



# PARKES SHIRE COUNCIL

Our Mission: To Deliver Progress and Value to our Community

*Our Communities Vision:*

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

## MINUTES

TUESDAY 17 AUGUST 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

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## Ordinary Meeting

**Minutes of the Ordinary Meeting held in the Council Administration Centre, 2 Cecile Street, Parkes on Tuesday 17 August 2021 at 2.00pm.**

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### 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 17 August 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.

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## **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 - 301 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 Bill Jayet.

**CARRIED**

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## **17 CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

### **17.1 (GM) Service Centre and Associated Industries - Commercial Terms**

Prepared By: General Manager

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#### **Executive Summary**

A separate report to the Open Council Meeting outlines the Service centre proposal. Attached to this report is the commercial terms under which the transaction will occur.

#### **Recommendation**

1. That Council enter into a Memorandum of Understanding (MOU) with Regional Development Growth Corporation for the sale of Council owned land associated with the proposed Service Centre development on the corner of Westlime Road and Henry Parkes Way (on the new Newell Highway Bypass).

#### **21 - 302 Resolution**

1. That the recommendations be adopted.

Moved Councillor Alan Ward, seconded Councillor Pat Smith.

**CARRIED**

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## **17.2 (DPE) Contract - Provision for Collection and Recycling Scrap Metal**

Prepared By: Director Planning and Environment

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### **Executive Summary**

NetWaste Councils currently manage collection and recycling of scrap metal material from nominated waste facilities under a single contract.

The services currently to Councils include:

- The collection, transportation, and recycling of scrap metal from collection facilities within the NetWaste region
- Providing reports to NetWaste and the respective Councils as required outlining the volume of scrap metal collected from each participating Council including payment
- Responding to and actioning service requests from the participating Councils for collection of scrap metal from Council waste sites within the required timeframes

Council needs to determine its participation in the collective contract.

### **Recommendation**

1. That Council accepts the NetWaste tender submitted by Sims for Collection and Recycling of Scrap Metal for the initial two (2) year term and sign the required contract documentation.

As the existing contract expiry date (26 July 2021) will be surpassed, a new contract start date for the two (2) year term will be advised by NetWaste upon endorsement from all participating Councils.

Upon negotiation from NetWaste, Sims are agreeable to a service extension to the current scrap metal contract until the end of September 2021, whilst the Council endorsement process takes place.

### **21 - 303 Resolution**

1. That the recommendations be adopted.

Moved Councillor Neil Westcott, seconded Councillor George Pratt.

**CARRIED**

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### **17.3 Committee Minutes - Parkes Elvis Festival Committee Meeting 11 August 2021**

Prepared By: Economic and Business Development Manager

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#### **Executive Summary**

Meetings of the Elvis Festival Committee were held at the Parkes Shire Council on 11 April 2018. The Minutes are attached for Council's endorsement.

#### **Recommendation**

1. That the Minutes of the Elvis Festival Committee meetings held on 11 August 2021 be noted and the recommendations of the Committee be endorsed by Council.

#### **21 - 304 Resolution**

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

**CARRIED**

## **1 PRAYER**

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

## **2 APOLOGIES**

### **21 - 305 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 - 306 Resolution**

That the Minutes of the Ordinary Meeting of Parkes Shire Council held on Tuesday 20 July 2021 copies of which have been forwarded to Councillors, be confirmed.

Moved Councillor Neil Westcott, seconded Councillor Alan Ward.

**CARRIED**

## **4 DECLARATIONS OF INTEREST**

Nil

## **5 NOTICES OF MOTION/RESCISSION**

Nil

## **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 - 307 Resolution**

That Late Item/s  
10.9 (GM) Covid-19 Update

be considered at this Council meeting.

Moved Councillor Alan Ward, seconded Councillor Pat Smith.

