



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 20 JULY 2021

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 Administration Centre, 2 Cecile Street, Parkes on Tuesday 20 July 2021 at 2.00pm.

PRESENT

Councillor K J Keith OAM, (in the Chair)
Councillor W P Jayet
Councillor G W Pratt
Councillor N C Westcott
Councillor LA O'Leary

Councillor B F Newton
Councillor K M McGrath
Councillor P J Smith
Councillor A J Ward

IN ATTENDANCE

General Manager - K Boyd
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
Minutes - M Wyatt

MEETING COMMENCEMENT

The Meeting commenced at 1pm with Confidential Items.

The Mayor opened the meeting with the following declaration. It is now 1pm Tuesday 20 July 2021 and as the Mayor I declare the Ordinary Meeting of the Parkes Shire Council being held electronically due to the 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 2.00pm and was livestreamed to Council's Facebook page and audio recorded.

A copy of the audio recording will be available on the Council website for a period of 12 months.

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.

21 - 250 Resolution

That the meeting be closed for consideration of the listed items as they involve: Personnel matters concerning particular individuals (other than Councillors) or information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business or commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it or advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Moved Councillor Barbara Newton, seconded Councillor George Pratt.

CARRIED

17 CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

17.1 (GM) Insurance Class Action Update

Prepared By: General Manager

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.

21 - 251 Resolution

1. That this Report be received and noted.

Moved Councillor Pat Smith, seconded Councillor Alan Ward.

CARRIED

17.2 (DWS) CNSWJO Supply and Delivery of Bitumen Emulsion

Prepared By: Director Works and Services

Executive Summary

This report provides advice on progressing a regional contract for the supply and delivery of bitumen emulsion to Council.

Recommendation

1. That Council endorse the selection of and sign a contract with Bitupave Ltd for the supply and delivery of bitumen emulsion, and
2. Council to advise the Central NSW Joint Organisation of its decision.

21 - 252 Resolution

1. That the recommendations be adopted.

Moved Councillor Pat Smith, seconded Councillor Barbara Newton.

CARRIED

17.3 (DWS) Proposed Closure and Sale of Walkway between Bowditch Crescent and Barton Street, Parkes

Prepared By: Director Works and Services

Executive Summary

A request has been received by Council for the closure and subsequent purchase of the walkway between Bowditch Crescent and Barton Street, Parkes.

It is proposed to close the walkway and allow the adjoining property owners to purchase the land once it has been closed, consultation has been completed with adjoining owners and the broader community with no objections being received.

Recommendation

1. That Council agree in-principle to the closure and sale of the walkway between Bowditch Crescent and Barton Street, Parkes.
2. That the adjoining landowners interested in purchasing the walkway pay all costs associated with the transaction.
3. That the General Manager and Director of Works and Services be authorised to negotiate the purchase price of the land based on a market valuation.
4. That the seal of Council be affixed to documentation as required to facilitate the process of walkway closures, sale, transfer and/or resumption.

21 - 253 Resolution

1. That the recommendations be adopted.

Moved Councillor George Pratt, seconded Councillor Neil Westcott.

CARRIED

17.4 Committee Minutes - Parkes Elvis Festival Committee Meeting 14 July 2021

Prepared By: Economic and Business Development Manager

Executive Summary

Meetings of the Elvis Festival Committee were held at the Parkes Shire Council on 14 July 2021. The Minutes are attached for Council's endorsement.

Recommendation

1. That the Minutes of the Elvis Festival Committee meetings held on 14 July 2021 be noted and the recommendations of the Committee be endorsed by Council.

21 - 254 Resolution

1. That the recommendations be adopted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

17.5 Mayoral Minute - Covid Update

Prepared By: Mayor Ken Keith OAM

Executive Summary

As Council and the community is only too aware, a pet food courier delivered goods to depots at Parkes and Blayney has since tested positive for Covid-19.

As a precaution, COVID-19 testing in Bathurst, Blayney and Parkes has been increased. A drive-through testing service has been established at Parkes at the Parkes Showground (enter via Victoria Street).

Recommendation

1. That this report be received and noted.

21 - 255 Resolution

1. That this report be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

1 PRAYER

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

2 APOLOGIES

21 - 256 Resolution

That

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

Moved Councillor Pat Smith, seconded Councillor George Pratt.

CARRIED

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

21 - 257 Resolution

That the Minutes of the Ordinary Meeting of Parkes Shire Council held on Tuesday 15 June 2021 copies of which have been forwarded to Councillors, be confirmed.

Moved Councillor Ken McGrath, seconded Councillor Bill Jayet.

CARRIED

4 DECLARATIONS OF INTEREST

Cr Alan Ward declared an interest in item 5.1 (REASON: Owner of relevant property).

Cr Ken Keith declared an interest in item 10.4 (REASON: Relative is a member of the organisation)

Cr Alan Ward logged out of the meeting at 2.03pm.

5 NOTICES OF MOTION/RESCISSION

5.1 Notice of Rescission Motion/ Notice of Alternative Motion

Executive Summary

We the undersigned - Councillor Barbara Newton, Councillor Bill Jayet and Councillor Pat Smith - give notice that at the Ordinary meeting of the Council to be held on 20 July 2021, the following rescission motion will be moved:

Notice of Rescission Motion:

1. "That the Resolution No 21-217 in respect of Item 17.7 of the Ordinary Meeting of the Parkes Shire Council held on 15 June 2021 be rescinded"

The report was marked **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993 and Council's Code of Meeting Practice, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it.

The Resolution proposed to be rescinded reads as follows:

21 - 217 Resolution

1. That the Recommendations of the Evaluation Panel as contained within the Minutes of their meeting held 08.06.2021 be endorsed subject to further investigation of item 9.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet

CARRIED

Should the Rescission Motion be ADOPTED we give notice that it is our intention to move the following motion in lieu of which due notice is given.

Notice of Alternative Motion:

The Evaluation Panel reconvened for an Extra-Ordinary Meeting on 8 July 2021 and the following alternative motion was recommended:

1. A staged introduction of market leasing charges over three (3) years be implemented (incremented by a third i.e. 33% of market rental, 66% of market rental, 100% of market rental).
2. That the lease with the group referred to in Item 8 commence in January 2022.
3. That a meeting with the executive of the groups referred to in Item 3 and Item 8 be held to outline the possible purchase of their respective properties.
4. (a) That the group referred to in Item 9 be advised that Council would not continue to hold the facility lease.
(b) That Council discontinues the current subsidy uniformly over the next three (3) years.

The New Motion became the resolution in a show of hands:

Vote For: Cr Ken Keith, Cr Pat Smith, Cr Bill Jayet, Cr Louise O'Leary, Cr Neil Westcott, Cr Barbara Newton, Cr Ken McGrath and Cr George Pratt

Vote Against: Nil

Did Not Vote: Cr WJ Biles and Cr AJ Ward

21 - 258 Resolution

1. A staged introduction of market leasing charges over three (3) years be implemented (incremented by a third i.e. 33% of market rental, 66% of market rental, 100% of market rental).
2. That the lease with the group referred to in Item 8 commence in January 2022.
3. That a meeting with the executive of the groups referred to in Item 3 and Item 8 be held to outline the possible purchase of their respective properties.
4. (a) That the group referred to in Item 9 be advised that Council would not continue to hold the facility lease.
(b) That Council discontinues the current subsidy uniformly over the next three (3) years.

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

CARRIED

Cr Alan Ward logged back into the meeting at 2.15pm.

6 LATE BUSINESS

In accordance with Council's Code of Meeting Practice 3.7(c) a decision is now required to determine which, if any Late item/s submitted to the meeting will be dealt with at the meeting or deferred for further consideration at a future Ordinary Meeting of Parkes Shire Council.

21 - 259 Resolution

That Late Item/s
17.5 Mayoral Minute - Covid update

be considered at this Council meeting.

Moved Councillor Barbara Newton, seconded Councillor Neil Westcott.

CARRIED

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

21 - 260 Resolution

1. That this report be received and noted.

Moved Councillor George Pratt, seconded Councillor Ken McGrath.

