

Ordinary Council Meeting

Minutes





Minutes of the Ordinary Council Meeting Held on Tuesday, 21 February 2023 at the

Parkes Council Chamber, 2 Cecile Street, Parkes

Present:

Cr Neil Westcott Councillor (Chairperson)

Cr William Jayet Councillor
Cr Marg Applebee Councillor
Cr Jacob Cass Councillor
Cr Ken McGrath 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 Ben Howard Director Operations

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 Carrie Olsen Manager Economy, Destination and Activation

Mrs Mikaela Cass Strategy, Systems and Performance Lead (Minutes Secretary)

NOTES

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1 OPENING OF MEETING

Consistent with clause 6.1 of the Code of Meeting Practice; in the absence of the Mayor, the Deputy Mayor assumed the chair.

The Deputy Mayor declared the Ordinary Council Meeting of Tuesday, 21 February 2023 open and welcomed Councillors, Council Officers and members of the public attending and listening to the meeting.

The Deputy 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 Deputy 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 Deputy 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

Councillor Cass 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

APOLOGY

RESOLVED OCM 032/23

Moved: Cr Marg Applebee Seconded: Cr William Jayet



That Council:

1. Receive the apologies submitted by Councillor Ken Keith and Councillor Louise O'Leary and grant leave of absence.

CARRIED

5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

Nil.

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JANUARY 2023

RESOLVED OCM 033/23

Moved: Cr Jacob Cass Seconded: Cr Marg Applebee

That Council:

1. Receive and confirm the Minutes of the Ordinary Council Meeting held on Tuesday, 24 January 2023 appended at *Annexure A*.

CARRIED

7 DISCLOSURES OF INTERESTS

The Deputy 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 12.2 Request for use of Town Improvement Funds to support Project SPROUTS and chose to not participate in debate and discussion on the matter, and not vote on the matter The reason provided was:

"Member of the Project SPROUTS Committee."

Cr Marg Applebee disclosed a Pecuniary interest in relation to item 12.3 Request for Financial Assistance - Central West Lachlan Landcare and chose to not participate in debate and discussion on the matter, and not vote on the matter. The reason provided was:

"Employed by organisation requested Financial Assistance."

Cr Jacob Cass disclosed a less than significant non-pecuniary interest in relation to item 17.2 PSC2022/053 Provision of General Cleaning Services to Council Buildings and chose to remain in the meeting, participate in debate and discussion on the matter, and vote on the matter. The reason provided was:

"Employed by a lessee of a Council facility mentioned in the report."



Cr Ken McGrath disclosed a less than significant non-pecuniary interest in relation to item 15.6 DA 2022/0123 Mixed Use Development - Specialised Retail Premises, Recreational Indoor & Outdoor Facility, Takeaway Food & Drink Premises & Four Lot Subdivision and chose to remain in the meeting, participate in debate and discussion on the matter, and vote on the matter. The reason provided was:

"Councillor had discussions with an applicant."

8 LATE BUSINESS

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

9 MAYORAL MINUTE(S)

9.1 VALE JOHN MAGILL

RESOLVED OCM 034/23

Moved: Cr William Jayet Seconded: Cr Marg Applebee

That Council:

- Receive and note this Mayoral Minute.
- 2. Observe a period of silence in memory of the late John Magill.
- 3. Extend its condolences to Mr Magill's family.

CARRIED

Councillors, Council Officers and those in the Public Gallery subsequently rose to observe one minute's silence in memory of the late John Magill.

9.2 MEETINGS, FUNCTIONS AND EVENTS ATTENDED BY MAYOR AND COUNCILLORS

RESOLVED OCM 035/23

Moved: Cr George Pratt Seconded: Cr Marg Applebee

That Council:

1. Note the report on the meetings, functions and events attended by the Mayor and Councillors during the period 25 January 2023 through to 20 February 2023.



9.3 COMING KNOWN EVENTS FOR MAYOR AND COUNCILLORS

RESOLVED OCM 036/23

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

9.4 RETIREMENT DOCTOR HARDWOOD AND DOCTOR CARROLL

RESOLVED OCM 037/23

Moved: Cr Marg Applebee Seconded: Cr William Jayet

That Council:

1. Receive and note the information.

.CARRIED

9.5 ROAD FUNDING ANNOUNCEMENT - MCGRANE WAY TULLAMORE

RESOLVED OCM 038/23

Moved: Cr Neil Westcott Seconded: Cr William Jayet

That Council:

- 1. Receive and note the information.
- 2. Request that correspondence be sent to the Hon. Sam Farraway MLC, Minister for Regional Transport and Roads, expressing the community's sincere gratitude for this very important road funding commitment.



