

Ordinary Council Meeting

Minutes

Tuesday 24 January 2023



Minutes of the Ordinary Council Meeting
Held on Tuesday, 24 January 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 George Pratt	Councillor
Cr Daniel Weber	Councillor
Cr Glenn Wilson	Councillor

Council Officers in Attendance:

Mr Kent Boyd PSM	General Manager
Mr Cian Middleton	Director Customer, Corporate Services and Economy
Mr Logan Hignett	Executive Manager Works (<i>Acting Director Operations</i>)
Mr Andrew Francis	Director Infrastructure and Strategic Futures
Mr Brendan Hayes	Director Planning and Community Services
Mr Jaco Barnard	Chief Financial Officer
Mr Anthony McGrath	Executive Manager Corporate Services
Mrs Shona Henry	Executive and Councillor Support (Minutes Secretary)

NOTES

The meeting commenced at 2.00pm and concluded at 6.08pm

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1 OPENING OF MEETING

The Mayor declared the Ordinary Council Meeting of Tuesday 24 January 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.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor invited Councillor Glenn Wilson to deliver an Acknowledgement of Country.

Councillor Wilson delivered his personal acknowledgement.

3 PRAYER

The General Manager read the following 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 LEAVE OF ABSENCE

APOLOGY

RESOLVED OCM 001/23

MOVED: CR MARG APPLEBEE

SECONDED: CR NEIL WESTCOTT

THAT THE APOLOGIES SUBMITTED BY COUNCILLOR LA O'LEARY AND COUNCILLOR KM MCGRATH BE RECEIVED AND LEAVE OF ABSENCE BE GRANTED.

CARRIED

The Mayor advised that Councillor WP Jayet would be arriving late to the meeting.

5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 DECEMBER 2022

RESOLVED OCM 002/23

Moved: Cr Marg Applebee

Seconded: Cr Daniel Weber

That Ordinary Council Meeting receive and confirm the Minutes of the Ordinary Council Meeting held on Tuesday 20 December 2022 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 MARG APPLEBEE DISCLOSED A SIGNIFICANT NON-PECUNIARY INTEREST IN RELATION TO ITEM 13.2 WATER USAGE REBATE FOR AFFECT RESIDENTS AND CHOSE TO LEAVE THE MEETING AND NOT PARTICIPATE IN DEBATE AND DISCUSSION ON THE MATTER, AND NOT VOTE ON THE MATTER. THE REASON PROVIDED WAS:

"RELATED TO OWNER OF A PROPERTY REFERRED TO IN REPORT"

CR KEN KEITH OAM DISCLOSED A SIGNIFICANT NON-PECUNIARY INTEREST IN RELATION TO ITEM 17.1 PARKES EARLY CHILDHOOD CENTRE AND CHOSE TO LEAVE THE MEETING AND NOT PARTICIPATE IN DEBATE AND DISCUSSION ON THE MATTER, AND NOT VOTE ON THE MATTER. THE REASON PROVIDED WAS:

"PATRON OF ORGANISATION MENTIONED IN THE REPORT."

CR WILLIAM JAYET DISCLOSED A SIGNIFICANT NON-PECUNIARY INTEREST IN RELATION TO ITEM 17.1 PARKES EARLY CHILDHOOD CENTRE AND CHOSE TO LEAVE THE MEETING AND NOT PARTICIPATE IN DEBATE AND DISCUSSION ON THE MATTER, AND NOT VOTE ON THE MATTER. THE REASON PROVIDED WAS:

"MEMBER OF COMMITTEE OF ORGANISATION MENTIONED IN THE REPORT."

8 LATE BUSINESS

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

9 MAYORAL MINUTE(S)**9.1 MEETINGS, FUNCTIONS AND EVENTS ATTENDED BY MAYOR AND COUNCILLORS****RESOLVED OCM 003/23**

Moved: Cr George Pratt

Seconded: Cr Neil Westcott

That Council:

1. Note the report on the meetings, functions and events attended by the Mayor and Councillors during the period 21 December 2022 through to 20 January 2023.

CARRIED**9.2 COMING KNOWN EVENTS FOR MAYOR AND COUNCILLORS****RESOLVED OCM 004/23**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Note the known upcoming meetings, functions and events for the Mayor and Councillors.