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

21 - 261 Resolution

1. That this report be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Neil Westcott.

CARRIED

7.3 Mayoral Minute - 2021 National General Assembly

Executive Summary

The 27th National General Assembly was held in Canberra from the 20 to 23 June 2021 prior to the recent Covid-19 outbreak. The theme was "Working Together for our Communities". Local Government NSW President Cr Linda Scott was recently elected Chair of Australian Local Government Assembly (ALGA) and chaired the conference which had over 100 motions to debate. Due to Covid-19 restrictions limiting debate, all motions were dealt with.

The two (2) motions from Parkes were both carried.

Recommendation

1. That this report be received and noted.

21 - 262 Resolution

1. That this report be received and noted.

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

CARRIED

7.4 Mayoral Minute - 2021/ 2022 NSW Budget

Executive Summary

The Special Activation Precinct and Parkes Bypass are the two biggest local features in the 2021-2022 NSW Budget, handed down on Tuesday 22 June 2021.

Recommendation

1. That this report be received and noted.

21 - 263 Resolution

1. That this report be received and noted.

Moved Councillor Neil Westcott, seconded Councillor Ken McGrath.

CARRIED

7.5 Mayoral Minute - Health Services in Parkes

Executive Summary

As Council and the community is only too aware health services in Parkes, and indeed rural NSW, are deteriorating. Our promised maternity reinstatement has not occurred, access to General Practitioners is difficult, and simple surgery is now rarely performed. We have a wonderful new hospital completely underutilised.

A new approach is needed at a State and Federal Government level to address this issue which is creating a serious inequity between Country and City. Some of the activities to bring attention to this serious regional problem is outlined below.

We should also acknowledge the wonderful work of our local GPs and hospital staff. However, they need significantly more resources to meet current demand.

Recommendation

1. That this report be received and noted.

21 - 264 Resolution

1. That this report be received and noted.

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

CARRIED

8 COUNCILLORS' REPORT

8.1 Councillors Report - Project "Sprouts"

Executive Summary

Council will recall Parkes, Peak Hill, Trundle and Tullamore town improvement funds contributing \$5,000 each to support Project "Sprouts".

I Cr Barbara Newton, would like to present further information on Year One (1) Outcomes including the Yearly report.

Recommendation

1. For Councils consideration.

21 - 265 Resolution

1. That this report be received and noted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

9 INWARDS CORRESPONDENCE

Nil

10 GENERAL MANAGER'S REPORT

10.1 (GM) Major Projects & Current Works - Progress Report as at 20 July 2021

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.

21 - 266 Resolution

1. That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Neil Westcott.

CARRIED

10.2 (GM) Investment and Borrowings Report as at 30 June 2021

Executive Summary

The carrying value of Council's cash & investments at 30 June 2021 was \$29,579,165 and the principal outstanding on Council's borrowings was \$19,195,731.

Recommendation

1. That the information in relation to investments held and borrowings at 30 June 2021 be received and noted.

21 - 267 Resolution

1. That the information in relation to investments held and borrowings at 30 June 2021 be received and noted.

Moved Councillor George Pratt, seconded Councillor Barbara Newton.

CARRIED

10.3 (GM) Aboriginal Project Officer Update - March to May 2021

Executive Summary

Council has entered into a Joint funding Agreement with CMOC 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 Centre 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 the Parkes Shire. This is achieved by the facilitation of community forums and working closely with the Parkes Aboriginal Working Party.

Recommendation

1. That the information contained in this report be received and noted.

21 - 268 Resolution

1. That the information contained in this report be received and noted.

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

CARRIED

The Mayor logged out of the meeting at 2.50pm and the Deputy Mayor took the Chair.

10.4 (GM) 2021 National Town Crier Championships

Executive Summary

Parkes' long serving Town Crier (Tim Keith) has sought endorsement to participate in the Australian Town Crier Championships in Wyong NSW from 11th November to 13th November 2021.

Recommendation

1. That Council endorse the Town Crier's attendance at the Australian Town Crier Championships in Wyong NSW from 11th November to 13th November 2021.
2. That the travel and accommodation costs be reimbursed upon presentation of receipts.
3. That a gift of Council tie/scarf, lapel pin, cufflinks and Welcome to Parkes book be organised for presentation to the Wyong Mayor and small promotional bags be organised for presentation by the Town Crier at the Championships.

21 - 269 Resolution

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor George Pratt.

CARRIED

The Mayor logged back into the meeting at 2.52pm and resumed the Chair.

10.5 (GM) 2021 Local Government Elections - Update July 2021

Executive Summary

The NSW Local Government Elections are scheduled to be held on 04 September 2021. The NSW Election Commission are releasing bulletins to keep Councils and candidates up to date with arrangements for the election. This Report advises the key dates and proposed information sessions for possible candidates wishing to stand for Parkes Shire Council.

Recommendation

1. For the information of Council.

21 - 270 Resolution

1. That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Neil Westcott.

CARRIED

10.6 (GM) Integrated Planning & Reporting Engagement Program Update - July 2021

Executive Summary

Parkes Shire Council staff are currently working through a program of events and engagements with the community to gather information to inform a draft findings document for presentation to the new Council. Following that a draft Community Strategic Plan will be compiled. The increase in Covid-19 cases in the Sydney region and the subsequent introduction of restrictions on gatherings are impacting the planning and staging for some events.

Recommendation

1. That the information in the report be received and noted.

21 - 271 Resolution

1. That the information be received and noted.

Moved Councillor Barbara Newton, seconded Councillor Pat Smith.

CARRIED

10.7 (GM) Use of Bogan Gate Town Improvement Funds - Carpark Project

Executive Summary

Bogan Gate Community Memorial Hall Inc. (Bogan Gate CCC) are seeking Council endorsement of the use of Bogan Gate Town Improvement Funds to complete a car park project.

Recommendation

1. That Council endorse the use of additional funds estimated at \$9,801.15 from the Bogan Gate Town Improvement allocation for the completion of a Carpark Project.

21 - 272 Resolution

1. That the recommendations be adopted.

Moved Councillor Neil Westcott, seconded Councillor George Pratt.

CARRIED

10.8 (GM) Proposed Extra-Ordinary Meeting of Council

Executive Summary

Several matters requiring Council consideration are known to fall outside the current meeting cycle. It is proposed to hold an Extra-Ordinary Meeting of Council on Tuesday 3 August 2021.

Recommendation

1. That Council hold an Extra-Ordinary Meeting on Tuesday 3 August 2021.

21 - 273 Resolution

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor George Pratt.

CARRIED

11 DIRECTOR TECHNOLOGY AND CORPORATE SERVICES REPORT

Nil

12 DIRECTOR PLANNING AND ENVIRONMENT'S REPORT

12.1 (DPE) Major Projects & Current Works - Progress Report as at 20 July 2021

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.

21 - 274 Resolution

1. That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Neil Westcott.

CARRIED

12.2 (DPE) June 2021 Building Statistics

Executive Summary

During the month of June 2021 there were twenty-seven (27) Development Applications received totalling \$9,209,742.47 and fifteen (15) consents were issued. Five (5) Complying Development Certificates were received totalling \$1,070,984.00 and seven (7) Complying Development Certificate were approved.

Recommendation

1. That the information be received and noted.

21 - 275 Resolution

1. That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Neil Westcott.

CARRIED

12.3 (DPE) Housekeeping Planning Proposal

Executive Summary

A Housekeeping Planning Proposal has been prepared to in response to the recognition of anomalies through the practical working application of the PLEP2012, matters identified in the Parkes Local Strategic Planning Statement and review of classification of Council owned land.

The proposal will allow the PLEP2012 to be more reflective of existing and proposed land use direction and formalise these in the planning instrument.

Recommendation

1. That Council endorse the Housekeeping Planning Proposal for submission to NSW Department Planning, Industry and Environment for Gateway Determination.

21 - 276 Resolution

1. That the recommendations be adopted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

CARRIED

12.4 (DPE) DA2021-0036 – Retail Premises (extension of operating hours - outdoor entertainment) at Lots 5 & 6 Section 3 DP 758827, 'Cambridge Hotel' 147-149 Clarinda Street, Parkes

Development Application Information

Application No: DA2021/0036

Applicant: MA Usher

Property: Lots 5 & 6 Section 3 DP 758827, 'Cambridge Hotel' 147-149 Clarinda Street, Parkes

Proposal: Retail Premises (extension of operating hours - outdoor entertainment)

Executive Summary

Development Application No. DA2021/0036 proposes the extension of operating hours for outdoor entertainment purposes within the beer garden at the rear of the Cambridge Hotel, 147-149 Clarinda Street, Parkes. The proposal seeks development consent to undertaken entertainment until 12 midnight on Thursday, Friday and Saturday nights. The subject land comprises the Cambridge Hotel (a pub / hotel established in 1929), has consistent slope to the west with urban services available. Adjoining properties include a range of commercial land-uses including business premises, retail premises, vehicle sales and hire premises, a registered club and residential dwelling-houses (north-east of the subject land).

