



PARKES SHIRE COUNCIL

Our Mission: To Deliver Progress and Value to our Community

Our Communities Vision:

*In 2022 the Parkes Shire will be a progressive regional centre,
embracing a national logistics hub with vibrant communities,
diverse opportunities, learning and healthy lifestyles.*

MINUTES

TUESDAY 17 SEPTEMBER 2019

Minutes of the Ordinary Meeting of Parkes Shire Council held at the Peak Hill Ex Services & Citizens Club 61 Caswell Street Peak Hill commencing at 2.00 pm for the purpose of considering the items included on the Agenda.

GENERAL MANAGER: Kent Boyd

Ordinary Meeting

Minutes of the Ordinary Meeting held in the Council Chambers, 2 Cecile Street on Tuesday 17 September 2019 at 2.00pm.

PRESENT

Councillor K J Keith OAM, (in the Chair)
Councillor K M McGrath
Councillor G W Pratt
Councillor N C Westcott

Councillor B F Newton
Councillor L A O'Leary
Councillor AJ Ward

IN ATTENDANCE

General Manager - K Boyd
Director Technology and Corporate Services - L Finn
Director Planning and Environment (Acting) - H Orr
Director Infrastructure - A Francis
Chief Operating Officer (Acting) - K Dwyer
Minutes Secretary - S Henry

MEETING COMMENCEMENT

The Meeting commenced at 1.30pm with the Confidential Items.

17 CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

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.

19 - 255 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 George Pratt, seconded Councillor Alan Ward.

CARRIED

17.1 (DWS) Cheney Park Amenities

Prepared By: Director Works and Services

Executive Summary

Parkes Shire Council has called for tenders for the Alterations and additions to Cheney Park Amenities, Contract PSC2019/043.

Tenders closed on 3 September 2019, and Council received Four (4) tenders.

Recommendation

1. That Council award the tender for the Alterations and Additions to Cheney Park Amenities - Contract PSC2019/043 to DJ & R Sergeant PTY LTD.

19 - 256 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor George Pratt.

CARRIED

At this stage the Mayor Cr KJ Keith declared an interest in the following item and temporarily left the meeting. (Current Licence Holder for a road mentioned in the report)

The Deputy Mayor took the Chair.

17.2 (DWS) Review of Road Rentals

Prepared By: Director Works and Services

Executive Summary

Under the provisions of the Roads Act 1993, Council may lease land comprising a Public Road, to the owner of adjoining land, if, in its opinion, the road is not being used by the public. The Act stipulates that the term of the lease, together with any option to renew must not exceed five years.

Recommendation

1. That the process required under the Roads Act be sought for short term leasing, with the fee to be set at \$10.00 per hectare with a minimum of \$50.00.

19 - 257 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor Louise O'Leary.

CARRIED

The Mayor CR Keith Returned to the meeting and resumed the Chair.

17.3 (DWS) Trundle Showground Amenities

Prepared By: Director Works and Services

Executive Summary

Parkes Shire Council has called for tenders for the Alterations and additions to Trundle Showground Amenities, Contract PSC2019/042.

Tenders closed on 27 August 2019, and Council received Five (5) tenders.

Recommendation

1. Due to Council not being satisfied that value for money could be obtained for the Tender: Alterations and Additions to Trundle Showground Amenities, Contract PSC2019/042 (Tender) for the following reasons, Council reject all tender offers under regulation 178(3)(e) of the Local Government (General) Regulation 2005 (NSW):
 - (a) The tender offer received from submissions are all above Council's allocated budget for the Tender;
 - (b) Accordingly, Council does not consider that the tenders received represent value for money

19 - 258 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

CARRIED

The Mayor KJ Keith, Cr KM McGrath, General Manager K Boyd and Director Planning & Environment (Acting) H Orr temporarily left the meeting after having declared an interest in the following two items 17.4 and 17.5..

The Deputy Mayor took the Chair.

As there was not a meeting quorum, being 5 Councillors present, the Deputy Mayor deferred the tabling of the items 17.4 and 17.5 to a future meeting of Council - date to be determined.

17.4 Committee Minutes - Special Meeting of the Audit, Risk and Improvement Committee Held 10 September 2019

Prepared By: Director Technology and Corporate Services

17.5 (DTCS) Land Options - Special Activation Precinct

Prepared By: Director Technology and Corporate Services

The Mayor KJ Keith, Cr KM McGrath, General Manager K Boyd and Director Planning & Environment (Acting) H Orr returned to the meeting and the Mayor resumed the Chair.

At this stage being 1.45pm the Closed meeting concluded.

The Mayor temporarily adjourned the meeting to allow the public gallery to enter the meeting.

At 2.00pm the Mayor opened the Meeting to the public. The Mayor read aloud the resolutions of the Confidential Business items tabled in the Closed Meeting for the benefit of the public gallery.

1 PRAYER

The Mayor asked the General Manager to open proceedings with a prayer.

2 APOLOGIES

19 - 259 Resolution

That Councillor Bill Jayet be granted leave of absence (REASON: Absent from Parkes).

Councillor Pat Smith be granted leave of absence (REASON: Absent from Parkes).

Councillor Wally Biles be granted leave of absence (REASON: Illness).

Moved Councillor Alan Ward, seconded Councillor George Pratt.

CARRIED

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

19 - 260 Resolution

That the Minutes of the Ordinary Meeting of Parkes Shire Council held on Tuesday 20 August 2019 copies of which have been forwarded to Councillors, be confirmed.

Moved Councillor George Pratt, seconded Councillor Ken McGrath.

