



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 NOVEMBER 2020

Minutes of the Ordinary Meeting of Parkes Shire Council held at the Council Administration Centre, 2 Cecile Street, Parkes, commencing at 2.00 pm for the purpose of considering the items included on the Agenda

GENERAL MANAGER: Kent Boyd PSM

Ordinary Meeting

Minutes of the Ordinary Meeting held in the Council Chambers, 2 Cecile Street on Tuesday 17 November 2020 at 2.00pm.

PRESENT

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

Councillor B F Newton
Councillor L A O'Leary
Councillor A J Ward
Councillor W P Jayet

IN ATTENDANCE

General Manager - K Boyd PSM
Director Technology and Corporate Services - L Finn
Director Planning and Environment - B Hayes
Director Works & Services - B Howard
Director Infrastructure - A Francis
Chief Operating Officer - A McGrath
Chief Financial Officer - J Barnard
Economic and Business Development Manager - A Wyllie
Minutes - M Wyatt

MEETING COMMENCEMENT

The Meeting commenced at 1.20pm.

The Mayor opened the meeting with the following declaration. It is now 1.20pm Tuesday 17 November 2020 and as Mayor, I declare the Ordinary Meeting of the Parkes Shire Council being held electronically due to restrictions surrounding the Covid-19. As such the confidential items will be discussed at the commencement of the meeting.

The Open section of the meeting will commence as publicly advertised at 2pm and was livestreamed to Council's Facebook page.

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.

20 - 352 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 Barbara Newton, seconded Councillor Neil Westcott.

CARRIED

Ben Howard declared an interest in item 17.1 at the Closed session (REASON: Owner of entity mentioned in the report is known to him) and left the meeting at 1.21pm

17.1 (GM) Sports Field Lighting Upgrade Spicer Oval Contract PSC2020/040

Prepared By: Director Works and Services

Executive Summary

Following previous recommendations from Council, Council have progressed the Parkes Sport Field Lighting Upgrade for Spicer Oval, Parkes. Tenders were called for the design and construction works including associated infrastructure, upgrade of the power supply to the caravan park (Office) and minor power supply upgrade/ connection. Tenders closed on 5 November 2020.

Council received five (5) submissions.

Recommendation

1. That, Council engage O'Brien Electrical (Dubbo) to undertake the installation of LED smart lighting at Spicer Oval as per the tender specification for \$251,460.00 (ex GST).
2. That Council upgrade the proposed lighting poles to allow for future connection of cricket lighting systems at an estimate cost of \$37,000 (ex GST).
3. That Council at this time consider the additional power upgrade to the Essential Energy transformer in Victoria Street to future proof the power supply to the sporting complex and caravan Park for \$65,000 (ex GST).

20 - 353 Resolution

That the recommendation be adopted.

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

CARRIED

Ben Howard returned to the meeting at 1.25pm.

17.2 (DPE) Status of Legal Action - Bogan Gate Hoarding

Prepared By: Director Planning and Environment

Executive Summary

Council is well advanced in relation to the compliance and legal actions regarding an appeal against Council Order for the property in Hutton Street, Bogan Gate. The appeal was set for hearing on 27 October 2020. The Applicant for the Appeal again did not appear. The matter was again adjourned.

Recommendation

1. That the information be received and noted.

20 - 354 Resolution

That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

CARRIED

17.3 (DI) Cheney Park Rehabilitation Construction Works Contract PSC2020/030

Prepared By: Director Infrastructure

Executive Summary

A report was ratified by Council at the extra-ordinary meeting on 4th August 2020 in relation to the procurement for the Cheney Park Salinity project. The resolutions cancelled the procurement process due to submissions exceeding Council's budget and "empowered the Director Infrastructure and Director Works and Services to deliver the scope under a Managing Contractor arrangement and split the scope into smaller work packages based on subcontractor areas of expertise and run separate Request for Quotes (RFQ) packages".

