson)
Cr Marg Applebee	Councillor (Deputy Chair)
Cr William Jayet	Councillor
Cr Ken McGrath	Councillor
Cr Louise O'Leary	Councillor
Cr Joy Paddison	Councillor
Cr Doug Pout	Councillor
Cr George Pratt	Councillor
Cr Matthew Scherer	Councillor
Cr Glenn Wilson	Councillor

Council Officers in Attendance:

Mr Kent Boyd PSM	General Manager
Mr Jaco Barnard	Chief Financial Officer
Mr Andrew Francis	Director Infrastructure and Sustainability
Mr Logan Hignett	Director Operations
Mr Anthony McGrath	Director Customer, Corporate Services and Economy
Mrs Annalise Teale	Acting Director Planning and Community Services
Mrs Toni Lennane	Executive and Councillor Support Coordinator
Mrs Veronica Shaw	Manager Governance, Risk and Corporate Performance

NOTES

Cr Louise O'Leary attended via audio-visual link.

The meeting commenced at 4:32 pm and concluded at 5:16 pm.

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1 OPENING OF MEETING

The Mayor declared the Extraordinary Council Meeting of Tuesday 5 August 2025 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 Mayor 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:

O God,
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

Cr Joy Paddison

5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

An application to attend by audio-visual link was received from Councillor Louise O'Leary.

6 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 William Jayet disclosed a less than significant non-pecuniary interest in relation to item 9.1 PSC2025/002 Facility Management Parkes Aquatic Facilities - Request for Contract Variations and chose to remain in the meeting, participate in debate and discussion on the matter, and vote on the matter. The reason provided was:

"Cr Jayet attended the meeting relevant to Item 9.1 but did not stay the duration of the meeting."

7 LATE BUSINESS

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

8 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY

8.1 USE OF PARKES TOWN IMPROVEMENT RESERVE TO UPDATE THE HENRY PARKES CENTRE MASTERPLAN

RESOLVED ECMCC 010/25

Moved: Cr Marg Applebee

Seconded: Cr George Pratt

That Council:

1. Approve the transfer of \$15,000.00 from the Parkes Town Improvement reserve to support a review and update of the Henry Parkes Centre Masterplan.

CARRIED

9 CONFIDENTIAL MATTERS

RESOLVED ECMCC 011/25

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Extraordinary 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:

9.1 PSC2025/002 FACILITY MANAGEMENT PARKES AQUATIC FACILITIES - REQUEST FOR CONTRACT VARIATIONS

This matter is considered to be confidential under Section 10A(2) - c and 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 information that would, if disclosed, confer a commercial advantage on a person with whom the

Council is conducting (or proposes to conduct) business and 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.

9.2 PROJECT DELIVERY PANEL SERVICES - PSC2025/012

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.

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.

BACKGROUND, ISSUES AND COMMENTARY

In accordance with section 10A(2) of the *Local Government Act 1993*, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and

the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of Council's Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

CARRIED

At 4:36 pm, the Meeting went into Closed Session.

9.1 PSC2025/002 FACILITY MANAGEMENT PARKES AQUATIC FACILITIES - REQUEST FOR CONTRACT VARIATIONS

COMMITTEE RECOMMENDATION WHICH WAS LOST BY THE FORESHADOWED MOTION

Moved: Cr Marg Applebee

Seconded: Cr Louise O'Leary

That:

1. Council notes the contract with Fitmann Pty Ltd was executed on 30 July 2025 in its original form.
2. Council endorses the rejection of Variation Requests 1, 3, and 4 on financial and safety risk, and compliance grounds.
3. Council agrees to undertake community consultation in relation to Variation Requests 2 and 5.
4. A further report be provided to Council following the consultation period regarding Variation Requests 2 and 5.

FORESHADOWED MOTION PROPOSED BY CR GLENN WILSON

RESOLVED ECMCC 012/25

Moved: Cr Glenn Wilson

Seconded: Cr Ken McGrath

That:

1. Council notes the contract with Fitmann Pty Ltd was executed on 30 July 2025 in its original form.
2. Council amends Schedule 4 to shift from monthly payments in arrears to 7 lump sum payments of \$155,651.86 per month commencing on 8 August 2025 to February 2026.
3. Assets purchased by Fitmann Pty Ltd for the Parkes and Village Pools be signed over as assets to Parkes Shire Council within 3 business days and delivery mainly pool covers, pool vacuums, the bulk chemicals, computers and entry scanners and two way radios.
4. Council pay Fitmann Pty Ltd the \$20,000.00 establishment fee on 8 August 2025.

5. An annual operations audit will be supplied to Council from Fitmann Pty Ltd from an independent accredited work safe aquatic auditor for Parkes Pool and villages if required.
6. Council modify its fees and charges to model supplied by Fitmann Pty Ltd for the Parkes Aquatic Pool opened to community consultation.
7. The NATA Accredited Laboratory testing of the pool water remain as stated in the Contract.
8. Proposed changes to the Peak Hill pool opening times to be opened to community consultation.

In Favour: Crs Ken McGrath, Doug Pout, George Pratt, Matthew Scherer and Glenn Wilson

Against: Crs Neil Westcott, Marg Applebee, William Jayet and Louise O'Leary

CARRIED 5/4

ORIGINAL MOTION WAS LOST BUT FORESHADOWED MOTION MOVED BY CR GLENN WILSON AND SECONDED BY CR KENNY MCGRATH WAS WON.

At 5:06 pm, Cr George Pratt left the meeting.

9.2 PROJECT DELIVERY PANEL SERVICES - PSC2025/012

RESOLVED ECMCC 013/25

Moved: Cr Doug Pout

Seconded: Cr Ken McGrath

That:

1. Council adopt the recommendation from the panel report and agree to enter into a panel deed with each of the providers listed, for the duration specified in the report.

CARRIED

At 5:14 pm the Council in Closed Session returned to Open Session.

RESOLVED ECMCC 014/25

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That the Extraordinary Council Meeting:

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

CARRIED

10 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.

11 CONCLUSION OF MEETING

The meeting concluded at 5:16 pm.

Please note: When the Mayor announced the outcome of this meeting during livestream the numbered items 9.1 and 9.2 above were referred to as 11.1 and 11.2. The numbering in the Minutes were incorrect at the time but have been now been corrected.

This is the final page of the minutes comprising 9 pages numbered 1 to 9 of the Extraordinary Council Meeting held on Tuesday, 5 August 2025.



MAYOR