CARRIED

4 DECLARATIONS OF INTEREST

Councillor Ken Keith declared an interest in Item 17.3 (REASON: Current Licence Holder of Road Mentioned in the Report) and Item 17.4 and 17.5 (REASON Interest in land mentioned in Report).

Councillor Ken McGrath declared an interest in Item 17.4 and 17.5 (REASON Related entity to an individual mentioned in the Report).

5 NOTICES OF MOTION/RESCISSION

Nil.

6 LATE BUSINESS

Nil.

7 MAYORAL MINUTES

7.1 Mayoral Minute - Functions attended by Mayor and Councillors

Executive Summary

A report on functions recently attended by the Mayor, Councillors or Senior Staff in relation to community events or civic matters.

Recommendation

1. That the report of upcoming functions for the Mayor, Councillors or Senior Staff be received and noted.

19 - 261 Resolution

That the recommendation be adopted.

Moved Councillor George Pratt, seconded Councillor Neil Westcott.

CARRIED

7.2 Mayoral Minute - Coming Known Events for Mayor and Councillors

Executive Summary

A report on the upcoming functions requiring the attendance of the Mayor, Councillors or Senior Staff in relation to community events or civic matters.

Recommendation

1. That the report of upcoming functions for the Mayor, Councillors or Senior Staff be received and noted.

19 - 262 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

7.3 Mayoral Minute - Peak Hill Fire Station

Executive Summary

The General Manager and I recently met with representatives of the NSW Fire and Rescue Service, regarding the Peak Hill Fire Station.

Recommendation

That the report be received and noted.

19 - 263 Resolution

1. That the information be received and noted.
2. That Council assist with a media campaign to encourage volunteers.

Moved Councillor Louise O'Leary, seconded Councillor Neil Westcott.

CARRIED

8 COUNCILLORS' REPORTS

Nil.

9 INWARDS CORRESPONDENCE

9.1 (ICR) Letters of Appreciation

Executive Summary

During the exercise of its various functions, Council frequently receives emails and letters of appreciation for services rendered or actions taken by Councillors and staff.

The most recently received are from Travellers "The Duncans" commenting on the Peak Hill Gold Mine, The Trundle Rugby League Football Club thanking Council for its assistance in staging the 2019 Woodbridge Cup Grand Final and the Tullamore Community Consultative Committee on the newly built sports courts in Tullamore.

Recommendation

1. That the information be received and noted.

19 - 264 Resolution

That the information be received and noted.

Moved Councillor George Pratt, seconded Councillor Barbara Newton.

CARRIED

10 GENERAL MANAGER'S REPORT

10.1 (GM) Pecuniary Interest Returns for Designated Officers for the period 1st July 2018 - 30th June 2019

Executive Summary

Pecuniary Interest Returns received for the financial year 1 July 2018 to 30 June 2019 for the current Councillors and designated persons are tabled at this meeting in compliance with Section 450A of the Local Government Act, 1993.

The Chair and Independent Member of the Parkes Shire Council Risk Review Committee Council have also completed a return and are tabled for Council's information.

Recommendation

1. That the tabling of Pecuniary Interest Returns as at 30 June 2019 for Councillors Keith, Newton, Biles, Jayet, McGrath, O'Leary, Pratt, Smith, Ward and the General Manager K Boyd, Director Technology and Corporate Services L Finn, Director Planning and Environment S Campbell, Director Works & Services B Howard and Director Infrastructure A Francis, Mr Grahame Marchant Chair Audit, Risk and Improvement Committee, Mr Robert Haddin Independent Member Audit Risk and Improvement Committee be noted.

19 - 265 Resolution

That the information be received and noted.

Moved Councillor Alan Ward, seconded Councillor Neil Westcott.

CARRIED

10.2 (GM) Councillor Representation on Council Committees and to Community Groups and Organisations

Executive Summary

Council is asked to determine its Committee representatives annually.

Provided for Council's review is the current list of delegates and representatives to various Council Committees, Community Committee's, Community Groups and Organisations.

At the Parkes Plus workshop held on 02 September 2019, Parkes Shire Councillors were requested to review the current Council committees and their representation on respective Committees for appointment by resolution of Council.

Recommendation

1. That Council endorse the appointments as either Council's delegate or representative to respective current Committee's and organisations.

19 - 266 Resolution

1. That the recommendation be adopted.
2. That Cr Jayet be included on Heritage Committee.
3. That Cr Ward be nominated as the alternate for the Traffic Committee
4. Cr Biles be removed as alternate to ARIC - Cr Westcott is alternate

Moved Councillor Ken McGrath, seconded Councillor Louise O'Leary.

CARRIED

10.3 (GM) Parkes Dragon Boating Club

Executive Summary

A recent meeting was held with executives of the Parkes Dragon Boating Club. The Club are keen to establish facilities to better enable the Club to operate at Lake Endeavour.

Recommendation

1. That Council agree in principle to a private toilet facility being established at the Lake Endeavour by the Parkes Dragon Boat Club.
2. That Council work with the Club to further masterplan the Lake Endeavour area to cater for future development.

19 - 267 Resolution

That the recommendation be adopted.

Moved Councillor Louise O'Leary, seconded Councillor Barbara Newton.

CARRIED

11 DIRECTOR TECHNOLOGY AND CORPORATE SERVICES REPORT

11.1 (DTCS) Investment Report as at 31 August 2019

Executive Summary

The carrying value of Council's investments at 31 August 2019 was \$25,681,699.