During neighbour notification of the proposed development two (2) submissions were received in relation to the potential for adverse impacts associated with noise. The submissions raised the concerns that existing noise levels were excessive, extending the hours in which noise will be generate will heighten the issue and the existing noise mitigation strategies are ineffective.

In considering the submissions received, the proposed development is supported given the proposal is consistent with the B2 Local Centre zone objectives specified in the Parkes Local Environmental Plan 2012, the objections raised can be addressed via implementation of the mitigation measures detailed in the entertainment noise assessment and appropriate conditions of consent. The submissions have been discussed in detail, with an assessment response provided in the attached assessment report (page 11 - 14).

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. There are no reasons warranting the refusal of the application and it is recommended that the development application be approved, subject to appropriate conditions. These conditions include the restrictions regarding the number of events at the larger function level, time limitations on performances and providing a two-year consent (with the ability for extensions). These conditions will permit the facility to operate with appropriate functions while providing controls for external impacts.

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 Documentation

1. The development shall be carried out in accordance with:
 - (i) the approved stamped Statement of Environmental Effects, prepared by Currajong Planning, Property + Project Management, dated March 2021.
 - (ii) the approved stamped Entertainment Noise Assessment, prepared by Acoustik, dated 8 March 2021

except where amended by any of the following conditions. A current and approved copy of the approved stamped by Parkes Shire Council is to be maintained on site for constructional and reference purposes.

2. Approval is granted for entertainment from the outdoor entertaining structure for a period of two (2) years from the date of consent.

Limitations on consent

3. Approval is granted for a maximum of fifteen (15) full band events in any twelve (12) month period. All other events are to be limited to a maximum of two (2) musicians.
4. Entertainment within the beer garden area is limited to Thursday, Friday and Saturday nights. All music/entertainment must cease at 12 midnight.
5. Entertainment is only to be held in the beer garden for three (3) consecutive nights four (4) times in any twelve (12) month period.

Operational Conditions

6. A complaints register is to be prepared and maintained. A copy of the register, complete with any complaints is to be provided to Council on the first Monday of each month. The complaints register is to detail as a minimum:
 - The time the complaint was received.
 - The nature of the complaint.
 - Any noise mitigation measures undertaken on the evening of the complaint.
 - Any changes to ongoing management practices to prevent noise complaints of a similar nature.
7. Notice of a full band event must be provided to land owners of residential properties with a shared boundary (including the owner of 34 Currajong Street, Parkes) a minimum of seven (7) days prior to the event.
8. The Applicant is to engage a suitably qualified noise consultant to test and report on the noise levels emanating from the property during the first two (2) full band events. A noise logger shall be installed at the boundary of 32A Currajong Street and the boundary of the subject allotment. A copy of the noise report is to be provided to Council's Director Planning and Environment.

9. Music held between performance intervals is generally to comply with the Office of Liquor and Gaming standard noise criteria.
10. Music amplifying devices are to be positioned to project noise toward the pub building. No amplifying devices are to be directed toward neighbouring allotments.
11. There must be no interference with the amenity of the area by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development as defined in the Protection of the Environment Operations Act 1997.

Prescribed Conditions under the Environmental Planning and Assessment Regulation 2000

12. 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.
13. 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).
14. An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as an entertainment venue.
15. An emergency evacuation plan is a plan that specifies the following—
- (i) the location of all exits, and fire protection and safety equipment, for any part of the building used as an entertainment venue,
 - (ii) the number of any fire safety officers that are to be present during performances,
 - (iii) how the audience are to be evacuated from the building in the event of a fire or other emergency.
16. Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

21 - 277 Resolution

That the recommendation be adopted.

Moved Councillor Ken McGrath, seconded Councillor Bill Jayet.

CARRIED

In a show of hands:

For: Cr KJ Keith, Cr BF Newton, Cr PJ Smith, Cr WP Jayet, Cr NC Westcott, Cr GW Pratt, Cr AJ Ward, Cr LA O'Leary and Cr KM McGrath

Against: Nil

Did Not Vote (Absent from Meeting): Cr WJ Biles,

12.5 (DPE) DA2021-0046 – Boarding House and Retaining Walls at Lot 21 Section 17 DP 758827, 11 Forster Street, Parkes

Development Application Information

Application No: DA2021/0046

Applicant: Urbanesque Planning Pty Ltd

Property: Lot 21 Section 17 DP 758827, 11 Forster Street, Parkes

Proposal: Boarding House and Retaining Walls

Executive Summary

Development Application No. DA2021/0046 proposes the construction of a Boarding House and retaining walls at Lot 21 Section 17 DP 758827, 11 Forster Street, Parkes. The proposed boarding house comprises twenty-six (26) individual rooms and a managers residence with a communal living room and outdoor space. The development also includes a 14 bay car park accessible from the rear laneway. The subject land has an area of approximately 775 metres squared, has consistent slope to the south-west with urban services available and is within 250 metres of the Parkes Central Business District. Vehicular access to the land is available from Forster Street and the adjoining rear laneway. The development is consistent with the Parkes Local Environmental Plan 2012, Parkes Shire Development Control Plan 2013 and all relevant State Environmental Planning Policies.

During neighbour notification/exhibition of the proposed development five submissions were received. The submissions raised the following concerns:

- Insufficient car parking and impacts on Forster Street,
- the proposal is not consistent with the character of the area,
- impacts of overshadowing from the development,
- impacts of overlooking from the development,
- Impacts from affordable housing,
- Loss of property value.

In considering the submissions received, the proposed development is supported given that objections raised can either be addressed via conditions of consent, the State Environmental Planning Policy (Affordable Rental Housing) 2009 sets criteria in which the consent authority cannot refuse an application, specifically in relation to car parking, landscaping and room size, or they are matters that do not warrant the refusal of the application. The submissions have been discussed in detail, with an assessment response provided in the attached assessment report (page 12).

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. 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 Documentation

1. The development shall be carried out in accordance with:
 - (i) the approved stamped plan(s) prepared by Fortey + Grant Architecture, titled New Boarding House (sheets DA-00 - DA-14, Revision A), dated 30 March 2021.
 - (ii) the approved stamped plan(s) prepared by Vision Dynamics, numbered 21062 DA1 (Revision A), dated 23 March 2021.
 - (iii) The approved stamped plan(s) prepared by NY Civil Engineering, numbered E210105 (Sheets D1 - D7, Revision A), dated 24 March 2021.
 - (iv) the approved stamped Statement of Environmental Effects, prepared by Urbanesque Planning Town Planning Consultants, dated March 2021.

except where amended by any of the following conditions. 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 the Commencement of Work

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 prior to any building and/or subdivision works commencing.

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, stormwater drainage work and water supply work from Parkes Shire Council prior to commencing works and must comply with any conditions of that permit. Section 68 of the Local Government Act 1993 prescribes the relevant approvals that may need to be obtained.
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. Details demonstrating compliance shall be submitted with the Construction Certificate application.

Note. The applicant must bear the cost of construction of a vehicular crossing(s) or reconstruction of the existing vehicle crossing and, where applicable, closure of all redundant crossings on each street frontage of the site.

5. The Applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.
6. Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Parkes Shire Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Parkes Shire Section 94A 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.

Contribution Type	Proposed Cost of Development 1	Levy %	Total Contribution	Contribution Rate remains current until
Section 94A Contribution	\$1,548,030.00	1% above \$200,000.00	\$13,480.00	Next CPI Quarterly Adjustment

7. Prior to the commencement of any works, the Applicant shall pay to the Council a bond for the protection of kerb and gutter and other Council owned utility services. The amount of the bond is prescribed in Parkes Shire Council's adopted Fees and Charges Schedule. Photograph(s) indicating the current state of the footpath adjoining the development shall be submitted prior to the commencement of any works.