This report outlines the Tender termination process and recommends the engagement of local resources to augment Council's work to complete the project.

Recommendation

1. It is recommended that Derrick Hoe Excavations and Steve Magill Earthmoving be engaged to deliver the Cheney Park project under a Council Managing Contract to the values shown in the report.

20 - 355 Resolution

That the recommendation be adopted.

Moved Councillor Pat Smith, seconded Councillor Neil Westcott.

CARRIED

17.4 (DI) Parkes Town Water Security Program Parkes Lachlan Pipeline Duplication Design Peer Review Technical Support Services - Contract PSC2020/053

Prepared By: Director Infrastructure

Executive Summary

The Procurement process for the Parkes Town Water Security Program Lachlan Pipeline Duplication Design Technical Support Services was completed and GHD were engaged to progress the work. Given the criticality and strategic importance of this body of work it is recommended that a consultant is engaged to **peer review** the work.

This report recommends the engagement of a third party consultant for the Parkes Town Water Security Program Lachlan Pipeline Duplication Design Peer Review Technical Support Services and endorse the executing of the Contract following the finalisation of the Contract with Hunter H2O.

Recommendation

1. It is recommended that Hunter H2O be engaged for the Parkes Town Water Security Program Lachlan Pipeline Duplication Design Peer Review Technical Support Services.

20 - 356 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

CARRIED

1 PRAYER

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

2 APOLOGIES

20 - 357 Resolution

That Councillor Wally Biles be granted leave of absence (REASON: Work commitments).

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

CARRIED

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

20 - 358 Resolution

That the Minutes of the Ordinary Meeting of Parkes Shire Council held on Tuesday 20 October 2020 copies of which have been forwarded to Councillors, be confirmed.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

CARRIED

4 DECLARATIONS OF INTEREST

Ben Howard declared an interest in item 17.1 (Reason: Owner of entity mentioned in the report is known to him)

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.

Social distancing restrictions implemented due COVID-19, has resulted in meetings being held electronically.

Council has also been assisting local community groups to hold their respective meetings electronically.

Recommendation

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

20 - 359 Resolution

That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor George Pratt.

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.

Social distancing restrictions implemented due COVID-19, has resulted in meetings being held electronically.

Council has also been assisting local community groups to hold their respective meetings electronically.

Recommendation

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

20 - 360 Resolution

That the information be received and noted.

Moved Councillor Neil Westcott, seconded Councillor Pat Smith.

CARRIED

7.3 Mayoral Minute - Heart of the Nation Agreement

Executive Summary

Greg Page, who has a long association with Council, is seeking Council's support for the Heart of the Nation initiative. Heart of the Nation, is an initiative of Our National Heart Pty Limited - a registered Australian Charity aimed at educating organisations and individuals on the importance of having Automatic Emergency Defibrillators (AED) on site and accessible when they are needed

Recommendation

1. That Council support the initiative through the signing of the Heart of the Nation Network Member Agreement and assist with promotion of the initiative through the display of stickers as Council's Automatic Emergency Defibrillators (AED) sites and through Council's website and social media.

20 - 361 Resolution

That the recommendation be adopted.

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

CARRIED

7.4 Mayoral Minute - Official Opening of the Parkes Library

Executive Summary

The Honourable Sam Faraway MLC, Member for the NSW Legislative Council officially opened the Parkes Library on Friday 13 November 2020 accompanied by the Deputy Mayor Barbara Newton and fellow Councillors.

Recommendation

1. That this report be received and noted.
2. That a letter be sent to The Honourable Sam Faraway MLC, Member for the NSW Legislative Council in appreciation for officially opening the Parkes Library

20 - 362 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor George Pratt.

CARRIED

7.5 Mayoral Minute - Parkes Wiradjuri Garden Official Opening during NAIDOC Week

Executive Summary

The Parkes Wiradjuri Garden at Bushman's Hill was officially opened on Friday 13 November 2020 by Council's Deputy Mayor Barbara Newton, fellow Councillors, representatives from the Wiradjuri working group and members of Parkes Shire schools.