**CARRIED**



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## **7 MAYORAL MINUTES**

### **7.1 Mayoral Minute - Functions Attended by Mayor and Councillors**

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#### **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 - 308 Resolution**

1. That this report be received and noted.

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

**CARRIED**

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## **7.2 Mayoral Minute - Coming Known Events for Mayor and Councillors**

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### **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 - 309 Resolution**

1. That this report be received and noted.

Moved Councillor Pat Smith, seconded Councillor George Pratt.

**CARRIED**

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## **7.3 Mayoral Minute - New Pavilion for Parkes Showground**

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### **Executive Summary**

On 5 August 2021, the Hon Sam Faraway announced that the NSW Government will provide \$4,046,020 for a brand new pavilion at the Parkes Showground, in the latest round of the COVID-19 showground stimulus program.

### **Recommendation**

1. That this report be received and noted.
2. That a letter be sent to the Parkes PA&H Association congratulating them on procuring this funding.
3. That the Grants team's work be formally acknowledged.
4. That the NSW Government be thanked for their support

### **21 - 310 Resolution**

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor Neil Westcott.

**CARRIED**

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## **8 COUNCILLORS' REPORT**

Nil

## **9 INWARDS CORRESPONDENCE**

### **9.1 (ICR) Letters of Appreciation**

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#### **Executive Summary**

During the exercise of its various functions, Council frequently receives letters of appreciation for services rendered or actions taken by Councillors and staff. The most recently received is a thank you letter from Trundle & District Community Consultative Committee and a letter of appreciation from the Parkes Showground Land Manager Board.

#### **Recommendation**

1. That the information be received and noted.

#### **21 - 311 Resolution**

1. That the information be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Alan Ward.

**CARRIED**

## **10 GENERAL MANAGER'S REPORT**

### **10.1 (GM) Investment and Borrowings Report as at 31 July 2021**

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#### **Executive Summary**

The carrying value of Council's cash & investments at 31 July 2021 was \$26,679,165 and the principal outstanding on Council's borrowings was \$19,130,834.

#### **Recommendation**

1. That the information in relation to investments held and borrowings at 31 July 2021 be received and noted.

#### **21 - 312 Resolution**

1. That the information in relation to investments held and borrowings at 31 July 2021 be received and noted.

Moved Councillor Ken McGrath, seconded Councillor Bill Jayet.

**CARRIED**

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## **10.2 (GM) Arrangements around the postponement of Local Government Elections to 04 December 2021**

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### **Executive Summary**

The Minister for Local Government has published an order in the Gazette under section 318C of the *Local Government Act 1993* (the Act) postponing all NSW Council elections to **4 December 2021**.

We are advised that the decision to postpone all council elections has been made in response to the escalating outbreak of the Delta variant of the COVID-19 virus in Greater Sydney and the potential for further outbreaks in regional areas. The decision has been made in consultation with and on the advice of the NSW Electoral Commissioner and NSW Health.

### **Recommendation**

1. That the information on the postponement of the Local Government election to 04 December 2021 be noted.
2. That the September Council meeting revert back to the original scheduled date of 21 September 2021.
3. That the December meeting be deferred to 2.00pm Thursday 23 December 2021
4. That the first meeting in 2022 be held at 2.00pm Tuesday 18 January 2022.
5. That the change in meeting dates be publicly notified in accordance with Council's Code of Meeting Policy.
6. That an election for the Deputy Mayor for the term September to 04 December 2021 be held at the scheduled September Council meeting.

### **21 - 313 Resolution**

1. That the recommendations be adopted.

Moved Councillor Ken McGrath, seconded Councillor Barbara Newton.

**CARRIED**

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### **10.3 (GM) Cancellation of Parkes Shire Shows 2021 and Associated Declared Public Holidays**

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#### **Executive Summary**

The Executives of the Parkes Shire PA & H Associations have advised of the cancellation of their respective Shows for 2021 due to the unacceptable degree of risk to the community currently posed by the COVID-19 pandemic COVID-19 and restrictions around public gathering.

#### **Recommendation**

1. That the information on the cancellation of the 2021 Parkes District Shows be noted.
2. That Council support the cancellation of the public holidays declared for the purpose of 2021 Trundle, Peak Hill and Parkes Shows.

