



PARKES SHIRE COUNCIL

MINUTES

TUESDAY 4 OCTOBER 2005

Minutes of the Ordinary Meeting of Parkes Shire Council held at the Council Administration Centre, 2 Cecile Street, Parkes, commencing at 1:30 pm for the purpose of considering the items included on the Agenda.

GENERAL MANAGER: Alan McCormack

Ordinary Meeting

Minutes of the Ordinary Meeting held in the Council Chambers, 2 Cecile Street on 4 October 2005 at 1.30pm.

PRESENT

Councillor R I Wilson, (in the Chair)
Councillor P Byrne
Councillor J H Magill
Councillor B J Laing
Councillor W Scott

Councillor K J Keith
Councillor Y Hutton
Councillor K McGrath
Councillor G Pratt
Councillor B Newton

IN ATTENDANCE

General Manager - A McCormack
Director Corporate Service - B Matthews
Director Planning & Environment - S Campbell
Director Operations - S Barry
Manager Natural Resources - P Sullivan
Economic Development Manager – M Greenwood
Minutes Secretary - D Ehsman/T Prior

MEETING COMMENCEMENT

The Meeting commenced at 1.30pm.

1 PRAYER

The General Manager opened the meeting with a prayer.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

05 - 813 Resolution

That the Minutes of the Ordinary Meeting of Parkes Shire Council held on 20 September 2005, copies of which have been forwarded to Councillors, be confirmed.

Moved Councillor Barbara Newton, seconded Councillor Yvonne Hutton.

CARRIED

4 DECLARATIONS OF INTEREST

Councillor Wayne Scott declared an interest in Item 10.3 (REASON Executive member of organisation mentioned in report).

5 MAYORAL MINUTES

Nil.

6 NOTICES OF MOTION/RESCISSION

Nil.

7 COUNCILLORS' REPORTS

Nil.

8 INWARDS CORRESPONDENCE

Nil.

9 GENERAL MANAGER'S REPORT

9.1 (GM) Mayoral Elections

Executive Summary

The report below indicates the results of Mayoral elections in this locality.

Recommendation

1. That the information be noted.

05 - 814 Resolution

1. That the information be received and noted.
2. That letters be written to the Mayors as listed, congratulating them on their election.

Moved Councillor Ken Keith, seconded Councillor Bev Laing.

CARRIED

9.2 (GM) Relay for Life

Executive Summary

The Mayor of Forbes has personally challenged Parkes to enter a team in the Forbes Relay for Life on 15/16 October 2005.

Recommendation

1. That Council agree to participate and the General Manager make the arrangements.

05 - 815 Resolution

That the recommendation be adopted.

Moved Councillor Ken Keith, seconded Councillor Yvonne Hutton.

CARRIED

9.3 (GM) Central West Livestock Exchange

Executive Summary

Forbes Shire Council plans to open the Livestock Exchange in November. The Deputy Prime Minister has been invited to perform the opening and conduct a charity auction of a pen of cattle. Parkes Council has been asked to provide a beast for the auction, with the proceeds being donated to a charity in the Parkes Shire area.

Recommendation

1. That Council agree to participate in principle and that final details be determined prior to the opening.

05 - 816 Resolution

That the recommendation be adopted.

Moved Councillor Patrick Byrne, seconded Councillor Ken Keith.

CARRIED

9.4 (GM) Bells Line Expressway Group (BLEG)

Executive Summary

BLEG will unveil details of the proposed four lane expressway across the Blue Mountains at Parliament House, Sydney on Thursday, 3 November 2005.

It is intended to highlight products and services from the Central West at the function.

Recommendation

1. That the information be noted.

05 - 817 Resolution

That the information be received and noted.

Moved Councillor Ken Keith, seconded Councillor Wayne Scott.

CARRIED

10 DIRECTOR OF CORPORATE SERVICES' REPORT

10.1 (DCS) Local Government and Shires Association of NSW- Section 611 Telstra/Optus High Court Appeal

Executive Summary

The Local Government and Shires Association of NSW have advised that Councils of NSW were unsuccessful in their High Court legal attempt to require Telstra and Optus to pay for the use of Council property by way of Section 611 of the Local Government Act.

The legal costs of Telstra and Optus have had to be met by the twelve Councils that were named as representing the Councils of New South Wales. The costs of the matter were approximately \$1.2m.

The Local Government and Shires Association is seeking a contribution of \$6,925.00 towards the legal costs involved in the appeal.