Recommendation

1. That this report be received and noted.

20 - 363 Resolution

That the information be received and noted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

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 letters of appreciation for services rendered or actions taken by Councillors and staff. The most recently received is a congratulatory letter from the Deputy Prime Minister The Hon Michael McCormack MP, letters of Appreciation from Ambassador of Ireland and Certificates of Appreciation from Paint Parkes Uniformly REaD.

Recommendation

1. That the information be received and noted.

20 - 364 Resolution

That the information be received and noted.

Moved Councillor Barbara Newton, seconded Councillor Pat Smith.

CARRIED

10 GENERAL MANAGER'S REPORT

10.1 (GM) Country Mayors Association

Executive Summary

Councillor Ken Keith OAM has been elected as Chair of the Country Mayors Association of NSW (CMA).

The General Manager is the Secretary (ex officio) and Parkes Shire Council will manage the Association's finances.

Recommendation

1. That the information be received and noted.
2. That the Mayor Ken Keith OAM be congratulated on his election as Chair of the Country Mayors Association.

20 - 365 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

10.2 (GM) 2021 Local Government Election

Executive Summary

The NSW Local Government Elections are scheduled to be held on 04 September 2021.

Recommendation

1. For the information of Council.

20 - 366 Resolution

That the information be received and noted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

At this stage of the meeting, the Mayor acknowledged that this would be the last Council meeting attended by Director Technology & Corporate Services Les Finn as he would be entering retirement from 27 November 2020. The Mayor acknowledged the Director's 38-year career with the Parkes Shire Council having commenced in 1982.

11 DIRECTOR TECHNOLOGY AND CORPORATE SERVICES REPORT

11.1 (DTCS) Major Projects and Current Works Progress Report - November 2020

Executive Summary

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Technology & Corporate Services Department.

The report outlines works other than routine maintenance that have been carried out over the past month and is provided for the information of Councillors.

Recommendation

1. That the information be received and noted.

20 - 367 Resolution

That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Neil Westcott.

CARRIED

11.2 (DTCS) Investments and Borrowings as at 31 October 2020

Executive Summary

The carrying value of Council's cash & investments at 31 October 2020 was \$22,091,380 and the principal outstanding on Council's borrowings was \$19,733,351.

Recommendation

1. That the information in relation to investments held and borrowings at 31 October 2020 be received and noted.

20 - 368 Resolution

That the information be received and noted.

Moved Councillor Barbara Newton, seconded Councillor George Pratt.

CARRIED

11.3 (DTCS) Quarterly Budget Review as at 30 September 2020

Executive Summary

The quarterly budget review to 30 September 20120 is submitted for Council's consideration.

Recommendation

1. That the budget review report to 30 September 2020 be received and noted.
2. That council adopt the budget variations and capital expenditure roll-overs proposed in the quarterly budget review to 30 September 2020.

20 - 369 Resolution

That the recommendation be adopted.

Moved Councillor Bill Jayet, seconded Councillor Pat Smith.

CARRIED

11.4 (DTCS) Insurance Class Action Update

Executive Summary

A class action against JLT Risk Solutions Pty Ltd (formerly called Jardine Lloyd Thompson Pty Ltd (JLT)) is currently underway in the Supreme Court of NSW. Richmond Valley Council is the lead plaintiff. Parkes Shire Council has joined this class action. This report provides a brief status of proceedings.

Recommendation

1. That this report be received and noted.

20 - 370 Resolution

That the information be received and noted.

Moved Councillor George Pratt, seconded Councillor Neil Westcott.