#### **21 - 314 Resolution**

1. That the recommendations be adopted.

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

**CARRIED**

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### **10.4 (GM) Public Holidays for Parkes Shire District Shows 2022 and 2023**

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#### **Executive Summary**

The New South Wales Premier and Cabinet are inviting applications from Local Government Authorities for the appointment of local public holidays or local event days for 2022 and 2023.

#### **Recommendation**

1. That Council commence the process inviting submissions and comments on proposed public holidays to be declared for the purpose of the respective Shire Shows scheduled for 2022 and 2023.
2. That a report be tabled at Council's 19 October 2021 Council meeting.

#### **21 - 315 Resolution**

1. That the recommendations be adopted.

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

**CARRIED**

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## **10.5 (GM) Policy Development and Review - Business Continuity Policy**

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### **Executive Summary**

An important component of Council's corporate governance responsibility is the progressive development and review of Council's policies.

Under the rolling policy development program, the Business Continuity Policy has been reviewed and updated. The subsequent Plans and Sub-plans for Council's business units are now being reviewed.

### **Recommendation**

1. That the Business Continuity Policy be adopted in line with Council's Policy Review and Development Program.

### **21 - 316 Resolution**

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor Barbara Newton.

**CARRIED**

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## **10.6 (GM) Request for Detailed Proposal - Service Centre and Associated Industries**

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### **Executive Summary**

Since the announcement of the Parkes bypass, bolstered by the Parkes Special Activation Precinct (SAP) and Inland Rail announcements, Council has fielded a number of inquiries from companies wanting to build a service-centre (small and large) somewhere along the bypass route.

As Council is aware the land south-west of the Condobolin Road/ Westlime Road intersection is owned by Council and has been identified in the recent SAP Masterplan as a suitable site for such facilities.

The site has the potential to be one of the highest profile highway service centre and commercial development opportunities in the Central West region of NSW, forming the gateway to the Parkes Special Activation Precinct and National Logistics Hub. This is a major new transport-logistics precinct which leverages Parkes' central location at the junction of the north-south Inland Rail project and Trans-Australian Railway.

Given the high level of interest, we believe there is every likelihood that a major facility could be built at this location to support the needs of through travellers, the Special Activation Precinct, and to accommodate heavy vehicles from all directions, but not such businesses that draw commerce away from the Parkes CBD. It is considered important that any service centre development on the bypass be the right size, configuration and has the right service offering to meet these objectives.

Following the completion of the invitations for Expressions of Interest in late 2020 Regional Growth NSW Development Corporation (RGDC) and Parkes Shire Council (Council), have selected a shortlist of Proponents to take to the next round. The proposals will outline how the proponent plans to deliver a high-quality gateway precinct spanning approximately 20 hectares. Requests for Detailed Proposals will close on Thursday 2 September 2021 at 2pm.

Council has also been working with our solicitors to enter a Memorandum of Understanding (MOU) with RGDC which sets out the terms on which the sale of the land will be made once a preferred proponent is identified.

The commercial terms of the MOU are included in the Confidential section of this Agenda.

### **Recommendation**

1. That Council enter into a Memorandum of Understanding (MOU) with Regional Development Growth Corporation for the sale of Council owned land associated with the proposed Service Centre development on the corner of Westlime Road and Henry Parkes Way (on the new Newell Highway Bypass).

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**21 - 317      Resolution**

1. That the recommendations be adopted.

Moved Councillor Ken McGrath, seconded Councillor George Pratt.

**CARRIED**

**10.7 (GM) Request for use of Peak Hill Town Improvement Funds - Purchase of Mower**

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**Executive Summary**

The Peak Hill Community Consultative Committee have requested the use of funds from the Peak Hill Town Improvement Fund to purchase a slasher to be used in the maintenance of the entrances, roadside areas and laneways in Peak Hill.