10 REPORTS OF COMMITTEES

10.1 MINUTES OF THE PARKES SPORTS COUNCIL MEETING HELD ON 14 FEBRUARY 2023

RESOLVED OCM 039/23

Moved: Cr Daniel Weber Seconded: Cr Jacob Cass

That Council:

1. Receive and confirm the Minutes of the Parkes Sports Council Meeting held on Tuesday, 14 February 2023 appended at *Annexure A*.

CARRIED

10.2 MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 8 FEBRUARY 2023

RESOLVED OCM 040/23

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, 8 February 2023 appended at *Annexure A*.

CARRIED

11 REPORTS OF THE GENERAL MANAGER

11.1 QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2022

RESOLVED OCM 041/23

Moved: Cr Jacob Cass Seconded: Cr Marg Applebee

That Council:

- 1. Receive and note the budget review report to 31 December 2022.
- 2. Adopt the budget variations proposed in the quarterly budget review to 31 December 2022.



11.2 INVESTMENT AND BORROWINGS REPORT AS AT 31 JANUARY 2023

RESOLVED OCM 042/23

Moved: Cr Marg Applebee Seconded: Cr Jacob Cass

That Council:

1. Receive and note the Statement of Investments and Borrowings as at 31 January 2023.

CARRIED

12 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY

12.1 ENDORSEMENT OF 2022-2023 OPERATIONAL PLAN PROGRESS REPORT (QUARTER 2)

RESOLVED OCM 043/23

Moved: Cr William Jayet Seconded: Cr George Pratt

That Council:

1. Endorse the 2022-2023 Operational Plan Progress Report (Quarter 2), appended at *Annexure A*, pursuant to section 4.9 of the Integrated Planning and Reporting Guidelines.

CARRIED

At 2:34 pm, Cr Marg Applebee left the meeting.

12.2 REQUEST FOR USE OF TOWN IMPROVEMENT FUNDS TO SUPPORT PROJECT SPROUTS

RESOLVED OCM 044/23

Moved: Cr Jacob Cass Seconded: Cr William Jayet

That Council:

- 1. Continue to support Parkes Shire project Sprouts with the requested funding assistance.
- 2. Write to the respective Community Consultative Committee seeking the endorsement of the use of funds from their allocated Town Improvement Vote.



12.3 REQUEST FOR FINANCIAL ASSISTANCE - CENTRAL WEST LACHLAN LANDCARE

RESOLVED OCM 045/23

Moved: Cr William Jayet Seconded: Cr George Pratt

That Council:

- 1. Provide public notice if its intention to provide \$5,000.00 in financial assistance to the Central West Lachlan Landcare by way of in-kind support, as detailed in this report, to support the delivery of the Homegrown event in March 2023.
- 2. Approve the provision of \$5,000.00 in financial assistance by way of in-kind support to support the delivery of the Homegrown event in March 2023, subject to no formal submissions being received.

CARRIED

At 2:38 pm, Cr Marg Applebee re-joined the meeting.

12.4 ADOPTION OF DRAFT PUBLIC MEMORIALS POLICY

RESOLVED OCM 046/23

Moved: Cr Jacob Cass Seconded: Cr Ken McGrath

That Council:

1. Adopt the draft Public Memorials Policy, appended at *Annexure A*, as exhibited for inclusion in Council's Policy Register.



12.5 APPOINTMENT OF COUNCILLOR DELEGATES TO 2023 CONFERENCES

RESOLVED OCM 047/23

Moved: Cr William Jayet Seconded: Cr Marg Applebee

That Council:

- 1. Endorse the attendance of the following Councillors at the conferences being held in 2023:
 - (a) Local Government NSW ("LGNSW") Rural and Regional Summit: Mayor Cr Keith and Deputy Mayor Cr Westcott.
 - (b) Local Government NSW ("LGNSW") Annual Conference: Mayor Cr Ken Keith, Deputy Mayor Cr Westcott and Cr Applebee.
 - (c) Inland Rail Conference: Mayor Cr Ken Keith
 - (d) ALGA National General Assembly of Local Government: Mayor Cr Ken Keith.
 - (e) ALGA National Local Roads and Transport Congress: Deputy Mayor Cr Westcott.
 - (f) ALGWA NSW Conference: Cr Applebee and Cr O'Leary.
 - (g) Australian Logistics Council Forum: Mayor Cr Keith.
 - (h) IPWEA NSW Local Roads Congress: Deputy Mayor Cr Westcott and Cr Pratt.
 - (i) LGNSW Water Management Conference: Mayor Cr Keith, Deputy Mayor Cr Westcott, Cr Applebee, Cr Jayet and Cr Pratt.
 - (i) LGNSW Destination and Visitor Economy Conference: Cr Cass.
 - (k) NSW Public Libraries Association Conference: Cr Jayet and Cr Cass.
- 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.