Note: The security deposit is taken to cover the cost of any damage to Council's assets (e.g. drainage systems, footpaths, kerb and guttering, etc.) arising from private development work. The deposit will be refunded should no damage be caused to Council's assets adjacent to the development site, as a result of the construction works.

8. Prior to the issue of the Construction Certificate, the applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of the adjoining buildings. The report shall include the direct adjoining properties to western and eastern boundaries being 7 Currajong Parkes and 9 Foster Street Parkes with the applicant providing advice as to consideration of further properties for inclusion. The report shall be submitted to Council's Director Planning and Environment for information, including any measures required to mitigate possible damage of adjoining buildings and structures throughout the construction phase of the development. Any recommendations contained within the report are to be implemented and maintained throughout construction until the relevant Occupation Certificate for the work has been obtained.
9. Prior to the commencement of work the applicant is to provide a dilapidation report to Council demonstrating the existing condition of the road and laneway carriageway, kerb and gutter and associated drainage outlets.

10. Prior to the commencement of any work, detailed engineering drawing(s) shall be submitted within a Section 138 Roads Act application for the driveway and full width pavement rehabilitation works of the existing laneway. The proposed works shall also incorporate rollover kerb and gutter on both sides of the road from the intersection of the Lane with Currajong Street, extending up the laneway, and terminating 2m past the subject lot. Designs shall be prepared for the development in accordance with;

- a) AUS-SPEC#1/Parkes Shire Council
- b) AUSTROADS Guide to Pavement Technology
- c) AUSTROADS Guide to Road Design

Engineering drawings and works methodology must be approved by the Director Works and Services prior to the commencement of work. Evidence of the Section 138 approval must be provided with the Construction Certificate application.

11. Prior to the commencement of any work on the site, a construction management plan is to be submitted to Parkes Shire Council that specifies how the proposed works to demolish the existing council sewer vent shaft will be undertaken safely, and detail how risk will be mitigated for any adjoining infrastructure as well as council infrastructure in the general vicinity.
12. Prior to the commencement of any work on the site, the premises are to be connected to Parkes Shire Council's reticulated sewerage system by lodging a 'Water and/or Sewer Connection Application Form' (and relevant fee) with Council.
13. Prior to the commencement of any work on the site, a detailed stormwater design shall be prepared for the development in accordance with the following;
 - a) Parkes Shire Council Stormwater Drainage Guidelines 2010
 - b) *Parkes Shire Council Development Control Plan 2013.*

The plan shall include a report documenting the design considerations and calculations relating to the actual stormwater catchment as well as all necessary stormwater infrastructure that is required to manage minor (1:10 years) and major (1:100 years) storm events, and to ensure that the peak site discharge post development does not exceed predevelopment peak discharge. Where computer modelling is used, the input parameters and results of the model, as well as any computer data files for both hydrological and hydraulic models, shall be detailed in the report. The engineering detail shall be submitted with the Occupation Certificate application.

Note: The stormwater management plan must direct the roof water overflow to Forster Street,

Note: 8.8kL of onsite detention is required to meet the requirement for the post development flows to not exceed pre-development flows

14. Prior to the commencement of construction of the proposed retaining and foundation walls the proposed structure and associated drainage works are to be set out by a registered surveyor to ensure;
 - (a) the proposed structures are located within the property boundary, and
 - (b) there is no encroachment onto neighbouring land.

15. 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 Work

16. Clearing of land, demolition, excavation and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:
 - (a) 7.00 am and 6.00 pm on weekdays,
 - (b) 8.00 am and 1.00 pm on Saturdays, and
 - (c) No work on Sundays or Public Holidays is permitted.
17. Building and construction materials, plant, equipment and the like must not be stored nor construction work carried out on the road reserve, footpath or roadway, unless associated with a separate approval under the *Road Act 1993*.
18. All building and demolition rubbish and debris, including that which can be wind blown, shall be contained onsite 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.
19. 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. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
20. The development shall be carried out in such a manner so as to not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
21. Throughout the course of building and demolition operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site.
22. 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. All works are to be carried out within the boundaries of the property and without effecting the structural integrity of boundary fencing or neighbouring structures.

23. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with Australian Standard AS/NZS 3500:2003, the Plumbing Code of Australia and the following requirements:
- (a) All roof and impervious surfaces from the development shall be properly drained and directed to Council's stormwater infrastructure network in accordance with the stamped approved plans and the approved stormwater management plan required in Condition No. 12.
 - (b) Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the roof covering and/or the construction of hard standing areas, as may be appropriate, to discharge water in accordance with the approved stormwater management system.
24. The applicant is to construct a new layback and driveway at the nominated location in accordance with approved site plan, driveway long section and the following Parkes Shire Council minimum standards:
- a) Driveway 3-6 metres wide
 - b) Concrete slab shall be 150mm thick, 32MPa GP concrete, with a single layer of SL82 mesh founded on 75mm of compacted gravel.
 - c) Concrete slab shall be dowelled into the existing kerb and gutter using R12 Galvanised dowels (250 grade) spaced at 300mm centres, 400mm long and centrally placed.
- All works must be completed prior to the issue of Occupation Certificate.
25. Car parking facilities, including all internal parking and manoeuvring areas are to be constructed in accordance with Australian Standard 2890.1 Off-Street Car Parking and approved parking facility site plan. All parking and vehicle manoeuvring areas shall be constructed in accordance with Council's Engineering Technical Specifications. Vehicles must enter and leave the site in a forward gear. No reversing of vehicles onto the public roadway system will be permitted.

Prior to Occupation or Commencement of Use

26. Application for an Occupation Certificate must be submitted to and approved by the Principal Certifier prior to occupation or use of the whole or part of the new building/works.
27. Prior to the Issue of an Occupation Certificate the Applicant is to prepare and submit to the satisfaction of Council's Director Planning and Environment an Operational Management Plan which includes details on, but is not limited to the following matters:
- Measures to limit noise generation and ongoing noise management practices.
 - Fire evacuation procedures.
 - Complaints management procedures.
 - Boarding House Manager duties (including procedures for ensuring a facility manager is onsite during periods of absence of the regular manager).

A copy of the Operational Management Plan is to be maintained onsite and made available to tenants. The Operational Management Plan is to be reviewed every two (2) years with amended versions to be provided to Council.

28. The Applicant is required to obtain a Compliance Certificate from Parkes Shire Council, certifying that all works, fees and charges required in connection with the provision of roads to the development have been undertaken and complied with in full. Council will not issue the Occupation Certificate until written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.

Note: Road and must be physically provided to the existing lot in accordance with AUSPEC#1/Parkes Shire Council, AUSTROADS and approved design plans.

Note: Parkes Shire Council as the road authority requires inspection of road works at the following stages:

- 1) During Rehabilitation Works, to validate work methodology is being undertaken as approved.
- 2) When kerb and gutter/drainage has been completed.
- 3) When the road formation is completed, prior to sealing.
- 4) At completion of works.

Note: Parkes Shire Council as the road authority requires inspection of driveway works at the following stages:

- 1) Prior to concrete pour
- 2) At completion of works, when access has been suitably surfaced and forms a smooth junction with the existing concrete driveway, Kerb and gutter and the verge area on either side of the access.

Note: Parkes Shire Council as the road authority requires that Works-As-Executed drawing(s) be provided to Council to enable verification that pavement thickness, finished levels and alignments are within tolerances of approved plans.

29. Written evidence from Parkes Shire Council certifying that all works, fees and charges required in connection with the provision of water and sewerage services to the development have been undertaken and complied with in full must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

30. Prior to the issue of an Occupation Certificate the Applicant is required to obtain written evidence from Parkes Shire Council, pursuant to Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*, certifying that all charges associated with Section 64 of the Local Government Act 1993 have been paid in full for both water and sewer.

Note: Water ET's for the development have been calculated to be 9.4.

Note: Sewer ET's for the development have been calculated to be 12.