CARRIED**10 REPORTS OF COMMITTEES****10.1 MINUTES OF THE CULTURE, EDUCATION AND LIBRARY MEETING HELD ON 10 JANUARY 2023****RESOLVED OCM 005/23**

Moved: Cr Marg Applebee

Seconded: Cr George Pratt

That Council:

1. Receive and confirm the Minutes of the Culture, Education and Library Meeting held on Tuesday 10 January 2023 appended at *Annexure A*.

CARRIED

**10.2 MINUTES OF THE EXTRAORDINARY LOCAL TRAFFIC COMMITTEE MEETING
HELD ON 25 NOVEMBER 2022****RESOLVED OCM 006/23**

Moved: Cr Glenn Wilson

Seconded: Cr Marg Applebee

That Council:

1. Receive and note the Minutes of the Extraordinary Local Traffic Committee Meeting held on Friday 25 November 2022 appended at *Annexure A*.

CARRIED**RESOLVED OCM 007/23**

Moved: Cr Glenn Wilson

Seconded: Cr Neil Westcott

That Councillor Wilson compile a list of Stop signs he believes requires investigation in regard to distance from street corners be supplied to the Parkes Local Traffic Committee for consideration.

CARRIED**10.3 MINUTES OF THE EXTRAORDINARY LOCAL TRAFFIC COMMITTEE MEETING
HELD ON 12 JANUARY 2023****RESOLVED OCM 008/23**

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the Minutes of the Extraordinary Local Traffic Committee Meeting held on Thursday 12 January 2023 appended at *Annexure A*.

CARRIED**11 REPORTS OF THE GENERAL MANAGER****11.1 STATEMENT OF INVESTMENTS AND BORROWINGS AS AT 31 DECEMBER 2022****RESOLVED OCM 009/23**

Moved: Cr Neil Westcott

Seconded: Cr Daniel Weber

That Council:

1. Receive and note the Statement of Investments and Borrowings as at 31 December 2022.

CARRIED

11.2 ADOPTION OF DRAFT FINANCIAL RESERVES POLICY**RESOLVED OCM 010/23**

Moved: Cr Marg Applebee

Seconded: Cr Daniel Weber

That Council:

1. Endorse the draft Financial Reserves Policy, appended at *Annexure A*, for public exhibition for a period of 28 days.
2. Receive a further report on the draft Financial Reserves Policy, following conclusion of the public exhibition period, prior to its adoption.

CARRIED**12 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY****12.1 ADOPTION OF DRAFT COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF POLICY****MOTION**

Moved: Cr George Pratt

Seconded: Cr Jacob Cass

That Council:

1. Adopt the draft *Councillor Access to Information and Interaction with Staff Policy*, appended at *Annexure A*.

RESOLVED OCM 011/23

Moved: Cr Glenn Wilson

Seconded: Cr Jacob Cass

That Council:

1. Endorse the draft Councillor Access to Information and Interaction with Staff Policy, appended at *Annexure A*, for public exhibition for a period of 28 days.
2. Receive a further report on the draft Councillor Access to Information and Interaction with Staff Policy, following conclusion of the public exhibition period, prior to its adoption.

.CARRIED

12.2 ANNUAL CODE OF CONDUCT COMPLAINT STATISTICS RETURN 2022**RESOLVED OCM 012/23**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Note the submission of the Code of Conduct Complaints Statistical Return for the period 01 September 2021 to 31 August 2022, appended at *Annexure A*, to the Office of Local Government, pursuant to clause 11.1 of the *Procedures for the Administration of the Code of Conduct*.

CARRIED**12.3 AMENDMENT TO OPERATIONAL PLAN - CENTRAL WEST FAMILY DAY CARE FEES AND CHARGES****RESOLVED OCM 013/23**

Moved: Cr George Pratt

Seconded: Cr Marg Applebee

That Council:

1. Amend the 2022/23 Operational Plan, pursuant to section 405 of the *Local Government Act 1993*, to reflect the revised Central West Family Day Care fees:
 - (a) Administration Levy: \$1.80 per hour.
 - (b) Educator Administration Levy: \$18.00 per week.