CARRIED

13 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND STRATEGIC FUTURES

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

RESOLVED OCM 048/23

Moved: Cr George Pratt Seconded: Cr Ken McGrath

That Council:

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



At 2:52pm, the Deputy Mayor adjourned the meeting and welcomed the recipients of the 2023 Jack Scoble Scholarship and their families to the Council Chambers for a presentation of the 2023 Scholarships, followed by afternoon tea with the Councillors.

At 3.30pm, the meeting recommenced.

14 REPORTS OF THE DIRECTOR OPERATIONS

14.1 MAJOR PROJECTS AND CURRENT WORKS - OPERATIONS

RESOLVED OCM 049/23

Moved: Cr Marg Applebee Seconded: Cr William Jayet

That Council:

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

CARRIED

15 REPORTS OF THE DIRECTOR PLANNING AND COMMUNITY SERVICES

15.1 JACK SCOBLE SCHOLARSHIP 2023

RESOLVED OCM 050/23

Moved: Cr William Jayet Seconded: Cr Jacob Cass

That Council:

- 1. Note the information on the 2023 Jack Scoble Education Scholarship.
- 2. Increase the Jack Scoble Education Scholarship fund by \$6,000.00 with funds allocated from the Parkes Town Improvement Fund.



15.2 REQUEST FOR SUPPORT FOR TROVE COLLABORATIVE SERVICES

RESOLVED OCM 051/23

Moved: Cr William Jayet Seconded: Cr Jacob Cass

That Council:

- 1. Make representation to the Federal Member for Riverina, the Hon. Michael McCormack MP, in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
- 2. Write to the Hon. Tony Burke MP, Minister for the Arts, and the Hon. Paul Fletcher MP, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
- 3. Endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

CARRIED

15.3 JANUARY 2023 BUILDING STATISTICS REPORT

RESOLVED OCM 052/23

Moved: Cr Jacob Cass Seconded: Cr William Jayet

That Council:

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



15.4 ADOPTION OF DRAFT MIDDLETON MASTERPLAN

RECOMMENDATION

Moved: Cr William Jayet Seconded: Cr Ken McGrath

That Council:

1. Adopt the draft Middleton Masterplan, appended at *Annexure A*.

Pursuant to clause 10.10 and 10.11 of the Code of Meeting Practice, Cr Ken McGrath moved an Amendment.

AMENDMENT

RESOLVED OCM 053/23

Moved: Cr Ken McGrath Seconded: Cr George Pratt

That Council:

- 1. Adopt the draft Middleton Masterplan, appended at *Annexure A*.
- 2. Investigate the legal ramifications of rezoning residential land and subsequent impact on land valuations, including whether there are options available for developers to delay their rates.

CARRIED

Pursuant to clause 10.15 of the Code of Meeting Practice, the Amendment then became the Motion.

MOTION

RESOLVED OCM 054/23

Moved: Cr Ken McGrath Seconded: Cr George Pratt

That Council:

- 1. Adopt the draft Middleton Masterplan, appended at *Annexure A*.
- 2. Investigate the legal ramifications of rezoning residential land and subsequent impact on land valuations, including whether there are options available for developers to delay their rates.

In Favour: Crs Neil Westcott, William Jayet, Marg Applebee, Jacob Cass, Ken McGrath,

George Pratt, Daniel Weber and Glenn Wilson

Against: Nil

CARRIED 8/0



15.5 PUBLIC EXHIBITION OF DRAFT PARKES SHIRE DEVELOPMENT CONTROL PLAN 2021 (EARTHWORKS AMENDMENTS)

RESOLVED OCM 055/23

Moved: Cr Ken McGrath Seconded: Cr Glenn Wilson

That Council:

- 1. Endorse the draft Parkes Shire Development Control Plan 2021 (Earthworks Amendments) for public exhibition.
- 2. Consult directly with the appropriate local and regional land developers in the consultation process.
- 3. Following exhibition of the Development Control Plan necessary amendments will be made to the Draft Development Control Plan which will be subsequently reported back to Council for final adoption.

In Favour: Crs Neil Westcott, William Jayet, Marg Applebee, Jacob Cass, Ken McGrath,

George Pratt, Daniel Weber and Glenn Wilson.

Against: Nil.