**Recommendation**

1. That the request from Peak Hill Community Consultative Committee to not continue with the contract slasher quotes be noted.
2. That Council approve the use of Peak Hill Town Improvement funds for the purchase of a suitable mower/slasher for use in Peak Hill.

**21 - 318      Resolution**

1. That the recommendations be adopted.

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

**CARRIED**



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## **10.8 (GM) Request for use of Trundle Town Improvement Funds - Tree Planting at Berryman Park**

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### **Executive Summary**

The Trundle & District Progress Association are endorsing the use of funds from the Trundle Town Improvement allocation to a tree planting project at Berryman Park Trundle.

### **Recommendation**

1. That the request for \$10,000 to be allocated from the Trundle Town Improvement Fund for the proposed tree planting project at Berryman Park be approved.

### **21 - 319 Resolution**

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor George Pratt.

**CARRIED**

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## 10.9 (GM) Covid-19 Update

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### Executive Summary

Council would be aware that the NSW Government imposed a Statewide lockdown from 5pm Saturday 14 August 2021 through until 12.01am Sunday 22 August 2021 to combat the spread of the Covid-19 virus.

Additionally, two (2) consecutive sewage sample taken from the Parkes Treatment Plant have contained virus fragments, which indicates an infected person has been, or is in Parkes with the virus.

The Mayor has been lobbying government for many weeks to introduce rolling vaccination clinics across our region to allow regional residents the same access to the vaccine as city residents, and has also appealed to the public to be tested even if they have the mildest of symptoms.

Councils' lockdown response, which is aimed to support the lockdown by discourage people from leaving home, is detailed in the attached table.

### Recommendation

1. That this report be received and noted.
2. That Council's current review of leasing and licensing of community facilities and groups be postponed until 1 July 2022.
3. That other opportunities to assist the community during Covid pandemic and lockdowns be investigated as a matter of priority.

### 21 - 320 Resolution

1. That the recommendations be adopted.

Moved Councillor Pat Smith, seconded Councillor Barbara Newton.

**CARRIED**

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## **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 17 August 2021**

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#### **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 - 321 Resolution**

1. That the information be received and noted.

Moved Councillor Neil Westcott, seconded Councillor Alan Ward.

**CARRIED**

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## **12.2 (DPE) July 2021 Building Statistics**

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### **Executive Summary**

During the month of July 2021 there were six (6) Development Applications received totalling \$150,935.50 and twenty-six (26) consents were issued. One (1) Complying Development Certificate was received totalling \$250,000.00 and one (1) Complying Development Certificate was approved.

### **Recommendation**

1. That the information be received and noted.

### **21 - 322 Resolution**

1. That the information be received and noted.

Moved Councillor Bill Jayet, seconded Councillor George Pratt.

**CARRIED**

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## 12.3 (DPE) DA2020-0056 - Secondary Dwelling at Lot 2 DP 504248, 44 Molong Road, Parkes

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### Development Application Information

**Application No:** DA2020/0056

**Applicant:** BT Homes

**Property:** Lot 2 DP 504248, 44 Molong Road, Parkes

**Proposal:** Secondary Dwelling

### Executive Summary

Development Application No. DA2020/0056 was granted Development Consent for a Secondary Dwelling, on 1 September 2020, subject to 22 conditions.

The Applicant has requested a review of the Development Consent in accordance with Clause 8.3 of the Environmental Planning and Assessment Act 1979, which requires a review of the previous decision in its entirety. The applicant specifically seeks a review of Condition No. 15 as follows:

15. 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 0.60.

**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.

Condition No. 15 requires the payment of a Section 64 water contribution in accordance with the Local Government Act 1993, Council's Developer Services Plan and adopted fees and charges.

The application has been assessed in accordance with the relevant provisions of Division 8.2 Reviews of the Environmental Planning and Assessment Act 1979 and Division 12B Applications for review under Division 2 of Part 4 of the Act under the Environmental Planning and Assessment Regulation 2000 (see Section 8.3 Reviews below).