CARRIED

12.4 APPOINTMENT OF COUNCILLOR DELEGATES TO 2023 CONFERENCES**MOTION**

That Council:

1. Endorse the attendance of the following Councillors at the conferences being held in 2023:
 - (a) Local Government NSW ("LGNSW") Annual Conference: The Mayor, Cr Westcott and Cr (*three Councillors*).
 - (b) ALGA National General Assembly of Local Government: The Mayor (*one Councillor*).
 - (c) ALGA National Local Roads and Transport Congress: Cr _____ (*one Councillor*).
 - (d) ALGWA NSW Conference: Cr _____ (*one Councillor*).
 - (e) Australian Logistics Council Forum: Cr _____ (*one Councillor*).
 - (f) IPWEA NSW Local Roads Congress: Cr _____ (*one Councillor*).
 - (g) LGNSW Water Management Conference: Cr _____ (*one Councillor*).
 - (h) LGNSW Destination and Visitor Economy Conference: Cr _____ (*one Councillor*).
 - (i) NSW Public Libraries Association Conference: Cr _____ (*one Councillor*).
2. Approve reimbursement of out-of-pocket expenses by Councillor delegates in attending the above conferences, in accordance with the Councillor Expenses and Facilities Policy.

RESOLVED OCM 014/23

Moved: Cr Neil Westcott

Seconded: Cr Marg Applebee

That Council:

1. Defer appointment of delegates to 2023 conferences to the next Ordinary Meeting, following consideration of the matter at the Councillor Workshop scheduled for 07 February 2023.

.CARRIED

12.5 CONDUCT OF THE 2024 LOCAL GOVERNMENT ORDINARY ELECTION**RESOLVED OCM 015/23**

Moved: Cr Glenn Wilson

Seconded: Cr George Pratt

That Council:

1. Enter into an election arrangement by contract for the NSW Electoral Commissioner to administer all elections of the Council, pursuant to sections 296(2) and 296(3) of the *Local Government Act 1993*.
2. Authorise the Mayor and General Manager to sign and affix the Council Seal to all relevant documents pertaining to the contract with the NSW Electoral Commissioner, pursuant to clause 400 of the *Local Government (General) Regulation 2021*.

CARRIED**12.6 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 2023 NATIONAL GENERAL ASSEMBLY CALL FOR MOTIONS****RESOLVED OCM 016/23**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Consider motions for submission to the 2023 National General Assembly.

CARRIED**12.7 REQUEST TO USE ADDITIONAL TULLAMORE TOWN IMPROVEMENT FUNDS FOR MEMORIAL PARK AMENITIES UPGRADE****RESOLVED OCM 017/23**

Moved: Cr Glenn Wilson

Seconded: Cr George Pratt

That Council:

1. Increase the original allocation of \$60,000 to \$90,000 from the Tullamore Town Improvement Fund to make up to shortfall in grant funding for the Memorial Park Upgrade.

CARRIED

13 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND STRATEGIC FUTURES

13.1 MAJOR PROJECTS AND CURRENT WORKS REPORT - INFRASTRUCTURE AND STRATEGIC FUTURES

RESOLVED OCM 018/23

Moved: Cr Neil Westcott

Seconded: Cr Marg Applebee

That Council:

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

CARRIED

At 2:42 pm, Cr Marg Applebee having declared an interest in the following item left the meeting and did not participate in debate and discussion on the matter, and did not vote on the matter.

13.2 WATER USAGE REBATE FOR AFFECT RESIDENTS

RESOLVED OCM 019/23

Moved: Cr Neil Westcott

Seconded: Cr Glenn Wilson

That Council:

1. Offer a one-time up to \$100 rebate for properties connected to town water supply and inundated by the recent rainfall and flooding event on 14 November 2022.
2. That the rebate will need to be applied for by the owner / occupier with appropriate documentation.

CARRIED

At 2:49 pm, Cr Marg Applebee re-joined the meeting.

14 REPORTS OF THE DIRECTOR OPERATIONS

14.1 MAJOR PROJECTS AND CURRENT WORKS - OPERATIONS

RESOLVED OCM 020/23

Moved: Cr George Pratt

Seconded: Cr Neil Westcott

That Council:

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

CARRIED

Councillor WP Jayet joined the meeting at 2.53pm.

At 2.58pm, the Mayor adjourned the meeting to conduct an Australian Citizenship Ceremony.

The meeting resumed at 4.28pm.

15 REPORTS OF THE DIRECTOR PLANNING AND COMMUNITY SERVICES

15.1 DECEMBER 2022 BUILDING STATISTICS REPORT

RESOLVED OCM 021/23

Moved: Cr Neil Westcott

Seconded: Cr George Pratt

That Council:

1. Receive and note the December 2022 Building Statistics Report.

CARRIED

15.2 DEVELOPMENT ACTIVITY REPORT AND GROWTH MONITOR 2022

RESOLVED OCM 022/23

Moved: Cr George Pratt

Seconded: Cr Marg Applebee

That Council:

1. Receive and note the Development Activity Report and Growth Monitor 2022.

CARRIED

15.3 RANGERS QUARTERLY REPORT OCTOBER TO DECEMBER 2022

RESOLVED OCM 023/23

Moved: Cr Daniel Weber

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the Rangers' Quarterly Report October to December 2022.