CARRIED

11.5 (DTCS) Request by Alectown Community Inc to use Town Improvement Funds to complete fence to Alectown Hall Amenities Block

Executive Summary

The Alectown Community Inc. Committee has requested the use of their allocated Town Improvement Funds to complete the fencing of the new Amenities Block at Alectown Hall. The concern raised by the community was that children exiting the hall to use the toilets could make their way to the Newell Highway without some fencing in place. The project includes the engagement of a contractor to erect a fence to match the existing fencing on the Southern side of the hall. It will be done in conjunction with the Alectown Cemetery improvements, which were previously grant funded.

Recommendation

1. That Council support the use of up to \$8,471 of Alectown Town Improvement funds towards the completion of the fencing around the new amenities block at Alectown Hall.

20 - 371 Resolution

That the recommendation be adopted.

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

CARRIED

11.6 (DTCS) Use of Peak Hill Town Improvement Funds

Executive Summary

The Peak Hill Community Consultative Committee has requested the use of their allocated Town Improvement Funds to build new borders around the Memorial Park gardens and to purchase a new grandstand for Lindner Oval to complement the existing grandstand, which was purchased previously.

Recommendation

1. That Council support the use of up to \$1,500 to build new garden edging at Memorial Park in Peak Hill.
2. That Council approve the use of up to \$22,675 to purchase a new grandstand for installation at Lindner Oval in Peak Hill.

20 - 372 Resolution

1. That the recommendation be adopted.

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

CARRIED

12 DIRECTOR PLANNING AND ENVIRONMENT'S REPORT

12.1 (DPE) Major Projects and Current Works Progress Report - November 2020

Executive Summary

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Planning and Environment Department.

The report outlines work that has been carried out over the past month and is provided for the information of Councillors.

Recommendation

1. That the information be received and noted.

20 - 373 Resolution

That the information be received and noted.

Moved Councillor Louise O'Leary, seconded Councillor George Pratt.

CARRIED

12.2 (DPE) October 2020 Building Statistics

Executive Summary

During the month of October 2020 there were thirteen (13) Development Applications received totalling \$2,810,872.23 and nine (9) consents were issued. Seven (7) Complying Development Certificates were received totalling \$1,416,940.00 and seven (7) consents were issued.

Recommendation

1. That the information be received and noted.

20 - 374 Resolution

That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Pat Smith.

CARRIED

12.3 (DPE) DA2020/0075 Outbuilding (Shed) at Lot 13 DP1060331, 25 Noonan Street, Parkes

Development Application Information

Application No: DA2020/0075
Applicant: Mark Leslie Glasheen
Property: Lot 13 DP 1060331, 25 Noonan Street, Parkes
Proposal: Outbuilding (Shed)

Executive Summary

Development Application No. DA2020/0075 proposes the construction of an outbuilding (shed) at Lot 13 DP 1060331, 25 Noonan Street, Parkes. The proposed shed will be attached to the southern wall of the existing shed structure and will be 7 metres wide, 7 metres long and will have a peak height of 2.7 metres from existing ground level. As the land slopes (approximately 600 millimetres) to the south of the subject allotment, the southern wall of the proposed structure will also be 2.7 metres high. The proposed shed will have a total floor area of 49m² and will be located towards the rear of the subject land in the north-west corner.

The proposed development was notified to adjoining landowners in accordance with the Parkes Shire Community Engagement Strategy 2017/18 - 2020/21 from 9 October 2020 to 23 October 2020. During the notification period one (1) objection was received. The objection raised concerns that the proposed development will devalue the adjoining residence, cast shadows into the outdoor entertaining area and narrow strip of side yard, encroach on privacy through overlooking, create noise impacts from motor vehicles and use of shed doors, be constructed at an undesirable setback from the adjoining side boundary fence, and be utilised for accommodation, entertainment and home industry purposes.

The proposed development is supported in the circumstances, given the proposal is consistent with the Parkes Shire Development Control Plan 2013, the potential for overshadowing has been assessed and there are no adverse impacts on the outdoor entertaining area and narrow strip of rear yard of the adjoining residence given the subject land is located south-east of 23 Noonan Street. The development will be used for private storage and therefore noise will be consistent with existing development in the locality. Conditions of consent are imposed requiring the applicant to increase the height of the adjoining side boundary fence from 1.5 metres to 1.8 metres to alleviate overlooking and privacy concerns, and to prohibit the proposed shed from being used for human habitation, commercial or industrial purposes without the prior consent of Council.