In accordance with Section 8.4 of the Act, it is recommended that Council confirms the determination previously made by a delegate of Council including the previously issued Notice of Determination.

The development assessment report (original) for the development proposal is included in Attachment 1. Correspondence submitted by the applicant in relation to the request for a review is included in Attachment 2. A Development Assessment Report, dealing with all aspects of the review is included in Attachment 3.

## **Developer charges - section 64 of the Local Government Act 1993**

Developer charges are up-front charges levied to recover part of the infrastructure costs incurred in servicing new developments or additions/changes to existing developments. They relate to such things as the future augmentation to supply main upgrades and expansion of treatment facilities, not particularly to the local reticulation network.

The power for local government councils to levy developer charges for water supply, sewerage and stormwater derives from section 64 of the Local Government Act 1993 by means of a cross-reference to Section 306 of the Water Management Act 2000. Section 306 of the Water Management Act indicates that the calculation of developer charges may consider the value of existing water management works and the estimated cost of projected water management works.

Developer charges serve three related functions:

1. they provide a source of funding for infrastructure required for new urban development;
2. they provide signals regarding the cost of urban development and thus encourage less costly forms and areas of development; and
3. are an integral part of the fair pricing, of water related services

The charges are based on an equivalent tenement (ET) basis. For water supply, an ET is the average annual residential water consumed for a detached residential dwelling. A standard residential allotment is normally considered to be 1x ET. Where non-standard dwellings are proposed on allotments, such as units, townhouses, additional dwellings, flats or other such configurations, the relative ET is calculated based on the proposed configuration and relative to a 1x ET dwelling.

The subject flat, is considered to add the equivalent of 0.6ETs (based on the relevant guidelines).

Guidelines on section 64 charges can be found at;  
[https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0007/148372/2016-Developer-Charges-Guidelines.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/148372/2016-Developer-Charges-Guidelines.pdf)

## **Recommendation**

It is recommended that Council confirms the determination previously made by a delegate of Council including the previously issued Notice of Determination.

## **Conditions (as approved under Development Consent No. DA2020/0056)**

### **Approved Plans and Documents**

1. The development shall be carried out in accordance with:
  - (i) the approved stamped plan(s) prepared by BT Homes, titled Proposed Residence (sheets 1- 4), dated 22 June 2020.
  - (ii) the approved stamped Statement of Environmental Effects, dated 17 June 2020.
  - (iii) the commitments in the stamped approved BASIX Certificate.

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.

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### 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, 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 (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'.
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 Work

6. Clearing of land, 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.
7. 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*.
8. 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.
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. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
10. 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.

11. Throughout the course of building works 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.
12. 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.
13. 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 the onsite rainwater tank with overflow conveyed a minimum of three (3) metres clear of all onsite structures without impacting on neighbouring properties.
  - 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.

### **Prior to Occupation**

14. 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.
15. 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 0.60.

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.

16. Prior to the issue of an Occupation Certificate, a minimum of 20,000 litres of water supply shall be reserved for firefighting purposes onsite. Where the total volume is provided in a single tank, the draw off point for the domestic supply is to be located at or above the 20,000 litre level. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. Water tanks for firefighting purposes shall be generally located in close proximity to the dwelling and allow access for fire fighting vehicles.

### **Prescribed Conditions**

17. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
18. 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.



19. 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.

20. 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.
21. 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.

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

**21 - 323      Resolution**

1. That the recommendations be adopted.

Moved Councillor Bill Jayet, seconded Councillor Pat Smith.