Note: \$12,985.00 is the current Section 64 water developer charge per ET set out in Council's published fees and charges for 2020/21. This charge is reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

Note: \$4,848.00 is the current Section 64 sewer developer charge per ET set out in Council's published fees and charges for 2020/21. These charges are reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

31. Prior to the issue of an Occupation Certificate a plan of survey, prepared by a registered surveyor, setting out the boundaries of the site, in relation to the retaining wall structures, and verifying compliance with Condition 13 is to be submitted to the Principal Certifier.
32. The applicant is to provide four (4) advanced street trees within the road reserve adjacent Forster Street as per the stamped approved Landscape Concept Plan prior to the issue of an Occupation Certificate. Private planting of street trees shall only be undertaken with Council's prior written approval.

Note: Council can supply and erect street trees at a cost to the subdivider.

Operational Conditions

33. Within twenty-eight (28) days of operations commencing the Applicant is to register the Boarding House with Fair Trading NSW in accordance with the Boarding Houses Act 2012. Documentary evidence of the registration is to be provided to Council within seven (7 days) of registration.
34. The applicant shall arrange for an Initial Compliance Investigation in accordance with the Boarding House Act 2012 by Council's Environmental Health and Building Surveyors within twelve (12) months from the date of Occupation.
35. The Boarding House Manager shall arrange a biennial inspection of the premises from Council's Environmental Health and Building Surveyors, or as deemed appropriate by Council's Director Planning and Environment.
36. The Boarding House Manager or an employee (the delegate) is to be onsite between 11pm and 5am, except where the Manager or Delegate can be on the premises within thirty (30) minutes of a complaint.
37. In the instance the boarding House Manager is absent from the premises for more than two (2) consecutive days a temporary Boarding House Manager is to be engaged and be in attendance at the premises. Contact details of the Boarding House Manager are to be provided to Council's Planning and Environment Department.
38. The location and facilities for the collection, storage and disposal of waste generated within the development must be located behind the building line in such a manner that the waste materials/storage bins areas are not visually prominent from any public place.
39. Any external lights shall be operated / maintained generally in accordance with the Pacific National Lighting Impact Assessment, May 2018 and Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding private land or to motorists on nearby roads.
40. There must be no interference with the amenity of the area by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development as defined in the Protection of the Environment Operations Act 1997.

Prescribed Conditions

41. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
42. The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
43. 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.

44. 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.
45. 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.

If arrangements for doing residential building work are changed while the work is in progress such that the information submitted to Council in accordance with this conditions is out of date, work must cease and no further work may 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.

46. 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.

21 - 278 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

In a show of hands:

For: Cr KJ Keith, Cr BF Newton, Cr PJ Smith, Cr WP Jayet, Cr NC Westcott, Cr GW Pratt,
Cr AJ Ward, Cr LA O'Leary and Cr KM McGrath

Against: Nil

Did Not Vote (Absent from Meeting): Cr WJ Biles,

12.6 (DPE) DA2021-0074 - Additions to dwelling (Carport & 2 x Patio) at 6 Friendship Place, Parkes

Development Application Information

Application No: DA2021/0074

Applicant: JA & RJ Cunningham

Property: Lot 20 DP 841570, 6 Friendship Place, Parkes

Proposal: Additions to dwelling (carport and 2x patio)

Executive Summary

Development Application No. DA2021/0074 proposes the construction of additions to an existing dwelling-house, comprising a carport and two (2) patios at 6 Friendship Place, Parkes. The proposed patios will be attached to the northern wall of the existing dwelling-house. The proposed carport will be attached to the existing carport and will project forward of the front building line by approximately 3 metres, being setback 7.5 metres from the front boundary.

The application is reported to Council given the proposal does not comply with Clause 5.6.4 Carports and Garages, of the Parkes Shire Development Control Plan 2013 which prohibits carports and garages from being located in front of the front building line.

The proposed development is supported in the circumstances, given the existing dwelling is setback approximately 13.3 metres from Friendship Place, Friendship Place is small cul-de-sac with minimal traffic, the subject allotment is located at the head of the cul-de-sac with adjoining properties to the south-east and west having front setbacks of 4 metres and 4.5 metres respectively and the subject development will be 7.5 metres from the primary frontage. Furthermore, the carport will be constructed from lightweight materials and will not be visually prominent in the streetscape.

The proposed development was notified to adjoining landowners in accordance with the Parkes Shire Community Engagement Strategy 2017/18 - 2020/21. No submissions to the proposal were received during the notification period.

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 plan(s) prepared by Picton Bros Improvements, Project No. DU9847, Sheets 1 - 4, dated 14 May 2021.
 - II. The approved stamped Statement of Environmental Effects.

Except where amended in red or by the following conditions. 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.

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 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. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with Australian Standard AS/NZS 3500:2003, the Plumbing Code of Australia and the following requirements:
 - (a) Roof water from the carport is to be conveyed to Friendship Place in accordance with the approved plans.
 - (b) Roof water from the patio structures is to be conveyed to Council's piped infrastructure network in the adjoining pathway to the west of the allotment in accordance with the approved plans.
 - (c) Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the roof covering and/or the construction of hard standing areas, as may be appropriate, to discharge water in accordance with the approved stormwater management system.

Prior to Occupation & Commencement of Use

11. Prior to the occupation or use of the development, an Occupation Certificate must be obtained from the Principal Certifier for the subject development.

Prescribed Conditions under the Environmental Planning and Assessment Regulation 2000

12. 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.

13. 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).

14. 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.

15. 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.

21 - 279 Resolution

That the recommendation be adopted.

Moved Councillor Pat Smith, seconded Councillor George Pratt.

CARRIED

In a show of hands:

For: Cr KJ Keith, Cr BF Newton, Cr PJ Smith, Cr WP Jayet, Cr NC Westcott, Cr GW Pratt, Cr AJ Ward, Cr LA O'Leary and Cr KM McGrath

Against: Nil

Did Not Vote (Absent from Meeting): Cr WJ Biles,

12.7 (DPE) DA2021-0079 – Subdivision and Information & Education Facility (Aviation Museum) at Lot 2 DP 85062, Lot 7 DP 1103691 & Lot 12 DP 1254543, Parkes Airport, Muzyczuk Drive, Parkes

Development Application Information

Application No: DA2021/0079

Applicant: Historical Aircraft Restoration Society Inc.

Property: Lot 2 DP 85062, Lot 7 DP 1103691 & Lot 12 DP 1254543, 'Parkes Airport' Muzyczuk Drive, Parkes

Proposal: Subdivision and Information & Education Facility (Aviation Museum)

Executive Summary

DA2021/0079 proposes the subdivision of land and subsequent erection of an Information and Education Facility (Aviation Museum). The aviation museum will be used as a storage and exhibition space for historical aircraft, workshop for society members to repair aircraft and to facilitate open days. The proposed building is 105 metres x 50 metres with a peak height of 14 metres. The proposal also includes a small café space, demountable accommodation building for volunteers, an associated taxiway, landscaping, carparking, loading and manoeuvring areas. The potential for impacts on the environment is low, given the highly managed nature of the land associated with previous airport activities.

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

The applicant for DA2021/0079 is the Historical Aircraft Restoration Society Inc. the subject land the proposal will be located upon is currently owned by Parkes Shire Council, which is also the consent authority for the application. To address any perception of a potential conflict of interest between Council's role as consent authority and land owner, no delegation of authority has been exercised, with this report being tabled with Council for determination.

The proposed development was advertised and neighbour notified in accordance with the Parkes Shire Development Control Plan 2013. No submissions to the proposal were received during the advertising and neighbour notification period.

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 reviewed by an independent consultant, 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 Documentation

1. The development shall be carried out in accordance with:
 - (i) the approved stamped plan(s) prepared by G Squire, titled HARS Parkes Aviation Museum (sheets DA1 - DA6), dated March 2021.
 - (ii) the approved stamped plan(s) prepared by G Squire, titled HARS Parkes Aviation Museum (sheets DWG 1), dated March 2021.
 - (iii) the approved stamped plan(s) prepared by G Squire, titled HARS Parkes Aviation Museum (sheets - Site subdivision plan), dated March 2021.
 - (iv) the approved stamped plan(s) prepared by G Squire, titled HARS Parkes Aviation Museum (sheets - Landscape Plan), dated April 2021.
 - (v) the approved stamped plan(s) prepared by Calare Civil, Job no. 2021.0069 (sheets G01 - G02, ES01, C 01 - C02, SW01, Revision B), dated 17 May 2021.
 - (ii) the approved stamped Statement of Environmental Effects, prepared for HARS Parkes Aviation Museum, dated March 2021.