Recommendation

1. That the information in relation to investments held at 31 August 2019 be received and noted.

19 - 268 Resolution

That the recommendation be adopted.

Moved Councillor George Pratt, seconded Councillor Neil Westcott.

CARRIED

11.2 (DTCS) Parkes Open Gardens 2019

Executive Summary

The Parkes Open Gardens returns on Sunday 13 October 2019. Hosted by Parkes Quota International, the Open Gardens showcases six spring gardens in Parkes to approximately 250 guests. This year, one garden will also support the Pink Up Parkes initiative.

Recommendation

1. For the determination of Council.

19 - 269 Resolution

That Council provide assistance with the following:

1. Hire and provide two (2) individual portable toilets inclusive of toilet paper to be delivered to one of the gardens including delivery, collection and pump out;
2. Council's Presentation team provide a high level of presentation at the street areas surrounding the gardens, if required;
3. Council's Destination team continue to work with the event organisers to promote the event and leverage the event for the Shire;
4. In exchange for the provision of this support, Council seeks appropriate sponsorship recognition and acknowledgement from Organisers of the event via social media platforms, logo inclusion on marketing collateral and website, the use of Council and Destination tear drop banners at the event, if available;
5. That the Mayor and/or Councillor informally attend the Parkes Open Gardens on Sunday 13 October 2019, if calendar permits.

Moved Councillor Louise O'Leary, seconded Councillor Alan Ward.

CARRIED

11.3 (DTCS) Parkes Squash Doubles Tournament 2019

Executive Summary

Parkes Services Squash Centre hosts their annual Doubles Tournament on 8-10 November 2019. The event is sanctioned by both NSW Squash and Squash Australia and is the biggest Doubles Tournament in NSW set to attract over 70 pairs (150 players) plus coaching staff, crew and family. Competitors will travel from Victoria, Queensland and ACT to play.

Recommendation

1. That Council's Destination team provide prize packs for both winners and runners up for three categories (Opens, As, Bs) valued at approximately \$50-\$35 each;
2. That the Mayor and/or representative Councillors accept the invitation to attend the Presentation on Sunday 10 November 2019, if calendar allows;
3. That in exchange for the provision of this support, Council seek appropriate sponsorship recognition and acknowledgement from event organisers via social media platforms, logo inclusion on marketing collateral and website, the use of Council and Destination pull up banners at the event, if available;

19 - 270 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

11.4 (DTCS) Aboriginal Project Officer Update April - June 2019

Executive Summary

Council has entered into a Joint Funding Agreement with Northparkes Mines for the engagement of an Aboriginal Project Officer for a period of three years. This position is under the auspice of the Parkes & District Neighbourhood and Community Information Centre Inc.

The aim of the Aboriginal Project Officer role is to 'close the gap' on Indigenous disadvantage in line with the Government's Indigenous building blocks.

The key priorities for this role are:

- ☐ Health
- ☐ Transport infrastructure
- ☐ Employment
- ☐ Education
- ☐ Early Childhood
- ☐ Housing
- ☐ Economic Development

In addition to these priorities the role supports the cultural development of the Aboriginal Community of Parkes Shire. This is achieved by the facilitation of community forums and working closely with the Parkes Aboriginal Community Working Party.

Recommendation

1. That the information be received and noted.

19 - 271 Resolution

That the recommendation be adopted.

Moved Councillor Louise O'Leary, seconded Councillor Neil Westcott.

CARRIED

12 DIRECTOR PLANNING AND ENVIRONMENT'S REPORT

12.1 (DPE) August 2019 Building Statistics

Executive Summary

During the month of August 2019 there were six (6) Development Applications received totalling \$1,616,645.00 and thirteen (13) consents were issued. Five (5) Complying Development Certificates were received totalling \$1,087,910.00 and three (3) consents were issued.

Recommendation

1. That the information be received and noted.

19 - 272 Resolution

That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

12.2 (DPE) DA2019/0070 Extractive Industry (Quarry) at 'Norong' 977 Crowley Road, Tullamore

Development Application Information

Application No: DA2019/0070

Applicant: Regional Hardrock Pty Limited

Property: Lot 20 DP 754010, 'Norong' 997 Crowley Road, Tullamore

Proposal: Extractive Industry

Executive Summary

DA2019/0070 proposes an Extractive Industry (Quarry) on Lot 20 DP 754010, 'Norong' 977 Crowley Road, Tullamore. The quarry will be undertaken in 2 stages via conventional drill and blast techniques creating 3 faces 10 metres deep (30 metre total depth), extracting up to 30,000m³ of material per annum for up to 20 years. The development will also include the installation / erection of machinery for material crushing within the quarry pit, earthen bunds for stormwater management, sediment ponds for the collection of wastewater runoff and a new vehicular access. The remainder of the site will continue to be used for existing agricultural practices. The subject land is vacant of all built structures, primarily clear of vegetation and is not traversed by any natural water bodies. The site of the proposed quarry was previously used for a small scale gravel pit, with evidence of quarry activities still visible.

The application is reported to Council as a submission was received during notification of the proposal requesting notification of extraction / blasting activities and expressing concerns over the loss of economic benefits (employment) to the Tullamore locality, the proposed road contribution being insufficient to maintain road infrastructure and the impacts of dust on dwellings adjacent to haulage routes. Referral comments were received from the NSW Environment Protection Authority and NSW Roads and Maritime Service. The referral comments both support the proposal subject to conditions of consent being imposed to ensure there are no adverse impacts on local and regional roads and the environment within the vicinity of the solar farm.