A comprehensive review of the submission is included in the attached Assessment Report on pages 10-11. It is concluded that the proposed development fits in the locality and there are no constraints on the site or posed by adjacent developments. There are no reasons warranting the refusal of the application and it is recommended that the development application be approved, subject to appropriate conditions.

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

Approved Plans and Documents

1. The development shall be carried out in accordance with:
 - I. The approved stamped Site Plan(s) drawing number DWG 0075-02.
 - II. The approved stamped plan(s) prepared by Shed World, Titled Architectural Drawings, drawing number DWG 0075-01.
 - 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 Standards prior to any building 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 Council Standards in the case of building work. 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 to and comply with any conditions of that permit. 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 Certifier'.
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.
6. The outbuilding (shed) is not to be used for human habitation, commercial or industrial purposes without the prior consent of Council.

During Construction

7. All construction work shall be undertaken in such a manner that dust and noise shall be minimised as far as possible.
Note: The Protection of the Environment Operations Act, 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2017 contain provisions relating to noise.

8. 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.
9. 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.
10. Building 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.
11. 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.
12. All roofed areas are to be drained and the water from those areas conveyed to the 2000 litre tank onsite, with overflow to be directed to the existing drainage line as indicated in the approved site plan and in accordance with AS/NZS 3500. Stormwater disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.

Prior to Occupation

13. Prior to the occupation or use of the development, an Occupation Certificate must be obtained from the Principal Certifier for the subject development.
14. Prior to the issue of an Occupation Certificate, the boundary fence from the southern wall of the proposed outbuilding (shed) to the southern wall of the garage is to be extended to 1800 millimetres high to the satisfaction of the Director of Planning and Environment.

Prescribed conditions under the Environmental Planning and Assessment Regulation 2000

15. 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.
16. 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 certifier 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).
17. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifier 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 certifier 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.

18. 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.

20 - 375 Resolution

That the recommendation be adopted.

Moved Councillor Bill Jayet, seconded Councillor Ken McGrath.

CARRIED

In a show of hands:

FOR - Cr KJ Keith, Cr BF Newton, Cr WP Jayet, Cr PJ Smith, Cr LA O'Leary, Cr NC Westcott, Cr AL Ward, Cr KM McGrath and Cr GW Pratt

AGAINST - Nil

DID NOT VOTE - Cr WJ Biles (REASON: WORK COMMITMENTS)

13 DIRECTOR WORKS AND SERVICES REPORT

13.1 (DWS) Major Projects and Current Works Progress Report - November 2020

Executive Summary

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Works and Services Department.

The report outlines works other than routine maintenance that have been carried out over the past month and is provided for the information of Councillors.

Recommendation

1. That the information be received and noted.

20 - 376 Resolution

That the information be received and noted.

Moved Councillor George Pratt, seconded Councillor Barbara Newton.

CARRIED

13.2 (DWS) Leasing of Vacant Council Land at Forbes Street Trundle Reserve 62353 - Lot 35 DP752121

Executive Summary

Council has recently received a request for the potential leasing of Trundle Reserve 62353, Lot 35 DP752121 from the Trundle Central School for agricultural purposes.

The applicant has stated that they are willing to repair fencing as required and supply relevant insurances.

The Reserve information has been advertised in the local paper and adjacent property owners informed of the potential lease and there have been no objections at the time of writing this report.

As part of the Trundle Flood Plan, Council's Infrastructure team will be conducting desilting earthworks on the land to improve the catchment of the dam, and during this time the leasee will be excluded from the site.

Recommendation

1. That Reserve 62353 Lot 35 DP 752121 Trundle be leased to the Trundle Central School for agricultural purposes.
2. That a clause be included in the lease documentation that the land not be available for the leasee during the proposed earthworks.