**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 and Cr LA O'Leary

Against: Cr KM McGrath

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

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## **12.4 (DPE) DA2021-0018 - Eco-tourist facility, highway service centre and associated signage at Lot 482 DP 755113, 4617 Newell Highway, Peak Hill**

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### **Development Application Information**

**Application No:** DA2021/0018

**Applicant:** George Hayek Pty Ltd

**Property:** Lot 482 DP 755113, 4617 Newell Highway, Peak Hill

**Proposal:** Eco-tourist facility, Highway Service Centre and associated signage

### **Executive Summary**

DA2021/0018 proposes the construction of an Eco-Tourist Facility, Highway Service Centre and associated signage on Lot 482 DP 755113, 4617 Newell Highway, Peak Hill. The subject land is an RU1 Primary Production allotment, located 1.75 kilometres south of the Peak Hill township, with a total land area of approximately 17.3 hectares. The land has consistent gentle slope to the west with no significant drainage corridors running through the site. The site features a dam and is predominately clear of vegetation, with sporadic, isolated paddock trees. The land features a single storey dwelling-house and has frontage to the Newell Highway.

The proposal comprises the following components:

- A Highway Service Centre with a convenience store/restaurant and dining area, refuelling areas for light and heavy vehicles and an associated heavy vehicle rest stop area.
- An Eco-Tourism Facility with thirteen (13) accommodation blocks each having four (4) individual rooms, a caretaker's residence, a restaurant and eco-centre and a swimming pool.
- The development will include the provision of an on-site stormwater detention pond and on-site wastewater management system.
- The remainder of the site (western portion) will remain vacant of buildings and used for agricultural purposes.

The proposed development was publicly exhibited and notified to adjoining landowners in accordance with the Parkes Shire Community Engagement Strategy from 26 February 2021 to 12 March 2021. No submissions to the proposal were received during the notification period.

The development is not consistent with all relevant State Environmental Planning Policies or the Parkes Local Environmental Plan 2012.

The assessment of the development proposal (see Attachment 3) concludes the proposed development does not sufficiently meet the definition of an Eco-Tourist Facility or the standards outlined in Clause 5.13 of the Parkes Local Environmental Plan 2012. Transport for New South Wales have advised the application provides insufficient detail for complete assessment; however, the design of the proposed access / egress to the site does not comply with the relevant adopted engineering standards (Austroads) and concurrence under a subsequent Section 138 Application cannot be obtained as proposed.

The submitted plans also demonstrate a number of light and heavy vehicle traffic conflicts, particularly adjacent to the Eco-Tourist Facility.

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 refused due to the following reasons.

The development is not consistent with relevant State Environmental Planning Policies or the Parkes Local Environmental Plan 2012. The proposed development does not meet the definition of an Eco-Tourist Facility, or the standards outlined in Clause 5.13 of the Parkes Local Environmental Plan 2012.

The design of the proposed access / egress to the site does not comply with the relevant adopted engineering standards (Austroads) and proposed road works do not provide the development with safe vehicular ingress and egress. The proposal has negative impacts on and compromises the use of the national highway.

### **21 - 324 Resolution**

That the recommendation be adopted.

Moved Councillor Bill Jayet, 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

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## **12.5 (DPE) DA2021-0078 Additions to Health Consulting Room, Boundary Adjustment and Demolition of Existing Outbuildings at Lot 3 DP 19284, 28 Armstrong Street, Parkes and Lot 2 DP 19284, 53 Dalton Street, Parkes**

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### **Development Application Information**

**Application No:** DA2021/0078

**Applicant:** Luke John Kerin

**Property:** Lot 3 DP 19284, 28 Armstrong Street, Parkes and Lot 2 DP 19284, 53 Dalton Street, Parkes

**Proposal:** Additions to Health Consulting Room, Boundary Adjustment and Demolition of Existing Outbuildings

### **Executive Summary**

Council is in receipt of a development application for Additions to Health Consulting Rooms, Boundary Adjustment and Demolition of Existing Outbuildings at 28 Armstrong Street, Parkes and 53 Dalton Street, Parkes. The application is reported to Council for determination, given the proposal is not consistent with the onsite car parking requirements under clause 3.3.4 Car Parking and Access of the Parkes Development Control Plan 2013 and one submission was received in relation to the development.

The site contains existing Health Consulting Rooms, known as Kerin Physio Co, which was approved by Council in 2018. The application proposed substantial additions to the existing facility, which will necessitate a boundary adjustment between the subject allotments to accommodate the new facility.