CARRIED 8/0



15.6 DA 2022/0123 MIXED USE DEVELOPMENT - SPECIALISED RETAIL PREMISES, RECREATIONAL INDOOR & OUTDOOR FACILITY, TAKEAWAY FOOD & DRINK PREMISES & FOUR LOT SUBDIVISION

RECOMMENDATION

Moved: Cr William Jayet Seconded: Cr Marg Applebee

That Council:

1. That Council approve DA2022/0123 subject to the conditions contained within the report.

Pursuant to clause 10.10 and 10.11 of the Code of Meeting Practice, Cr Ken McGrath moved an Amendment.

AMENDMENT

RESOLVED OCM 056/23

Moved: Cr Ken McGrath Seconded: Cr Jacob Cass

That Council:

- 1. Approve DA2022/0123 subject to the conditions in the report, except with the deletion of conditions 21 and 45.
- Write to Transport for NSW request them to undertake a speed zone review to look at the
 potential to slow highway traffic on the Newell Highway at the Saleyards Road
 intersection.
- 3. Write to Transport for NSW and ask them to address any deficiency in the intersection on the Newell Highway at Saleyards Road before it is handed back to Council.
- 4. Condition 58 amended to read "The hours of operation for the Takeaway Food and Drink Premises shall be from 6.00am to 10.00pm".

CARRIED

Pursuant to clause 10.15 of the Code of Meeting Practice, the Amendment then became the Motion.



MOTION

RESOLVED OCM 057/23

Moved: Cr Ken McGrath Seconded: Cr Jacob Cass

That Council:

- 1. Approve DA2022/0123 subject to the conditions in the report, except with the deletion of conditions 21 and 45.
- 2. Write to Transport for NSW request them to undertake a speed zone review to look at the potential to slow highway traffic on the Newell Highway at the Saleyards Road intersection.
- 3. Write to Transport for NSW and ask them to address any deficiency in the intersection on the Newell Highway at Saleyards Road before it is handed back to Council.
- 4. Condition 58 amended to read "The hours of operation for the Takeaway Food and Drink Premises shall be from 6.00am to 10.00pm".

In Favour: Crs Neil Westcott, William Jayet, Marg Applebee, Jacob Cass, Ken McGrath,

George Pratt, Daniel Weber and Glenn Wilson.

Against: Nil.

CARRIED 8/0

16 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil.



17 CONFIDENTIAL MATTERS

RESOLVED OCM 058/23

Moved: Cr Jacob Cass Seconded: Cr Marg Applebee 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:

17.1 PURCHASE OF WATER

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.

17.2 PSC2022/053 PROVISION OF GENERAL CLEANING SERVICES TO COUNCIL BUILDINGS

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.

17.3 PSC2022/137 PMO PARKES WATER SECURITY PROGRAM LPDP GEOTECHNICAL INVESTIGATION

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.



At 4.21pm, the Meeting went into Closed Session.

RESOLVED OCM 059/23

Moved: Cr Marg Applebee Seconded: Cr Ken McGrath That Ordinary Council Meeting:

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

CARRIED

At 4.43pm, 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.

17.1 PURCHASE OF WATER

RESOLVED OCM 060/23

Moved: Cr George Pratt Seconded: Cr Ken McGrath

That Council:

- 1. Resolve to purchase the surface water access licences in accordance with this report and appropriate due diligence checks.
- 2. Authorise the necessary documentation to facilitate the purchase and transfer of the water access licence to be signed under the seal of Council, as required.
- 3. Empower the General Manager and Director Infrastructure and Strategic Futures to negotiate future water purchases up to a limit of \$1,000,000.00 should they arise, based on the time-sensitive nature of such negotiations.



17.2 PSC2022/053 PROVISION OF GENERAL CLEANING SERVICES TO COUNCIL BUILDINGS

RESOLVED OCM 061/23

Moved: Cr Ken McGrath Seconded: Cr George Pratt

That Council:

- 1. Authorise the General Manager to enter negotiations with Strike Force Services Pty Ltd to determine any potential savings that can be achieved from the reviewing the tender specification cleaning schedule.
- 2. Authorise the General Manager, following negotiations, to enter a contract with Strike Force Services Pty Ltd.

CARRIED

17.3 PSC2022/137 PMO PARKES WATER SECURITY PROGRAM LPDP GEOTECHNICAL INVESTIGATION

RESOLVED OCM 062/23

Moved: Cr Daniel Weber Seconded: Cr Marg Applebee

That Council:

- 1. Council endorses the Tender Evaluation Report and endorses that D&N Geotechnical be nominated as the Preferred Tenderers for the Project Management Office Parkes Water Security Program Lachlan Pipeline Duplication Geotechnical Investigation.
- 2. Council endorses executing the Contract following the finalisation of the Contract with the Preferred Tenderer.

CARRIED

19 CONCLUSION OF MEETING

The meeting concluded at 4.44pm.

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

Cr Ken Keith OAM

MAYOR