20 - 377 Resolution

That the recommendation be adopted.

Moved Councillor George Pratt, seconded Councillor Bill Jayet.

CARRIED

13.3 (DWS) Boori Christmas Party

Executive Summary

A request has been received from Neighbourhood Central to hold the Boori Christmas Party at Peak Hill Memorial Pool on Saturday 12 December 2020 from 12 noon to 3pm.

Recommendation

1. That Council endorse the application to hold the Boori Christmas Party on 12 December 2020 from 12 noon to 3pm.

20 - 378 Resolution

That the recommendation be adopted.

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

CARRIED

13.4 (DWS) Pool Closure - Boxing Day (Monday Public Holiday)

Executive Summary

Council Township Pools traditionally close on Boxing Day and 19/20 Pool season, Parkes Pool was also included in the closure on Boxing Day.

This report seeks Council concurrence to open all Swimming Pools on Boxing Day, and close both Peak Hill and Parkes Pools on Monday 28 December 2020.

Recommendation

1. That all Shire Pools be open on Boxing Day, Saturday 26 December and closed on the Boxing Day Public Holiday of Monday 28 December 2020.

20 - 379 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

13.5 (DWS) Peak Hill Community Garden Community Consultation Report

Executive Summary

The Peak Hill Community Garden project has been identified as a priority of the Peak Hill community and Council were successful in obtaining a \$100,000.00 grant through the NSW Government's Stronger Country Communities Fund Round 3 (SCCF) to deliver the project.

Recommendation

1. That following the community consultation period, the vacant land adjacent to the Ray Merton Plaza be confirmed as the preferred site for the Community garden project

20 - 380 Resolution

That the recommendation be adopted.

Moved Councillor Louise O'Leary, seconded Councillor George Pratt.

CARRIED

13.6 (DWS) Road Safety and Injury Prevention Officer Report - July - September 2020

Executive Summary

The attached report outlines the quarterly activities and programs implemented by the Parkes, Forbes and Lachlan Shire Councils' Road Safety and Injury Prevention Officer (RSIPO) for the first quarter of 2020/2021; July - September 2020.

Recommendation

1. The information be received and noted.

20 - 381 Resolution

That the information be received and noted.

Moved Councillor Neil Westcott, seconded Councillor Ken McGrath.

CARRIED

13.7 (DWS) Transfer of Unnamed Road within Special Activation Precinct from Crown to Council Ownership

Executive Summary

Council has been approached from Public Works Advisory regarding the transferral of a crown road within the Special Activation Precinct (SAP) to Council ownership.

This road is required by Regional Growth NSW Development Corporation for the construction of a Water Reservoir on the adjoining land and water pipeline infrastructure along the road reserve.

Recommendation

1. That Council endorse the transfer of Unnamed Crown Road, west of Lot 1 DP 1016693, Parkes from Crown to Council ownership.
2. That if required, the seal of Council be affixed to the documentation to facilitate the transfer.
3. That costs associated with the construction of the road be borne by the developer.

20 - 382 Resolution

That the recommendation be adopted.

Moved Councillor Bill Jayet, seconded Councillor George Pratt.

CARRIED

13.8 (DWS) Transfer of Marta Lane, Bogan Gate from Crown to Council

Executive Summary

Council staff have been working with the Bogan Gate community for road naming of Marta Lane, Bogan Gate. During this time, it was revealed that Marta Lane is a Crown Road rather than a Council Road. The lane has been maintained by Council for an extensive period of time.

Recommendation

1. That Council endorse the transfer of Marta Lane, Bogan Gate from Crown to Council ownership.
2. That if required, the seal of Council be affixed to the documentation to facilitate the transfer.

20 - 383 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Alan Ward.