CARRIED

15.4 USE OF PARKES TOWN IMPROVEMENT FUNDS FOR DEVELOPMENT OF COOKE PARK MASTERPLAN**RESOLVED OCM 024/23**

Moved: Cr William Jayet

Seconded: Cr Neil Westcott

That Council:

1. Approve the allocation of \$30,000 from the Parkes Town Improvement Fund to develop the Cooke Park Masterplan.

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

Nil

17 CONFIDENTIAL MATTERS**RESOLVED OCM 025/23**

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:

17.1 PARKES EARLY CHILDHOOD CENTRE

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.

17.2 MANAGEMENT OF THE 2023 TRUNDLE ABBA FESTIVAL

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 FINAL DISTRIBUTION - LEHMAN BROTHERS AUSTRALIA

This matter is considered to be confidential under Section 10A(2) - g 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 advice

concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

17.4 PROJECT MANAGEMENT OFFICE - SERVICES TENDER

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.

17.5 AUSTRALIA DAY AWARDS

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

At 4.48pm, the Meeting went into Closed Session.

RESOLVED OCM 026/23

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Ordinary Council Meeting:

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

CARRIED

At 6.00pm, 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.

At 4:50 pm, Cr Ken Keith OAM having declared an interest in the following item left the meeting and did not participate in debate and discussion on the matter, and did not vote on the matter.

At 4:50 pm, Cr William Jayet having declared an interest in the following item left the meeting and did not participate in debate and discussion on the matter, and did not vote on the matter.

Cr Westcott took the Chair.

17.1 PARKES EARLY CHILDHOOD CENTRE

RESOLVED OCM 027/23

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Proceed with the acquisition and consolidation of the land generally occupied by the Parkes Early Childhood Centre.
2. Offer to transfer the Parkes Early Childhood Centre facilities to the Parkes Early Childhood Centre Management Entity subject to the successful land consolidation, in accordance with the provisions generally outlined in this report.
3. Subject to the concurrence of the Parkes Early Childhood Centre Management entity, that an agreement be entered between the parties outlining the proposed sale arrangements, generally in accordance with this report.

CARRIED

At 5:05 pm, Cr Ken Keith OAM re-joined the meeting.

At 5:05 pm, Cr William Jayet re-joined the meeting.

Cr Ken Keith OAM resumed the Chair.

17.2 MANAGEMENT OF THE 2023 TRUNDLE ABBA FESTIVAL**RESOLVED OCM 028/23**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Note the revised advice from the Department of Regional NSW regarding Council's application under Round 2 of the Regional Events Acceleration Fund, as detailed in this report.
2. Proceed in planning and delivering the 2023 Trundle ABBA Festival, to be held Saturday, 14 October 2023.
3. Note that Council Officers have commenced the development of an Events and Festivals Strategy to guide the long-term development and sustainability of Council's Events and Festivals Program.

CARRIED**17.3 FINAL DISTRIBUTION - LEHMAN BROTHERS AUSTRALIA****RESOLVED OCM 029/23**

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the information detailed in the report.

CARRIED**17.4 PROJECT MANAGEMENT OFFICE - SERVICES TENDER****RESOLVED OCM 030/23**

Moved: Cr Jacob Cass

Seconded: Cr William Jayet

That Council:

1. Award tenders to the following organisations for the following upper limiting values for a period of 12 months:
 - a. UMINEX - Project Manager - \$355,200
 - b. UMINEX - Project Engineer - \$331,200
 - c. ANT Engineering - Project Engineer - \$440,000
 - d. UMINEX - HSEQ - \$355,200
2. That contracts per issued for a period of 12 months as per Council's standard service contract to a total value of \$1,481,600

CARRIED

17.5 AUSTRALIA DAY AWARDS**RESOLVED OCM 031/23**

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Council:

1. Endorse the recommended recipients of the 2023 Civic and Cultural Australia Day Awards.

CARRIED**19 CONCLUSION OF MEETING**

The meeting concluded at 6.08pm.

This is the final page of the minutes comprising 18 pages numbered 1 to 19 of the Ordinary Council Meeting held on Tuesday, 24 January 2023 and confirmed on Tuesday, 21 February 2023.



Cr Ken Keith OAM

MAYOR