The applicant has proposed to develop a blast notification register and advise landowners on the register of blasting activities before they occur. The development will employ 3 staff which are to be obtained based on their skillset; however, the applicant has advised where people from the Tullamore Community are able to demonstrate they have the necessary skills they will be afforded precedence. Conditions of consent will be imposed ensuring the applicant pay a contribution towards the maintenance and upkeep of the local road network in accordance with the Parkes Shire Section 94 Contribution Plan 2016 which sets the contribution rates based on the road condition, proposed vehicle type and amount of vehicle movements. It is assessed the potential for dust impacts will not create significant detrimental impacts on dwellings adjacent to the haulage routes, given the volume of haulage vehicles per day and the two nearest dwellings being setback more than 180 metres from the road corridor and are buffered from the road by dense vegetation.

The applicant has requested a reduction in the contribution rate detailed in the Parkes Shire Section 94 Contributions Plan 2016 from \$1.62/tonne for a Class 7 dog and trailer truck to \$0.85/tonne. A review of the contribution methodology detailed under section 6.4.6 of the Parkes Shire Section 94 Contributions Plan 2016 identifies the contribution rate equals \$1.70/tonne for a Class 7 dog and trailer truck based on the 2016 road design life cost. The variation request was reviewed by Council's Engineering Department who advised the contribution rate should be charged as the correct/adopted Parkes Shire Section 94 Contributions Plan 2016 which equates to \$1.70/tonne, subject to consumer price indexing as detailed in Section 3.11 of the Parkes Shire Section 94 Contributions Plan 2016.

The applicant subsequently submitted a request on Thursday 12 September 2019 under Section 3.12 of the Parkes Shire Section 94 Contributions Plan 2016 for a reassessment of the contribution rate on the basis that The Bogan Way is subject to funding from the NSW Roads and Maritime Service, controls will be implemented to reduce the potential for road deterioration and the development will provide a material public benefit to the Parkes Shire. The applicant is seeking a reduction in the contribution rate to \$0.85/tonne which over the life of the quarry will represent a total contribution variance of \$935,000.00.

Council's Engineering Department have reviewed the Section 3.12 reassessment of contributions request and determined that the variation shall not be accepted given both the Peak Hill - Tullamore Road and The Bogan Way are the under the maintenance responsibility of Parkes Shire Council, limited details of the measures to prevent road deterioration have been submitted with the proposal and the potential material public benefits cannot be substantiated.

Conditions of consent requiring the payment of a contribution have been imposed which reflect the 2019 CPI value.

The assessment of the development proposal (see Attachment 3) concludes the proposed development fits in the locality and there are no constraints on the site or posed by adjacent developments.

The development is consistent with the Parkes Local Environmental Plan 2012, Parkes Shire Development Control Plan 2013 and all relevant State Environmental Planning Policies.

The Plans of the development proposal are included in Attachment 1. The Statement of Environmental Effects in support of the development proposal is included in Attachment 2. A Development Assessment Report, dealing with all aspects of the proposal is included in Attachment 3.

Recommendation

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

Conditions

1. The development shall be carried out in accordance with:
 - i. The approved stamped Statement of Environmental Effects, prepared by Umwelt Environmental and Social Consultants, dated June 2019.
 - ii. The approved stamped Soil and Water Management Plan, prepared by Umwelt Environmental and Social Consultants, dated June 2019.
 - iii. The approved stamped Biodiversity Assessment Report, prepared by OzArk Environment and Heritage, dated June 2019.
 - iv. The approved stamped Aboriginal Due Diligence Assessment Report, prepared by OzArk Environment and Heritage, dated June 2019.

except as varied by the conditions listed herein. A current and approved copy of the approved stamped by Parkes Shire Council is to be maintained on site for constructional and reference purposes.

Prior to Commencement

2. The following management plans must be prepared and submitted to Council prior to commencement of any surface disturbance and implemented during operation and, in the case of subclause (b) following cessation of operations:

Blast Management Plan – demonstrating that all residents within 3 kilometres of the impending quarry operations have been provided the opportunity to receive blast notifications and a copy of the Blast Management Register detailing those residents who are to be included on the register;

Rehabilitation management plan - the plan must include:

- ☐ details of the measures proposed in the Statement of Environmental Effects to rehabilitate the site
 - ☐ revegetation of the final void area
 - ☐ a closure plan in the event of either temporary (in excess of 6 months) or permanent closure of the quarry.
3. In accordance with clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.

4. Prior to the commencement of any work within the public road reserve, a Section 138 Permit must be obtained from Parkes Shire Council, along with a Traffic Control Plan prepared in accordance with the Roads and Traffic Authority Manual – version 4.
5. Prior to the commencement of any work on the site, detailed engineering drawing(s) shall be prepared for the proposed access that comply with the following:
 - (a) *Parkes Shire Council Engineering Specifications 2017.*
 - (b) *Parkes Shire Council Development Control Plan 2013.*
 - (c) *Austrroads Guide to Road Design Part 4A- including RMS Supplement to AGRD4A*

The engineering detail shall be submitted with the Section 138 Application.