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

2. No approval is granted for the buildings identified as "Future Aircraft Shelter" and "Bellman Hangar Future Relocation".
3. No approval is granted for signage or advertising structures under this development consent.
4. The demountable accommodation building is only to be occupied by members of the historical aviation restoration society. No overnight accommodation is to be provided to the public.

Prior to the Commencement of Work

5. The Applicant is to obtain a Construction Certificate from either Council or an Principal Certifier, certifying that the proposed works are in accordance with the Building Code of Australia prior to any building and/or subdivision works commencing.

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.

6. Prior to the issue of a construction certificate the applicant is to provide a structural design of the proposed building(s)/structure(s) (including footing and slab and tie-down detail) from a suitable qualified practicing Structural Engineer for the proposed demountable accommodation building, amenities building and food and drink structure.

7. Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Parkes Shire Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Parkes Shire Section 94A 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.

Contribution Type	Proposed Cost of Development 1	Levy %	Total Contribution	Contribution Rate remains current until
Section 94A Contribution	\$3,735,640.00	1% above \$200,000.00	\$35,356.40	Next CPI Quarterly Adjustment

Note: As shown on the Development Application / Complying Development Certificate

8. The Applicant is to obtain all relevant approvals to carry out sewerage work, stormwater drainage work and water supply work from Parkes Shire Council prior to commencing works and must comply with any conditions of that permit. Section 68 of the Local Government Act 1993 prescribes the relevant approvals that may need to be obtained.
9. In accordance with Section 138 of the Roads Act 1993, any work on the verge, footpath, public road reserve or public reserve (open space) will require a "Road Opening Permit" to be obtained from Council.
- Note: The applicant must bear the cost of construction of a vehicular crossing(s) or reconstruction of the existing vehicle crossing and, where applicable, closure of all redundant crossings on each street frontage of the site. These works must form part of the Road Opening Permit.
10. The Applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.
11. Prior to the commencement of any work on the site, a detailed stormwater management plan shall be prepared for the development in accordance with the following:
- a) Parkes Shire Council DCP 2013
 - b) Parkes Shire Council Stormwater Drainage Guidelines 2010

The plan shall include the design considerations and calculations relating to the stormwater runoff on the site as well as all necessary stormwater infrastructure required to manage minor (10% AEP) and major (1% AEP) storm events. The plan shall also show how a zero net increase of peak discharge will be achieved with appropriate onsite detention/retention. The engineering detail shall be submitted with the Construction Certificate application.

Note: The submitted stormwater management plan does not address the requirement for post development discharge to not exceed the Pre-development discharge. The required storage has been calculated to be 159KL.

12. Prior to the issue of any Construction Certificate, an Asbestos Clearance Certificate must be provided by a competent person to Council certifying the site is clear of asbestos and is safe and suitable for residential use.
13. Prior to the commencement of work the Applicant shall engage a suitably qualified heritage consultant to prepare a heritage management report; including but not limited to:
 - design and construction of the landscape and interpretive elements including interpretive panels and the placement of the relics within the interpretive landscape in order that the relics be placed and interpreted in the appropriate manner to support their heritage significance.
 - Inspection, identification and recording of all former building relics on the site including a management strategy for their retention/removal/relocation.
14. 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 and the stamped approved erosion and sediment control plan.

During Work

15. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note: Such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

16. 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 Weekends. No work on Public Holidays is permitted.
17. Building and construction materials, plant, equipment and the like must not be stored nor construction work carried out on the road reserve, footpath or roadway, unless associated with a separate approval under the *Road Act 1993*.
18. 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.

19. All building and demolition rubbish and debris, including that which can be wind-blown, shall be contained onsite 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.
20. 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. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
21. The development shall be carried out in such a manner so as to not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
22. Throughout the course of building and demolition operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site.
23. 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. All works are to be carried out within the boundaries of the property and without effecting the structural integrity of boundary fencing or neighbouring structures.
24. The premises is to be connected to Parkes Shire Council's reticulated water supply system by lodging a 'Water and/or Sewer Connection Application Form' with Council and making arrangements with Council for connection of the water meter. All works must be completed prior to occupation of the development.
25. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with Australian Standard AS/NZS 3500:2003, the Plumbing Code of Australia and the following requirements:
 - a) All roof and impervious surfaces shall be properly drained and directed to Council's stormwater infrastructure in accordance with the stormwater management plan required by Condition No. 10.
 - b) Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the roof covering and/or the construction of hard standing areas, as may be appropriate, to discharge water in accordance with the approved stormwater management system.
26. A concrete/paved/sealed access is to be constructed from the subject lot to Muzyczuk Drive in accordance with Council's technical engineering specifications. The access shall be a minimum width of six (6) metres and maximum width of twelve (12) metres. The access must be a minimum of 500 millimetres from any existing service pole or street tree.
27. Provide on-site parking for a minimum of 30 car parking spaces including an additional 2 disabled parking space in accordance with the submitted parking layout. Car parking must comply with Parkes Shire Development Control Plan 2013, AS 2890.1:2004 - Parking facilities Part 1: Off-street car parking. The disabled car parking space must comply with AS2890.6:2009 - Parking facilities Part 6: Off-street parking for people with disabilities. all internal driveways, hardstand areas and parking areas shall be constructed and bitumen sealed in accordance with the following:

- a) Drawing 'Calare Civil - Civil Work Details' dated 17/05/2021
- b) Parkes Shire Council/AUSPEC#2.
- c) Parkes Shire Council Development Control Plan 2013.
- d) AS 2890.1-2004 Off-Street Car Parking.

The work must be completed prior to the issue of an Occupation Certificate.

- 28. The taxiway is to be constructed in accordance with the Civil Aviation Safety Authorities publication Design Standards for Licenced Aerodromes (as current at the time of construction). Full engineering design details demonstrating compliance are to be provided to Council's Director Works and Services.

Prior to Occupation

- 29. Application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation or use of the whole or part of the new building/works.
- 30. The proposed coffee trailer is to comply with Guidelines for Mobile Food Vending Vehicles. An inspection of the coffee trailer is to be undertaken by Parkes Shire Council's Building Surveyors prior to the commencement of use of the facility.
- 31. Prior to the issue of an Occupation Certificate, the subdivision of land in accordance with the stamped approved plan of subdivision is to be registered with NSW Land Registry Services.
- 32. A Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval prior to the issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to Council by the PCA with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.
- 33. Landscaping must be established prior to the issue of an occupation certificate and maintained in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property. Planting must not obscure or obstruct casual surveillance of building entries to and from the street and communal driveway.

Operational Conditions

- 34. An Annual Fire Safety Statement shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval within twelve (12) months after the Fire Safety Certificate was issued. A copy of the Annual Fire Safety Statement must be submitted to Council. An electronic copy of the Annual Fire Safety Statement shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.
- 35. The location and facilities for the collection, storage and disposal of waste generated within the development must be located behind the building line in such a manner that the waste materials/storage bins areas are not visually prominent from any public place.

36. All loading and unloading of delivery vehicles, is to take place off-street and must not inhibit the free flow of vehicles accessing the site or other premises in the area. Loading facilities, internal docks or goods handling areas are to be maintained free of obstruction for the sole use of delivery vehicles.
37. All vehicles must enter and exit the site in a forward direction. There shall be no reversing of vehicles onto the public roadway system. All vehicles must be parked legally, and no vehicles are permitted to be parked over the public footpath.
38. 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.
39. Chemicals stored in bulk form, or work areas where spillages are likely to occur, shall be bunded in accordance with the *NSW Office of Environment and Heritage Protection Manual – “Storing and Handling Liquids: Environmental Protection”*.
40. Access gates to airside property are to be closed to the general public at all times. Signage identifying landside and airside property are to be installed and maintained in prominent positions.

Prescribed Conditions

41. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
42. The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
43. 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.
44. 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.

21 - 280 Resolution

That the recommendation be adopted.

Moved Councillor Alan Ward, seconded Councillor Neil Westcott.