CARRIED

14 DIRECTOR INFRASTRUCTURE REPORT

14.1 (DI) Major Projects and Current Works Progress Report - November 2020

Executive Summary

This report presents an update on the current major projects within the Shire being managed or undertaken by Council's Infrastructure Department.

The report outlines works other than routine maintenance that have been carried out over the past month and is provided for the information of Councillors.

Recommendation

1. That the information be received and noted.

20 - 384 Resolution

That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Pat Smith.

CARRIED

14.2 (DI) Easing of Water Restrictions

Executive Summary

Due to strong rainfall since January of 2020, Council's water supply dams are currently at 100% capacity, Wyangla Dam is currently at 65.2% and rising and the Lachlan River groundwater resource is currently at pre-development levels. As such, this triggers a move from Level 2 to Level 1 Water Restrictions under Parkes Shire Council's Drought Management Plan.

Recommendation

1. That Council note the change in Water Restrictions from Level 2 to Level 1.

20 - 385 Resolution

That the information be received and noted.

Moved Councillor Neil Westcott, seconded Councillor Bill Jayet.

CARRIED

15 CONSIDERATION OF COMMITTEE MINUTES

15.1 Committee Minutes - Community Financial Assistance Program 2020-2021

Executive Summary

The Community Financial Assistance Program Evaluation Panel have assessed the applications received in Round 1 of the 2020/2021 Program.
Their recommendations are outlined in this Report.

Recommendation

1. That the following recommendation of the Evaluation Panel be endorsed as a donation to be allocated from the Sec 356 Budget.

Organisation/Group	Activity	Amount
Currajong Disability	Rates Rebate	\$1,275.00
Parkes Masonic Temple	Rates Rebate	\$1,656.65
Frazer Court Committee	Rate Rebate	\$425.00
Peak Hill Men's Shed	Rate Rebate	\$425.00
Country Women's Association Trundle	Charges Rebate	\$382.00
Bogan Gate Memorial Hall Inc.	Charges Rebate	\$482.00
Currajong Disability Services	DA Fees	\$432.50
Trundle PA & H Association	Vintage Tractor Pull	\$925.00
Adavale Lane Hall Committee	1/2 Season Family Ticket Parkes Pool	\$235.00
The Mindset Project (Individual auspiced by Parkes Rugby Union Club and Parkes Rugby League Club)	Mental Health Awareness Seminar	\$1,000 (Approx)
TOTAL		\$7,238.15

2. That any ad hoc requests outside of the Community Financial Assistance Program schedule to still come through the Panel for endorsement.
3. That the maximum amount to be contributed to an application be capped at \$1,500.00.
4. That Council consider increasing the Sec.356 allocation in the annual budget to between \$20,000 and \$25,000.

20 - 386 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

15.2 Committee Minutes - Heritage Advisory Committee Meeting 3 November 2020

Executive Summary

The Heritage Advisory Committee held a meeting on Tuesday, 3 November 2020. The purpose of the Committee meeting was to finalise the acquittal of the 2019/2020 Local Heritage Fund, consider funding allocation for the 2020/2021 Local Heritage Fund and provide an update on the Parkes Shire Heritage Study.

Recommendation

1. That the Minutes of Heritage Advisory Committee held on 3 November 2020 be received and noted and the recommendations be endorsed by Council.

20 - 387 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

15.3 Committee Minutes - Parkes Floodplain Risk Management Committee Meeting 5 November 2020

Executive Summary

The Parkes Floodplain Management Committee held their meeting on 5 November 2020. The Minutes of that meeting are attached for the information of Council.

Recommendation

1. That the Minutes of the Parkes Floodplain Management Committee meeting held on 5 November 2020 be adopted.

20 - 388 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor George Pratt.

CARRIED

15.4 Committee Minutes - Parkes Local Traffic Committee Meeting 11 November 2020

Executive Summary

A Parkes Local Traffic Committee meeting was held on Wednesday 11 November 2020. The Minutes of that meeting are attached.