Prior to Operation

6. Prior to operation, the property vehicular access from the Peak Hill - Tullamore Road to the gates at the indentation of the property boundary shall be constructed to the following minimum standards:
 - (a) Property access shall be constructed to “Rural Property Access – with indented access (Figure 7.4 Austrroads Guide to Road Design – Part 4 intersections and crossings)
 - (b) Gate is to be set back 22m for roads that meet the minimum standards for a two lane carriageway. The access shall be constructed of 150mm of Council approved compacted gravel. Where the Driveway accesses onto a sealed pavement, the entrance will be sealed with a two coat bitumen seal to at least a 10m offset from the road edge.
 - (c) Any damage to Councils road will be repaired at the applicants cost.
 - (d) All works associated with the development are to be at no cost to Council.
7. Signage shall be installed on the Peak Hill - Tullamore Road in accordance with AS1742.2, in the form of W5-22 signs indicating trucks entering the road. This signage shall be installed prior to the haulage of gravel material and at no expense to Council.
8. Safe Intersection Sight Distance (SISD) in accordance with Part 4A of Austrroads Guide to Road Design and relevant Roads and Maritime supplements is to be maintained at the intersection of the site access and the Peak Hill - Tullamore Road.

9. Prior to operation all internal access roads shall be constructed to comply with the following requirements of section 4.1.3 (2) of Planning for Bush Fire Protection 2006, and maintained throughout operations, including as follows:
- ☐ A minimum carriageway width of 4 metres;
 - ☐ A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches;
 - ☐ A turning circle with a minimum 12 metre outer radius;
 - ☐ Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
 - ☐ The minimum distance between the inner and outer curves is 6 metres;
 - ☐ The crossfall does not to exceed 10 degrees; and,
 - ☐ Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction / quarry operations shall be made good and repaired to a standard equivalent to that existing prior to operation. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.

Completion of Works and Operational Conditions

11. One month following the first 12 months of expanded quarry operations, the monetary contribution set out in the following table is to be paid to Parkes Shire Council pursuant to Section 94 of the Environmental Planning and Assessment Act 1979. The contribution is current as at the date of this consent and is levied in accordance with the Parkes Shire Section 94 Contributions Plan 2016, in force from 5 August 2016, which may be viewed during office hours at Council's Customer Service Centre, 2 Cecile Street, Parkes, or on Council's website www.parkes.nsw.gov.au. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter. The contribution rate payable may be adjusted in the event that actual maximum tonnages transported from the site by road are less than the maximum tonnages stated in the SEE. To determine contribution payments required, the Applicant shall provide a quarterly report to Parkes Shire Council, prepared by a suitably qualified person that details actual tonnages transported by road. This report should be provided within one month of the anniversary of the commencement of expanded quarry operations. The contribution rate will be adjusted based on actual figures and as per the formula included in the Parkes Shire Section 94 Contributions Plan 2016.

Contribution Type	Per annum rate
Road maintenance	\$107,303.00
Plan management and administration	1% of the above figure
Total	\$108,376.03

12. The development is to proceed with caution. If any Aboriginal objects are found, works should stop and the NSW Office of Environment and Heritage contacted. In the event that an Aboriginal relic is uncovered, work must cease immediately and the NSW Office of Environment and Heritage must be contacted.
 13. A 20,000 litre water supply shall be provided on the site in accordance with 'Planning for Bush Fire Protection 2006' and the following:
 - ☐ Aboveground tanks shall be constructed of non-combustible material. A 65mm metal storz fitting and ball or gate valve shall be installed in any tank.
 - ☐ The gate or ball valve, pipes and tank penetration shall be adequate for full 50mm inner diameter water flow through the Storz fitting and shall be metal rather than plastic.
 - ☐ A standard Static Water Supply (SWS) marker shall be obtained from the District NSW Rural Fire Service as part of the Static Water Supply Program once the tank water supply has been installed. The marker once issued is to be:
 - (a) fixed in a suitable location so as to be highly visible;
 - (b) positioned adjacent to most appropriate access for the static water supply;
 - (c) fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - (d) fixed no less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign; and,
 - (e) fixed with suitable screws or nails.
 14. All heavy vehicle haulage routes to and from the site are to be via The Bogan Way then the Peak Hill - Tullamore Road. All traffic movements in and out of the site are to be in a forward direction.
 15. Any external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding area or to motorists on nearby roads.
 16.
 - (a) Loading activities must only be undertaken between 7am and 6pm Monday to Friday, 7am and 3pm Saturdays and at no time on Sundays or public holidays;
 - (b) Extraction and processing work must only be undertaken between 7am and 5pm Monday to Friday, 7am and 3pm Saturdays, and at no time on Sundays or public holidays.
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- (c) Blasting must only be undertaken between 9am and 5pm Monday to Friday and at no time on Saturdays, Sundays or public holidays, except with written approval by the EPA.
- 17. Activities at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- 18. Noise generated at the premises must not exceed the noise limits at the locations contained in the in-force environment protection licence.
- 19. The proponent must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to the proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.

Prescribed Conditions

- 20. The work must be carried out in accordance with the requirements of the Building Code of Australia.
- 21. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- 22. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

General Terms of Approval - Environment Protection Authority

- 23. The General Terms of Approval issued by the Environment Protection Authority on 10 September 2019, as outlined in Notice No. 1582816 and included herein, must be adhered to.

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- ☐ the development application DA2019/0070 submitted to Parkes Shire Council on 26 July 2019;
- ☐ the *Statement of Environmental Effects* prepared for Regional Quarries by Umwelt (Australia) Pty Limited, dated 28 June 2019, relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, Section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 The EPA will determine discharge limits following submission of the report required by Condition L2.2.