CARRIED

In a show of hands:

For: Cr KJ Keith, Cr BF Newton, Cr PJ Smith, Cr WP Jayet, Cr NC Westcott, Cr GW Pratt,
Cr AJ Ward, Cr LA O'Leary and Cr KM McGrath

Against: Nil

Did Not Vote (Absent from Meeting): Cr WJ Biles,

12.8 (DPE) DA2021-0080 – Recreation Facility (Outdoor) - Grandstand & Retaining Walls at Lot 7040 DP 1023666, 'Spicer Oval' 1 Victoria Street, Parkes

Development Application Information

Application No: DA2021/0080

Applicant: Parkes Shire Council

Property: Lot 7040 DP 1023666, 'Spicer Oval' 1 Victoria Street, Parkes

Proposal: Recreation Facility (Outdoor) - Grandstand & Retaining Walls

Executive Summary

DA2021/0080 proposes the construction of a new grandstand at Spicer Oval, Parkes. The grandstand building will be used for a range of community based activities, predominantly being sporting events and to provide amenities for events such as the annual Parkes Elvis Festival. The development includes the construction of a 540m² building comprising a clubroom, canteen and bar, amenities, office and four change rooms. The building also provides five rows of tiered seating for spectating events on Spicer Oval covered by a skillion roof.

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

The applicant for DA2021/0080 is Parkes Shire Council, which is also the consent authority for the application. To address any perception of a potential conflict of interest between Council's role as consent authority and applicant no delegation of authority has been exercised, with this report being tabled with Council for determination.

The proposed development was advertised and neighbour notified in accordance with the Parkes Shire Community Engagement Strategy 2021-2025. No submissions to the proposal were received during the advertising and neighbour notification period.

The Plans of the development proposal (prepared by Highlands Design) 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 Documentation

1. The development shall be carried out in accordance with:
 - (vi) the approved stamped plan(s) prepared by Highlands Design, titled Parkes Rugby Clubhouse (sheets A-01 - A-05), dated 7 June 2021.
 - (ii) the approved stamped Statement of Environmental Effects, prepared by Currajong Planning, Property + Project Management, dated May 2021.

Except where amended in red or by the following conditions. A current and approved copy of the approved stamped by Parkes Shire Council is to be maintained on site for constructional and reference purposes.

2. The building at the first row of spectator seats located on the eastern side of the structure are to have a minimum floor level of RL 354.80 and maximum floor level of RL 355.20.
3. The lowest level slab supporting the lowest level of seating shall be sited between 15metres and up to 10 metres from the sideline of the playing field.
4. All proposed signage shall be approved by Council prior to placement or installation

Prior to the Issue of a Construction Certificate

5. 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 prior to any building and/or subdivision works commencing.

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.

6. Prior to the Issue of a Construction Certificate the Applicant is to provide to the satisfaction of Council's Director Planning and Environment a plan identifying the plaques which have been retained from the former grandstand and the position of their reinstallation within the new grandstand.

Prior to the Commencement of Work

7. The Applicant is to obtain all relevant approvals to carry out sewerage work, stormwater drainage work and water supply work from Parkes Shire Council prior to commencing works and must comply with any conditions of that permit. Section 68 of the Local Government Act 1993 prescribes the relevant approvals that may need to be obtained.
8. In accordance with Section 138 of the Roads Act 1993, any work on the verge, footpath, public road reserve or public reserve (open space) will require a "Road Opening Permit" to be obtained from Council.

Note: The applicant must bear the cost of construction of a vehicular crossing(s) or reconstruction of the existing vehicle crossing and, where applicable, closure of all redundant crossings on each street frontage of the site. These works must form part of the Road Opening Permit.

9. The Applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.
10. Prior to the commencement of any work on the site, the applicant shall submit to Parkes Shire Council a stormwater management plan for the proposed development. The stormwater management plan shall include a report and drawings including detailed calculations, plans, long sections and pit details for both the minor and major drainage systems to enable construction of the stormwater drainage network. The stormwater management plan shall be approved by the Director of Infrastructure prior to the issue of construction certificate.

During Work

11. 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 weekends. No work Public Holidays is permitted.
12. Building and construction materials, plant, equipment and the like must not be stored nor construction work carried out on the road reserve, footpath or roadway, unless associated with a separate approval under the *Road Act 1993*.
13. 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.
14. All building rubbish and debris, including that which can be wind-blown, shall be contained onsite 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.
15. 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. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
16. The development shall be carried out in such a manner so as to not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
17. Throughout the course of building and demolition operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site.

18. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (IV:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to the appropriate engineering standards. All works are to be carried out within the boundaries of the property and without effecting the structural integrity of boundary fencing or neighbouring structures.
19. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with Australian Standard AS/NZS 3500:2003, the Plumbing Code of Australia and the following requirements:
 - c) All roof and impervious surfaces shall be properly drained and directed to Council's stormwater infrastructure in accordance with the stormwater management plan required by Condition No. 9.
 - d) Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the roof covering and/or the construction of hard standing areas, as may be appropriate, to discharge water in accordance with the approved stormwater management system.
20. Car parking facilities and manoeuvring areas are to be designed in accordance with Australian Standard 2890.1 Off-Street Car Parking. All parking and vehicle manoeuvring areas shall be sealed in accordance with Council's Engineering Technical Specifications. Vehicles must enter and leave the site in a forward gear. No reversing of vehicles onto the public roadway system will be permitted. All work must be completed prior to the Issue of an Occupation Certificate.

Prior to Occupation

21. Application for an Occupation Certificate must be submitted to and approved by the Principal Certifier prior to occupation or use of the whole or part of the new building/works.

Operational Conditions

22. An Annual Fire Safety Statement shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval within twelve (12) months after the Fire Safety Certificate was issued. A copy of the Annual Fire Safety Statement must be submitted to Council. An electronic copy of the Annual Fire Safety Statement shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.
23. All loading and unloading of delivery vehicles, is to take place off-street and must not inhibit the free flow of vehicles accessing the site or other premises in the area. Loading facilities, internal docks or goods handling areas are to be maintained free of obstruction for the sole use of delivery vehicles.
24. 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.

Prescribed Conditions

25. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
26. The commitments listed in any relevant BASIX Certificate for this development must be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.
27. 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:
 - (d) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (e) 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
 - (f) 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.
28. 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:
 - c) protect and support the adjoining premises from possible damage from the excavation, and
 - d) where necessary, underpin the adjoining premises to prevent any such damage.

21 - 281 Resolution

That the recommendation be adopted.

Moved Councillor Pat Smith, seconded Councillor Bill Jayet.

CARRIED

In a show of hands:

For: Cr KJ Keith, Cr BF Newton, Cr PJ Smith, Cr WP Jayet, Cr NC Westcott, Cr GW Pratt, Cr AJ Ward, Cr LA O'Leary and Cr KM McGrath

Against: Nil

Did Not Vote (Absent from Meeting): Cr WJ Biles,

12.9 (DPE) Rangers Quarterly Report - January to March 2021

Executive Summary

A summary of Ranger activities for the quarter ending March 2021 is provided for Council's information.

Recommendation

1. That the information be noted.

21 - 282 Resolution

That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Ken McGrath.

CARRIED

12.10 (DPE) Rangers Quarterly Report - April to Jun 2021

Executive Summary

A summary of Ranger activities for the quarter ending March 2021 is provided for Council's information.

Recommendation

1. That the information be noted.

21 - 283 Resolution

That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

CARRIED

13 DIRECTOR WORKS AND SERVICES REPORT

13.1 (DWS) Major Projects & Current Works - Progress Report as at 20 July 2021

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.

21 - 284 Resolution

That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Ken McGrath.

CARRIED

13.2 (DWS) Acquisition of Crown Land - Section of Nash Street and Kinsella Road, Parkes

Executive Summary

Council has received notification from Crowns Land Division NSW Trade & Investment, that a section of Nash Street and Kinsella Road, intersecting with Back Yamma Road has been constructed on Crown Land.

In 2018, Council approved to commence the process to acquire the land under the constructed road, however the land was subjected to Aboriginal Land Claim 13666. Council Officers have been liaising with the NSW Aboriginal Lands Council and the claim over the land pertaining to the section of formed road has been removed so that Council can send an application to the Minister for approval to acquire the amended area of land, therefore necessitating a new approval from Council.

Recommendation

1. That Council acquire by compulsory process the land under the already formed Nash Street, Kinsella Lane and Back Yamma Road intersection, identified as Lot 52 DP 1265944, being part of Lot 7030 DP 1019950, Reserve 42767, and make the necessary application to the Minister and/or Governor.
2. That on acquisition the land be classified as operational.
3. That where required, the seal of Council be applied to facilitate the acquisition.