The facility will accommodate 7 new rooms, reception area and amenities. The new rooms will be used for pilates, child minding, 3 additional health consulting rooms and a storage room. An undercover play area will connect the existing premises and the new addition. No changes to the existing, approved hours of operation are proposed.

The proposal is not consistent with Clause 3.3.4 of the Parkes Development Control Plan 2013 (DCP), which requires a total of 21 spaces to be provided onsite. The applicant proposes three onsite car parking spaces, including a disabled car parking space. A parking impact assessment has been submitted with the application which justifies the shortfall.

The assessment of the development proposal (Attachment 3) concludes the proposed development will not detrimentally impact on traffic or car parking in the area, given the scale and nature of the development and availability of car parking in the adjacent AE Fox Carpark and surrounding streets.

The development application was placed on exhibition and neighbour notified for a period of 21 days from 18 June 2021 to 2 July 2021. One submission (attachment 4) was received in relation to the development relating to car parking, storm water and impacts on amenity on the surrounding area.

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**

### **Conditions imposed by Parkes Shire Council**

#### **Approved Plans & Documentation**

1. The development shall be carried out in accordance with:
  - I. The approved stamped site, floor and elevation plan(s) prepared by Barnson.
  - II. The approved stamped Subdivision Plan prepared by Barnson.
  - III. The approved stamped Statement of Environmental Effects.

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

#### **Prior to Commencement of Works**

2. Prior to the commencement of any work within the public road reserve, a Section 138 Permit must be obtained from Parkes Shire Council. A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority Manual – version 4 is to be submitted with the Section 138 Permit. Details demonstrating compliance shall be submitted with the Construction Certificate application.
3. Prior to commencement of works, a detailed engineering design shall be prepared for the driveway and internal pavement/hardstand areas. Engineering design must be approved by the Director Works and Services prior to issue of Construction Certificate.
4. Prior to the commencement of 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 detail proposed measures to achieve a zero net increase of peak discharge at the minor design storm with appropriate onsite detention/retention. The engineering detail shall be submitted for approval with the Section 68 application.

**Note:** Levels must be provided in regard to pits and pipes such as lid levels and inverts, as well as associated parameters such as grades of pipes, pipe size, pipe materials etc. Sufficient detail must be provided to allow verification that water is able to freely drain, especially in locations where water is likely to accumulate or grades are very minimal.

5. The earth bund proposed along the western and southern boundary is not permitted as it is not a sufficient measure to manage stormwater on site. As part of the detailed stormwater management plan, details of an alternate measure such as a retaining wall shall be provided.
6. All stormwater from the roof of the dwelling fronting Dalton Street (proposed lot 2) shall be directed to the street drainage infrastructure in Dalton Street. Details showing compliance are to be shown on the stormwater management plan.
7. All stormwater from the roof of the Health Consulting Rooms fronting Armstrong Street (proposed lot 1) shall be directed to the street drainage infrastructure in Armstrong Street. Details showing compliance are to be shown on the stormwater management plan.
8. Prior to the commencement of work, a Section 68 application to carry out sewerage work, stormwater drainage work, and if applicable water supply work is to be submitted to and approved by Parkes Shire Council. The Section 68 Application must include a plan and long section design of the proposed drainage showing the levels of the point of connection to the sewer main at the junction, the levels at relevant points on the drainage lines demonstrating fall as required by AS 3500 will be achieved.

Note: All work shall be carried out by a licensed plumber and drainer, to the requirements of the Plumbing Code of Australia and must comply with any conditions of the Section 68 approval.

9. 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 revegetated. The controls shall be in accordance with the latest publication of Managing Urban Stormwater – Soils and Construction produced by Landcom.
10. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Development and Engineering Standards prior to any building and or subdivision works commencing.

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

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

11. The Applicant must submit to 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'.
12. Prior to the commencement of any retaining walls, works and associated drainage are to be set out by a registered surveyor to ensure the proposed structures are located within the property boundary, and there is no encroachment onto neighbouring land.