L2.2 Before construction of the quarry is commenced, the licensee must provide a report to the EPA at central.west@epa.nsw.gov.au which:

- a. identifies, for each pollutant which may be discharged from the premises' sediment ponds, the concentration that will maintain or restore the environmental values of receiving waters, in accordance with the *NSW Water Quality Objectives* and *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC and ARMCANZ, 2000)
- b. identifies all practicable measures that can be used to maintain or restore the environmental values of receiving waters, and
- c. nominates discharge quality limits based on the outcomes of points a and b, above.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

Note: Condition L3 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits presented in the table below at the nominated locations:

Location	Noise Limits, dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minutes)	LAeq(15 minutes)	LAeq(15 minutes)	L _{max}
"Wilford" (Lot 8 DP754011) "Rosewood" (Lot 4 DP754011) "Waterview" (Lot 16 DP754010) "Mount Leadley" (lot 18 DP754010) "Nulgurra" (Lot 8 DP753991)	40	35	35	52

L4.2 For the purposes of Condition L4.1:

- ☐ Day is the period from 7am to 6pm Monday to Saturday, and 8am to 6pm Sundays and Public Holidays.
- ☐ Evening is the period from 6pm to 10pm.
- ☐ Night is the period from 10pm to 7am Monday to Saturday, and 10pm to 8am Sundays and Public Holidays.

L4.3 The noise limits set out in Condition L4.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m AGL
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m AGL
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m AGL; and / or, Stability category F with wind speeds up to and including 2m/s.

Stability Categories refer to Pasquill-Gifford Stability Categories A – G as presented in Fact Sheet D of the *Noise Policy for Industry* (EPA 2017).

L4.4 Noise from the premises must not exceed the limits in Condition L4.1 positively adjusted by 5 dB during all meteorological conditions not stated in Condition L4.3.

L4.5 For the purposes of conditions L4.3 and L4.4:

- a. Data recorded by the onsite weather station must be used to determine meteorological conditions, and
- b. Stability category must be determined using the sigma-theta method referred to in Fact Sheet D of the *Noise Policy for Industry* (EPA 2017).

L4.6 To determine compliance:

- a. with the noise limits in condition L4.1 and L4.4, the noise measurement equipment must be located:
 - (i) Approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises
 - (ii) Within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is more than 30 metres from the property boundary closest to the premises, or, where applicable,
 - (iii) Within 50 metres of the boundary of a National Park or Nature Reserve.
- b. with the noise limits in Condition L4.1 and L4.4, the noise measurement equipment must be located:
 - (i) at the most affected point at a location where there is no dwelling at the location; or,
 - (ii) at the most affected point within an area at a location prescribed by Condition L4.6(a).

L4.7 A non-compliance of Condition L4.1 or L4.4, as applicable, will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- a. at a location other than an area prescribed by condition L4.6(a), and/or
- b. at a point other than the most affected point at a location.

L4.8 To determine the noise generated from the premises the modification factors in Fact Sheet C of the *Noise Policy for Industry* (EPA 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L5. Blasting

Airblast Overpressure Level

L5.1 The airblast overpressure level from blasting operations on the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than 5% of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Ground Vibration (ppv)

L5.3 Ground vibration peak particle velocity from blasting operations on the premises must not exceed 10 millimetres per second at any time at any noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.4 Ground vibration peak particle velocity from blasting operations on the premises must not exceed 5 millimetres per second at any noise sensitive location for more than 5% of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Time of blasting

L5.5 Blasting at the premises may only take place between 9:00am and 5:00pm Monday to Friday. Blasting is not permitted on Sundays or Public Holidays.

L5.6 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L6. Hours of operation

L6.1 Activities on the premises must only be carried out:

- a. between the hours of 7am and 6pm Monday to Friday;
- b. between the hours of 8am to 1pm Saturdays; and
- c. at no time on Sundays or Public Holidays,

L6.2 The following activities may take place outside the hours specified in Condition L6.1:

- a. the delivery of materials required by the police or other authorities for safety reasons
- b. activities required in an emergency to avoid loss of life, property, and/or to prevent environmental harm
- c. activities approved through the process in Condition L6.3.

L6.3 The hours of operation specified in condition L6.1 may be varied with the prior written approval of the EPA. Any request to vary the hours of operation must include:

- a. details of the nature and justification for activities to be conducted during the varied hours
- b. evidence that appropriate consultation has been undertaken with potentially affected sensitive receivers and Parkes Shire Council
- c. a noise impact assessment using the guidelines in the *Noise Policy for Industry* (EPA 2017), and other relevant EPA noise guidelines in force at the time of assessment.

Operating conditions

Note: Conditions O1 and O2 are mandatory on all environment protection licences and are included in Attachment B.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Other operating conditions

O3.1 Stormwater/sediment control - construction phase

A Soil and Water Management Plan (SWMP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during all activities at the premises. The SWMP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).

O3.2 Stormwater/sediment control - operational phase

An erosion and sediment control plan must be prepared and implemented. The plan must describe the measures that will be used to minimise soil erosion and the discharge of sediment and other pollutants to land and waters for the life of the project, and be prepared in accordance with *Managing Urban Stormwater: Soils and Construction*, particularly *Volume 2E: Mines and Quarries* (DECC 2008).

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- a. in a legible form, or in a form that can readily be reduced to a legible form;
- b. kept for at least 4 years after the monitoring or event to which they relate took place; and
- c. produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a. the date(s) on which the sample was taken;
- b. the time(s) at which the sample was collected;
- c. the point at which the sample was taken; and
- d. the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Discharge points: Overflow from the spillway of each sediment basin (exact location to be confirmed)

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids (TSS)	mg/L	Daily during any discharge	Representative sample
Oil & Grease	mg/L	Daily during any discharge	Representative sample
pH	pH	Daily during any discharge	Representative sample

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by Condition M2 must be done in accordance with:

- ☐ the Approved Methods Publication; or
- ☐ if there is no methodology required by the Approved Methods Publication, by the general terms of approval or by a licence under the *Protection of the Environment Operations Act 1997*, a method approved by the EPA in writing before any tests are conducted,
- ☐ unless otherwise expressly provided in the licence.