21 - 285 Resolution

That the recommendation be adopted.

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

CARRIED

13.3 (DWS) Acquisition of land under the road that approaches Kadina Bridge

Executive Summary

During the Design and Investigation phase for the upgrades of Kadina Bridge, along the Bogan Way, a section of the road approaches to the Bridge were identified to be on crown land. Council received approval from Crown Lands in 2016 and Council has been requested to acquire the land under the road.

In 2018, Council approved to commence the process to acquire the land under the constructed road, however the land was subjected to two Aboriginal Land Claims 35291 and 48445.

Council Officers have been liaising with the NSW Aboriginal Lands Council and the claim over the land pertaining to the section of formed road has been removed so that Council can send an application to the Minister for approval to acquire the amended area of land, therefore necessitating a new approval from Council.

Recommendation

1. That Council acquire by compulsory process the land under the already formed Bogan Way, identified as Lot 3 DP 1243132 being part of Lot 7008 DP 1027357 and Lot 4 DP 1243132 being part of Lot 7301 DP 1158257, and make the necessary application to the Minister and/or Governor.
2. That on acquisition the land be classified as operational.
3. That where required, the seal of Council be applied to facilitate the acquisition.

21 - 286 Resolution

That the recommendation be adopted.

Moved Councillor Neil Westcott, seconded Councillor George Pratt.

CARRIED

13.4 (DWS) Acquisition of site and road for Booster Pump Station for Recycled Water Ring Main

Executive Summary

Council is currently finalising the Recycled Water Ring Main Construction. To install the required recycled water mains throughout the Parkes urban area, an application was required to be lodged with the State for the acquisition of approximately 700m² of part of Lot 7025 DP 1117167, Renshaw-McGirr Way, for the construction of a Booster Pump Station.

Recommendation

1. That Council acquire land identified as Lot 1 DP1274588 being part of Lot 7025 DP 1117167 for construction of a booster pump station and access road for the recycled water ring main by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and make the necessary application to the Minister and/or Governor.
2. That on acquisition, the land be classified as operational.
3. That where required, the Seal of Council be applied to facilitate the acquisition.

21 - 287 Resolution

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

CARRIED

13.5 (DWS) Participation in CNSWJO for the Supply & Delivery of Linemarking Services

Executive Summary

Council has been invited to participate in the regional procurement contract for the supply and delivery of Linemarking Services through Central NSW Joint Organisation (CNSWJO) Compliance and Cost Savings program and Supply Management Team.

Recommendation

1. That Parkes Shire Council agree to participate in the next CNSWJO regional contracts for the Supply and Delivery of Linemarking Services and that Council provide the necessary support and advice to CNSWJO.

21 - 288 Resolution

That the recommendation be adopted.

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

CARRIED

13.6 (DWS) Roads Program 2021/2022

Executive Summary

Submissions have been lodged for inclusion in the 2021/2022 Roads Program.

Included in the 2021/2022 report is the Long Term Roads Improvement Program which outlines the priority program for the next 10 years. This will see this program delivered from 2016-2026. The devised program is in line with Councils Asset Management strategy and long term vision of Councils road network to ensure an improved freight and transport network is provided to meet the increased needs of users and industries.

Recommendation

1. That the 2021/2022 Roads Program be adopted

21 - 289 Resolution

That the recommendation be adopted.

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

CARRIED

14 DIRECTOR INFRASTRUCTURE REPORT

14.1 (DI) Major Projects & Current Works - Progress Report as at 20 July 2021

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.

21 - 290 Resolution

That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Ken McGrath.

CARRIED

15 CONSIDERATION OF COMMITTEE MINUTES

15.1 Committee Minutes - Sporting Facilities Development Committee Meeting 15 June 2021

Executive Summary

The Minutes of the Sporting Facilities Development Committee held 15 June 2021 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 15 June 2021 be received and noted.

21 - 291 Resolution

That the recommendation be adopted.

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

CARRIED

15.2 Committee Minutes - Rural Roads Advisory Group Meeting 17 June 2021

Executive Summary

A meeting of the Rural Roads Advisory Group was held Thursday 17 June 2021 in Parkes. The Minutes of the meeting are attached for Council's information.

Recommendation

1. That the Minutes of the Rural Roads Advisory Group Committee held on 17 June 2021 be adopted.

21 - 292 Resolution

That the recommendation be adopted.

Moved Councillor Neil Westcott, seconded Councillor Bill Jayet.

CARRIED

15.3 Committee Minutes - Cooke Park Pavilion Inaugural Event Committee Meeting 21 June 2021

Executive Summary

The Cooke Park Pavilion Inaugural Event Committee met on 21 June 2021.

Recommendation

1. That the Minutes of the Cooke Park Pavilion Inaugural Event Committee Meeting held on 21 June 2021 be adopted.

21 - 293 Resolution

That the recommendation be adopted.

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

CARRIED

15.4 Committee Minutes - Parkes Shire Arts Advisory Council Meeting 5 July 2021

Executive Summary

The Parkes Shire Arts Advisory Council held meeting on 5 July 2021. The Minutes of this meeting are attached for the information of Council.

Recommendation

1. That the minutes and recommendations of the Parkes Shire Arts Advisory Council meeting held on 5 July 2021 be endorsed.

21 - 294 Resolution

That the recommendation be adopted.

Moved Councillor Bill Jayet, seconded Councillor Neil Westcott.

CARRIED

15.5 Committee Minutes - Heritage Advisory Committee Meeting 6 July 2021

Executive Summary

The Heritage Advisory Committee held a meeting on Tuesday, 6 July 2021.

Recommendation

1. That the Minutes of Heritage Advisory Committee held on 6 July 2021 be received and noted and the recommendations be endorsed by Council.

21 - 295 Resolution

That the recommendation be adopted.

Moved Councillor Alan Ward, seconded Councillor Barbara Newton.

CARRIED

15.6 Committee Minutes - Parkes Sports Council Masters Games Special Meeting 13 July 2021

Executive Summary

The Minutes of the Parkes Sports Council Masters Games Special meeting held on 13 July 2021 are presented for the information of Council.

Recommendation

1. That the Minutes and Actions of the Parkes Sports Council Masters Games Special Meeting held on 13 July 2021 be endorsed.

21 - 296 Resolution

That the recommendation be adopted.

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

CARRIED

15.7 Committee Minutes - Parkes Local Traffic Committee Meeting 15 July 2021

Executive Summary

A Parkes Local Traffic Committee meeting was held on Thursday 15 July 2021. The Minutes of that meeting are attached.

Background Information

The Parkes Local Traffic Committee meetings are held quarterly and membership consists of a Council Representative, Transport NSW Representative, NSW Police Representative and a Representative of the Local Member of State Parliament. The Committee is an advisory body only, having no decision making powers. It is, primarily, a technical review committee that is required to advise the Council on traffic related matters referred to it by Council.

Recommendation

1. That the minutes of the Parkes Shire Local Traffic Committee Meeting held on 15 July 2021 be adopted.

21 - 297 Resolution

1. That the recommendation be adopted.
2. That Council writes to Peter McQuie to thank him for his services and to see if he would reconsider his resignation.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

CARRIED

16 QUESTIONS AND MATTERS OF URGENCY

Nil

Councillor Neil Westcott reminded the Councillors that Council would be conducting a one (1) day Low Carbon Economy Forum on Thursday 19 August 2021. This one-day forum brings together government, industry and academia to explain and explore how the low carbon economy is being activated to spur innovation in regional Australia. Speakers will discuss issues and case studies that demonstrate how regional industries can benefit from the transition to a low carbon economy. Topics covered will include the role and impact of renewable energy in the regions; the nature and benefits of a circular economy and what this means for business and government; the importance of a low carbon economy to regional and rural Australia; and how all of these will combine to embrace new industries and create local employment in the Parkes Special Activation Precinct and accelerate our transition to a prosperous low carbon future.

Councillor George Pratt acknowledged the fine work of Tim Gillogly, Presentation Technical Officer in installing a plaque at Memorial Hill for the Vietnam Veterans.

There being no further business the Mayor declared the meeting closed at 4.57pm.