Recommendation

1. That in view of Council's original decision on 23 April 2002 not to contribute towards the costs of the appeal to the High Court that the Associations be advised that Council cannot see its way clear to contributing the amount currently requested of \$6,925.00 to defray the costs incurred by the twelve Councils involved in the appeal.

05 - 818 Resolution

That the recommendation be adopted.

Moved Councillor John Magill, seconded Councillor Bev Laing.

CARRIED

10.2 (DCS) Central NSW Tourism

Executive Summary

Advice has been received from Central NSW Tourism that the term of the current Board expires in November 2005 and that nominations for the Board close on 7 October 2005 with the interviews being conducted by the selection panel in November 2005.

Recommendation

1. That Council nominate its Tourism Manager, Monique Kronk, for appointment to the Board of Central NSW Tourism.

05 - 819 Resolution

That the recommendation be adopted.

Moved Councillor Ken Keith, seconded Councillor John Magill.

CARRIED

Councillor Wayne Scott left the meeting temporarily at 1.42pm.

10.3 (DCS) Economic Development - Sport and Recreation Grants

Executive Summary

Council is required to prioritise the four applications from within Parkes Shire for funding under the 2005/06 Capital Assistance Program. Details of the projects are attached.

Recommendation

1. That Council determine priority for projects submitted under the 2005/06 Capital Assistance Program

05 - 820 Resolution

That Council prioritise the applications as follows:

1. Parkes Gun Club/Peak Hill Golf Club

Moved Councillor Yvonne Hutton, seconded Councillor Ken Keith.

CARRIED

Councillor Wayne Scott rejoined the meeting at 1.48pm.

11 DIRECTOR PLANNING AND ENVIRONMENT'S REPORT

11.1 (DPE) DA05150: Proposed Take-Away Food Outlet at 319-329 Clarinda Street, Parkes

Development Application Information

Application No: DA05150

Applicant: Mr S Kopuz

Property: Lot 1 DP 13622, Lot 2 DP 13622, Lot 2 DP 306001, Lot 3 DP 13622,
Lot 4 DP 13622, 319-329 Clarinda Street, Parkes

Proposal: Take-Away Food Outlet

Executive Summary

On 20 September 2005 Council resolved that the subject application be defer to the 4 October 2005 meeting so "*That the matter be deferred until further information is provided outlining the reasons for refusals of previous applications.*"

Recommendation

It is recommended that the application be approved subject to the conditions contained in the report.

05 - 821 Resolution

05 - 822

That the recommendation be adopted.

Moved Councillor Ken Keith, seconded Councillor John Magill.

CARRIED

Councillor McGrath and Councillor Byrne requested that their vote against the motion be recorded.

11.2 (DPE) DA05145: Proposed Front Fence at 36 High Street, Parkes

Development Application Information

Application No: DA05145

Applicant: Mr P Fletcher

Property: Lot 10 Sec 14 DP 758827, 36 High Street, Parkes

Proposal: Brick and Timber Front Fence

Executive Summary

Council, at its meeting on 20 September 2005, considered an application to erect a brick and timber fence to the front of the dwelling on Lot 10, Sec 14, DP758827, 36 High Street, Parkes. The fence extended for the width of the property with side returns at an overall height of 1.8 metres.

The proposed development contravenes the requirements of Parkes Shire Councils' Residential Code Development Control Plan, 1998 with regard to the height of a front fence within the front 6 metre building line from the street.

Council resolved to defer a decision in this matter pending the applicant being requested to consider alternative design that would have less impact on the streetscape. An alternative design is now submitted for consideration.

Recommendation

It is recommended that the application be approved subject to the conditions contained in the report.

05 - 823 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor Yvonne Hutton.

CARRIED

11.3 (DPE) Heritage Advisors Report

Executive Summary

Council's Heritage Advisor Jillian Comber has provided Council with a report, updating heritage advisory and funding services in the Parkes Shire.

Recommendation

1. That the Heritage Advisor's report be received and noted.

05 - 824 Resolution

That the information be received and noted.

Moved Councillor Bev Laing, seconded Councillor Ken McGrath.

CARRIED

12 DIRECTOR OF OPERATIONS' REPORT

Nil.

13 DIRECTOR OF INFRASTRUCTURE'S REPORT

13.1 (DI) Rural Addressing Funding Through Emergency Mitigation Program

Executive Summary

An application was lodged under the National Disasters Mitigation Program to provide rural addressing in Parkes Shire. The aim of the rural addressing funding application was to provide an addressing system across the Shire that will facilitate precise location of rural residences, particularly to assist emergency services. The funding has ideally coincided with the recent rural addressing pilot study in the area south of Parkes.