M4. Blast monitoring

L7.7 To determine compliance with condition(s) L5.1 to L5.4:

- a. Airblast overpressure and ground vibration levels must be measured and recorded, for all blasts carried out at the premises, at the nearest residence that is not owned by the applicant or subject to a private agreement relating to airblast overpressure and ground vibration levels;
- b. Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L7.1 to L7.4 at any “noise sensitive locations” other than the locations identified in the above condition.

L7.8 The airblast overpressure and ground vibration levels in conditions L5.1 to L5.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

Reporting conditions

Note: Conditions R1, R2 and R3 are mandatory on all environment protection licences and are included in Attachment B.

19 - 273 Resolution

That the recommendation be adopted.

Moved Councillor Alan Ward, seconded Councillor George Pratt.

CARRIED

FOR: Cr KJ Keith, Cr BF Newton, Cr KM McGrath, Cr AJ Ward, Cr LA O'Leary, Cr GW Pratt, Cr NC Westcott,

AGAINST: Nil

DID NOT VOTE (Absent from Meeting): Cr WJ Biles, Cr WP Jayet, Cr PJ Smith

12.3 (DPE) DA2019/0073 Outbuilding (Shed), Retaining Wall and Rainwater Tank at Lot 2 DP 1062165, 3 Noonan Street, Parkes

Development Application Information

Application No: DA2019/0073

Applicant: J H Symington

Property: Lot 2 DP 1062165, 3 Noonan Street, Parkes

Proposal: Outbuilding (Shed), Retaining Wall and Rainwater Tank

Executive Summary

DA2019/0073 proposes the construction of a shed at 3 Noonan Street, Parkes. The proposed shed is 10 metres wide, 12 metres long and 3.9 metres high to the roof peak. The shed will have a total floor area of 120m² and will be located at the rear of the subject land in the north-western corner. The proposal also includes a retaining wall and rainwater tank.

The application is reported to Council as one objection to the development was received during notification of the proposal from 1 August 2019 to 15 August 2019 in accordance with the Parkes Shire Development Control Plan 2013. The development was re-notified to neighbours from 26 August 2019 to 10 September 2019 as a result of the applicant submitting modified plans and documentation to address the issues raised in the neighbouring landowner submission. An additional submission was received from the same landowner during the second notification period, objecting to the proposal. The objection to the development is based on the proposal creating noise pollution from motor vehicles, increase in stormwater runoff affecting neighbouring properties, and the shed being out of character with the surrounding area.

The assessment of the development proposal (Attachment 1) concludes the development is consistent with the Parkes Local Environmental Plan 2012, Parkes Shire Development Control Plan 2013 and all relevant State Environmental Planning Policies. The shed is not considered to be out of character with the area, given compliance with relevant environmental planning instruments and the presence of sheds located on adjoining land parcels. The potential for noise pollution from motor vehicles is not considered to be a adequate reason to withhold consent, given the shed is not proposed for commercial purposes and any undue noise can be dealt with separately by Council's Regulatory and Compliance Section or NSW Police through reporting of noise incidents as they occur. The applicant advises the shed will be used for storage purposes and any use of noisy equipment will be limited and restricted to normal day time hours.

There are no reasons warranting the refusal of the application and it is recommended that the development application be approved, subject to appropriate conditions detailed in this report.

A Development Assessment Report, dealing with all aspects of the proposal is included in Attachment 1. The plans of the development proposal are included in Attachment 2. The Statement of Environmental Effects in support of the development proposal is included in Attachment 3 and Submissions received in respect to the development proposal are included in Attachment 4.

Recommendation

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

Conditions:

Approved Plans and Documentation

1. The development shall be carried out in accordance with:
 - I. The approved stamped Site Plan
 - II. The approved stamped Architectural Plans
 - III. The approved stamped Statement of Environmental Effects.

A current and approved copy of the approved stamped plan(s) by Parkes Shire Council is to be maintained on site for constructional and reference purposes.

Prior to Commencement

2. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Development and Engineering Standards prior to any building and or subdivision works commencing.

Note: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained.

Note: It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable Development and engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

3. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Parkes Shire Council prior to commencing works and comply with any conditions of that permit.

Note: All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

4. The applicant is to submit to Parkes Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
5. Erosion and sedimentation controls must be in place prior to the commencement of site works and maintained throughout construction activities until the site is landscaped and/or suitably re-vegetated. The controls shall be in accordance with latest publication of Managing Urban Stormwater – Soils and Construction produced by Landcom.

During Construction

6. All loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the nature strip, footpath or public roadway system.
7. All building rubbish and debris, including that which can be wind-blown, shall be contained on site in a suitable container for disposal at an approved Parkes Shire Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

Note: No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note: The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

8. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
9. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction.

Note: The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

10. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to the appropriate engineering standards.

Note: A retaining wall or structure that does not comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will require prior consent from Council.

Note: Cutting and filling on the site and the erection of retaining walls may require the approval and certification of a suitably qualified structural/geotechnical engineer.