Recommendation

1. That the minutes of the Parkes Local Traffic Committee Meeting held on 11 November 2020 be adopted.

20 - 389 Resolution

1. That the recommendation be adopted.
2. That Ben Howard check with Transport NSW about the progress of the road design treatment for heavy vehicles at the Clarinda St/ Mitchell St intersection in light of the approval of the Parkes bypass.

Moved Councillor Ken McGrath, seconded Councillor Pat Smith.

CARRIED

15.5 Committee Minutes - Parkes Sports Council Meeting 10 November 2020

Executive Summary

The Minutes of the Parkes Sports Council meeting held on 10 November 2020 are presented for the information of Council. At another well attended meeting the members discussed the upcoming projects including the Spicer Oval redevelopment and Cheney Park rehabilitation.

Recommendation

1. That the minutes of the Parkes Sports Council held on 10 November 2020 be adopted.

20 - 390 Resolution

That the recommendation be adopted.

Moved Councillor Louise O'Leary, seconded Councillor Bill Jayet.

CARRIED

15.6 Committee Minutes - Sporting Facilities Development Committee Meeting 3 November 2020

Executive Summary

The Minutes of the Sporting Facilities Development Committee held 3 November are presented for the information of Council. At the meeting progress on the current sports related projects was discussed. The committee also evaluated possible sporting related projects to be considered by council in Round 2 of the LRCI (Local Roads & Community Infrastructure) grants program.

Recommendation

1. That the Minutes of the Sporting Facilities Development Committee held on 3 November be received and noted and adopted.

20 - 391 Resolution

1. That the recommendation be adopted subject to it being noted that Minutes include Cr Jayet's suggestion to investigate the installation of waterway safety buoys/ booms at Lake Endeavour.

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

CARRIED

15.7 Committee Minutes - Sporting Grants Selection Meeting 15 October 2020

Executive Summary

The CMOC Northparkes / Parkes Shire Sporting Grants Selection Committee met on 15 October 2020 to consider the 18 applications received during the first second of the 2020 grants allocation. A total of \$28,860 was allocated to twelve sporting associations. \$1,392.06 remained unallocated and will be carried forward and accumulated to the next round, which will open in March 2021. \$31,392.06 will be available for distribution in that Round.

Recommendation

1. That the Minutes of the CMOC Northparkes Parkes Shire Sporting Grants Selection Committee meeting held on 15 October 2020, which includes the distribution of funds, be received and noted and adopted.

20 - 392 Resolution

That the recommendation be adopted.

Moved Councillor George Pratt, seconded Councillor Neil Westcott.

CARRIED

15.8 Committee Minutes - Road Naming Committee Meeting 3 November 2020

Executive Summary

A Parkes Shire Council Road Naming Committee meeting was held on Tuesday 3 November 2020.

Recommendation

1. That the recommendations contained in the Minutes of the Parkes Shire Council Road Naming Committee held 3 November 2020 be endorsed and adopted.

20 - 393 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

15.9 Committee Minutes - Rural Roads Advisory Group Meeting 29 October 2020

Executive Summary

A meeting of the Rural Roads Advisory Group was held Thursday 29 October 2020 in Trundle. The Minutes of the meeting are attached for Council's information.

Recommendation

1. That the Minutes of the Rural Roads Advisory Committee be adopted.

20 - 394 Resolution

That the recommendation be adopted.

Moved Councillor Neil Westcott, seconded Councillor Pat Smith.

CARRIED

16 QUESTIONS AND MATTERS OF URGENCY

Nil

Cr Barbara Newton shared that 105 children have been registered and screened with Project "Spouts" and 69 referred for further assessment. Cr Newton mentioned that Council should consider this when it designs playgrounds.

Mayor Ken Keith OAM shared that during the Local Roads & Transport Congress, Cr Linda Scott had been elected to Chair of Australian Local Government Association (ALGA). Council will write to congratulate Cr Linda Scott on her recent appointment.

There being no further business, the Mayor declared the meeting closed at 3.50pm.