Recommendation

1. That Council submit a detailed project plan for the Rural Addressing Project.
 2. That Rural Addressing be rolled out to the rest of the Parkes Shire as soon as the funding agreement has been signed and accepted.
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05 - 825 Resolution

That the recommendations be adopted.

Moved Councillor Ken Keith, seconded Councillor John Magill.

CARRIED

13.2 (DI) Request for Council Concurrence to Crown Road Closure: West of Lots 12 and 16 DP750160 and East of Lots 43 and 54 DP750160 Parish of Goobang, County of Ashburnham

Executive Summary

A request has been received for Council's concurrence to the closure of the above crown road. The road is not likely to be required to compliment Council's existing road network and closure does not appear to land lock any particular parcel of land on its own, but when considered in conjunction with the proposed road closures in the same area (6 September 2005 meeting), land parcels will become land locked.

Recommendation

1. That Council express concern at the proposed closure of the Crown Road, situated West of Lot 12 and 16 DP 750160 and East of Lot 43 and 54 DP 750160 Parish of Goobang, County of Ashburnham. Particularly when considered in conjunction with other proposed closures of Crown Roads in the area.
2. That Council write to the Department of Lands expressing concern that the closure of the Crown Road could, in conjunction with other proposed Crown Road closures in the area, lead to land parcels being landlocked without a legal access road.

05 - 826 Resolution

That the recommendations be adopted.

Moved Councillor Ken McGrath, seconded Councillor Ken Keith.

CARRIED

13.3 (DI) Draft Policy for the Discharge of Liquid Trade Waste to Sewerage System

Executive Summary

Trade Waste is defined as:

"Liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises other than domestic sewage from hand wash basins, shower, bath or toilet. It also excludes stormwater and unpolluted water."

In 2002 Parkes Shire Council adopted the Model Policy for the Discharge of Liquid Trade Waste to the Sewerage System, developed by the former Department of Land and Water Conservation. This allowed Council to improve our management and approval of liquid trade waste discharges to the sewerage system.

The Department of Energy, Utilities and Sustainability (DUES) has recently released the new Trade Waste Guidelines and Model Policy which contain a number of important amendments particularly in relation to fees and charges for sewerage services.

The Draft Policy for the Discharge of Liquid Trade Waste to the Sewerage System (Attachment) has been developed using the Model Policy to cater for the new amendments and will support the management of, and the new fees and charges for, sewerage services.

Recommendation

1. That Council approve the Draft Policy for the Discharge of Liquid Trade Waste to the Sewerage System.
2. Council forward a copy of the Draft Policy to DUES for comment before giving public notice and exhibiting the Policy for 28 days.
3. Finalise the report, after addressing any issues raised in public submissions, for adoption by Council.

05 - 827 Resolution

That the recommendations be adopted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

14 CONSIDERATION OF COMMITTEE MINUTES

14.1 (DPE) Minutes of the Waste Facilities Committee Meeting, 20 September 2005

Executive Summary

A Waste Facilities Committee meeting was held on Tuesday, 20 September 2005.

Recommendation

1. That the Minutes of the Waste Facilities Committee held on 20 September 2005 be adopted.

05 - 828 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

CARRIED

15 QUESTIONS AND MATTERS OF URGENCY

05 - 829 Request for Key of Road Names to go with Shire Map

Councillor K Keith has requested for key of road names to go with map with road numbers or a map with names on it.

The Director of Operations advises that a map has been distributed and will be re-distributed when updates have been completed.

Recommendation

That the information supplied by the Director of Operations be received and noted.

05 - 830 Resolution

1. That the information be received and noted.

Moved Councillor John Magill, seconded Councillor Yvonne Hutton.

CARRIED

05 - 831 Condition of Wild Lane - Section Shire Road 31

Councillor P Byrne advises that complaints have been received regarding unsafe travel of Wild Lane - Section of Shire Road 31 and when will work be done.

The Director of Operations advises that the road will be inspected and appropriate action taken when plant is available. The required works will be prioritised based on usage. Timing is not known at this stage.

Recommendation

That an inspection of Wild Lane - Section of Shire Road 31 be carried out and the works scheduled accordingly.

05 - 832 Resolution

1. That the recommendation be adopted.

Moved Councillor Patrick Byrne, seconded Councillor Wayne Scott.