11. A rainwater tank with a minimum capacity of 3700L must be provided on-site to achieve a zero net increase of stormwater discharge from the development site for a 1 in 10 year ARI storm event. All roof areas of the shed shall be drained to the rainwater tank in accordance with Condition 12.
12. All roofed areas are to be drained and the water from those areas conveyed to the rainwater tank with the overflow discharged to Noonan Street in accordance with Australian Standard 3500.3 'National Plumbing and Drainage Code – Stormwater Drainage'. Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas. Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

Prior to Occupation

13. Prior to the occupation or use of the shed, an Interim or Final Occupation Certificate must be obtained from the Principal Certifying Authority for the subject development.

Prescribed conditions under the Environmental Planning and Assessment Regulation 2000

14. A development consent for development that involves any building work must be issued subject to the following conditions:
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force on the date of the application.
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

Note: This condition does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

Note: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), of the Environmental Planning and Assessment Regulation 2000, or
- (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

Note: In this condition, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

15. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Note: This condition applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

16. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

Note: The above condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

17. Where development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

19 - 274 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor Neil Westcott.

CARRIED

FOR: Cr KJ Keith, Cr BF Newton, Cr KM McGrath, Cr AJ Ward, Cr LA O'Leary, Cr GW Pratt, Cr NC Westcott,

AGAINST: Nil

DID NOT VOTE (Absent from Meeting): Cr WJ Biles, Cr WP Jayet, Cr PJ Smith

13 DIRECTOR WORKS AND SERVICES REPORT

Nil.

14 DIRECTOR INFRASTRUCTURE REPORT

Nil.

15 CONSIDERATION OF COMMITTEE MINUTES

15.1 Committee Minutes - Parkes Pool Management Meeting 10 September 2019

Executive Summary

The Parkes Pool Management Committee Meeting was held on Tuesday 10 September 2019. Minutes of the meeting are attached.

Recommendation

1. That the Minutes of the Parkes Pool Management Committee Meeting held on 10 September 2019 be adopted.

19 - 275 Resolution

That the recommendations contained within the Minutes be adopted

Moved Cr Alan Ward , Seconded Cr Barbara Newton

CARRIED

15.2 Committee Minutes - Parkes Sports Council 10 September 2019

Executive Summary

The Minutes of the Parkes Sports Council Meeting held on 10 September 2019 are presented for the information of Council. There were a large number of delegates at the meeting who discussed the upcoming French game and work needed at Pioneer Oval, including seat repairs. The black matting on the cricket nets was a problem with teams complaining about the transfer of black material from the deteriorating mats. Also, a motion was carried to encourage Council to consider a position of Sport and Recreation officer during any future restructuring.

Recommendation

1. That the Minutes of the Parkes Sports Council held on 10 September 2019 be received and noted
2. That the recommendations contained in the Minutes be adopted.

19 - 276 Resolution

That the recommendations of the Parkes Sports Council Committee meeting be adopted.

That the appointment of a dedicated sports and recreation officer be investigated.

Moved Cr O'Leary , Seconded Cr Newton

CARRIED

15.3 Committee Minutes - Sporting Facilities Development Committee Meeting 3 September 2019

Executive Summary

The Minutes of the Sporting Facilities Development Committee held 3 September are presented for the information of Council. At the meeting progress on the current sports related projects was discussed along with the delays at Cheney Park for the turf rehabilitation project. Official openings are planned for the Harrison Park Amenities block and Woodard Oval lights in September and November this year.

Recommendation

1. That the minutes of the Sporting Facilities Development Committee held on 3 September 2019 be received and noted.

19 - 277 Resolution

That the recommendations contained in the Minutes of the Sporting Facilities Development Committee be adopted.

Moved Cr Westcott, Seconded Cr Pratt

CARRIED

15.4 Committee Minutes - Waste Facilities Committee Meeting 20 August 2019

Executive Summary

A meeting of the Parkes Shire Council Waste Facilities Committee was held 20 August 2019. The report provides the minutes of the committee meeting for Council information and endorsement.

Recommendation

1. That the Minutes of the Waste Facilities Committee meeting held on 20 August 2019 be received and noted and the recommendations of the Committee be endorsed by Council.

19 - 278 Resolution

That the recommendations contained in the Minutes of the Waste Facilities Committee meeting held on 20 August 2019 be adopted.

Moved Cr Ward , Seconded Cr Westcott

CARRIED

16 QUESTIONS AND MATTERS OF URGENCY

In accordance with Clause 17(4) of Council's Code of Meeting Practice the following business was allowed by the Chairperson.

The Mayor thanked the Peak Hill community for hosting the Council meeting and invited members of the public gallery to address Council.

Pauline Allen requested a progress report on the proposed community gardens next to the Parkes Library.

Cr O'Leary advised that there was a lot of community support and school support for the project which is encouraging. Currently in the planning phase Council was waiting on soil analyst testing results and a few other legalities to work through.

Bev Elliott - President of the Peak Hill Community Consultative Committee thanked Council for holding its meeting at Peak Hill. Bev also thanked Council for the work undertaken at the Carrington Hotel and the handing over of the keys to the Carrington Committee.

John Van der Rayden advised he has been in discussion with Destination Manager regarding a few issues at the Peak Hill Mine (signage , water leaks and play equipment that had been removed and nothing reinstalled - possible funding programmes) - He also commented on local farmers having to wait lengthy periods when queuing for water at the standpipes due to the volume of inland rail trucks. Water and stock water should be a priority over dust suppression.

The Mayor advised for discussion to continue with the destination team in regards to the mine. Information on the leak to be provided to Director Infrastructure for investigation and discussion will be held with Inland Rail regarding the ques at the Peak Hill standpipe.

There being no further business the Mayor declared the meeting closed at 3.40pm