CARRIED

The meeting of the Ordinary Council meeting was closed to the public at 2.20pm.

The Mayor asked the Meeting whether it agreed that the items listed by the General Manager appeared to be items which should be discussed in closed session for the reasons given.

The General Manager advised that there were no written representations from the public on the proposed closure of the Council Meeting.

05 - 833 Resolution

That the meeting be closed for consideration of the listed items as they involve: information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, personnel matters concerning particular individuals (other than Councillors) and commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

Moved Councillor Bev Laing, seconded Councillor Yvonne Hutton.

CARRIED

16 CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

16.1 (DPE) Proposed Parkes Retirement Community, Farrer Street, Parkes

Prepared By: Director Planning & Environment

Executive Summary

Following on from the Confidential report to Council of 20 September 2005, a further report is provided, outlining details of Legal Advice that has been obtained.

Recommendation

1. That the information be noted.
2. Further, that Council allow the Bruce Hodges Group to lodge a Development Application for the "Parkes Retirement Community" and that Council will request a rezoning application from the applicant to rezone the land from zone 1(c) Rural Small Holding to zone 2(v) Urban and Village zone if, in the opinion of Council, the application does not comply with the objectives of the 1(c) Rural Small Holdings zone and the provisions of Clause 9(3) of the Parkes Local Environmental Plan 1990.

05 - 834 Resolution

1. That the information be noted.
2. Further, that Council allow the Bruce Hodges Group to lodge a Development Application for the "Parkes Retirement Community" and that Council will request a rezoning application from the applicant to rezone the land from zone 1(c) Rural Small Holding to zone 2(v) Urban and Village zone if, in the opinion of Council, the application does not comply with the objectives of the 1(c) Rural Small Holdings zone and the provisions of Clause 9(3) of the Parkes Local Environmental Plan 1990.
3. That Council will consider a staged proposal for the development, if requested.

Moved Councillor Ken Keith, seconded Councillor Wayne Scott.

CARRIED

16.2 (DO) Bituminous Surfacing Contract OD1/2005

Prepared By: Director of Operations

Executive Summary

Council has invited tenders for the Annual Bituminous Surfacing Contract for 205/06 with two (2) tenders being received.

Recommendation

1. That Emoleum Road Services be awarded the Bituminous Surfacing Contract with Parkes Shire Council for the period 1 October 2005 to 30 September 2006.
2. That Council accept the offer from Emoleum for an extension of the contract from 1 year to 2 years with a further option of another 1 year extension at the 2.5% discount.

Motion

1. That Emoleum Road Services be awarded the Bituminous Surfacing Contract with Parkes Shire Council for the period 1 October 2005 to 30 September 2006.
2. That Council accept the offer from Emoleum for an extension of the contract from 1 year to 2 years with a further option of another 1 year extension at the 2.5% discount.
3. That the tender be accepted for a two year period subject to a review after the first year by Council and at that time Council to have the option of extending the contract if more favourable than the CENTROC arrangement.

Moved Councillor Ken Keith, seconded Councillor Yvonne Hutton.

LOST

Amendment

That the original recommendations 1 and 2 be adopted.

Moved Councillor Patrick Byrne, seconded Councillor John Magill.

CARRIED

05 - 835 Resolution

1. That the amendment be adopted.

Moved Councillor John Magill, seconded Councillor Yvonne Hutton.

CARRIED

Motion

That Council monitor the CENTROC tendering process for future bitumen sealing contracts.

05 - 836 Resolution

1. That the new motion be adopted.

Moved Councillor Ken Keith, seconded Councillor John Magill.

CARRIED

16.3 (DI) Extension of Contract for the Supply, Fitting and Repair of Tyres (T 1/2003)

Prepared By: Director of Infrastructure

Executive Summary

In accordance with the Conditions of Contract for the supply, fitting and repair of tyres, Contract No T 1/2003, a request has been made by Parkes Tyrepower for an extension of the contract for a further 12 months. The contract makes allowance for a 12 month renewal, dependant upon satisfactory performance.

Recommendation

1. That in accordance with the provisions of Contract Number T 1/2003, Parkes Tyrepower be granted a 12 month contract extension for the supply, fitting and repair of tyres for Council

05 - 837 Resolution

That the recommendation be adopted.

Moved Councillor Ken Keith, seconded Councillor Wayne Scott.

CARRIED

There being no further business the Mayor declared the meeting closed at 2.58pm.