13. A Waste Management Plan shall be submitted to Council prior to the commencement of any demolition works. The Plan must address, but not limited to, the following matters:
- (a) Details of demolition works and the presence of asbestos or other hazardous waste;
  - (b) Details of waste to be generated by the work;
  - (c) Arrangements for removal of waste material from site; and
  - (d) Destination of waste materials being removed from the site.

#### **Prior to Issue of the Construction Certificate**

14. 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](http://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.

<b>Contribution Type</b>	<b>Proposed Cost of Development 1</b>	<b>Levy %</b>	<b>Total Contribution</b>	<b>Contribution Rate remains current until</b>
Section 94A Contribution	\$550,000.00	1% above \$200,000.00	\$3,500.00	Next CPI Quarterly Adjustment

15. Prior to the issue of a construction certificate a detailed landscaping plan is to be submitted to Parkes Shire Council that achieves:
- (a) A front boundary fence in front of 28 Armstrong Street, Parkes, which is consistent in height with front fences of adjoining properties to the south along Armstrong Street, Parkes.
  - (b) Details of landscaping, such as shrubs and small plants in front of 28 Armstrong Street, Parkes in areas that are not required for vehicle manoeuvring.
  - (c) A front boundary fence in front of 53 Dalton Street, Parkes that complies with Subdivision 17 the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (maximum height of 1.2 metres) to provide private open space to existing dwelling.

#### **During Demolition / Construction**

16. The demolition works are to be carried out in accordance with Australian Standard 2601- 2001: The Demolition of Structures and the provisions of the Work Health and Safety Act 2011, the Code of Practice for the Safe Removal of Asbestos [NOHSC:2002(2005)], and any relevant requirements of the Safework NSW.
17. Upon completion of demolition and prior to commencement of construction, the following information must be submitted to Council:
- (a) An asbestos clearance certificate prepared by a competent person; and



- (b) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with this consent. In reviewing documentation Council will require actual receipts for the recycling/disposal of all materials.
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 demolition, 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.
20. Demolition work, building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
21. 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.
22. All roofed and paved areas shall be drained so that water from those areas is conveyed to the street gutter in accordance with the approved stormwater management plan and Australian Standard 3500, 'National Plumbing and Drainage'. Stormwater disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.
23. During construction, the applicant shall construct the driveway and laybacks at the nominated locations as per the approved site plan. The work must be completed prior to the issue of an Occupation Certificate. The driveway shall be constructed to the following Parkes Shire Council minimum standard;
- (a) Driveway 3-6m wide with a minimum grade of 2% and maximum grade 4%, to property boundary.
  - (b) Concrete slab shall be 150mm thick, 32MPa GP concrete, founded on 75mm of compacted gravel.
24. During construction, the cutting-in of new stormwater outlets into the existing street kerb shall be carried out in accordance with the following standard:
- (a) A prefabricated kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised.
  - (b) The opening in the kerb is created by a clean saw cut.
  - (c) The kerb adaptor is to be kept flush with the top and outside face of the kerb.

- (d) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.
25. During construction, internal driveways, hardstand areas and parking areas shall be sealed in accordance with the following:
- a) Approved parking/site plan
  - b) *Parkes Shire Council Engineering Specifications 2017.*
  - c) *Parkes Shire Council Development Control Plan 2013.*
  - d) *AS 2890.1-2004 Off-Street Car Parking.*
  - e) *AS 2890.2-2004 Parking Facilities Off-street Commercial Vehicle Facilities.*
  - f) *AS 2890.6-2004 Off-street Parking for People with Disabilities.*
  - g) *AUSTROADS Guide to Traffic Management.*

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

### **Prior to Occupation of an Occupation Certificate**

26. Prior to the issue of an occupation certificate, 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 and access to the development have been undertaken and complied with in full.
- Note: Council will only accept accesses that are completed to Parkes Shire Council's Urban Residential Access minimum standard.
- Note: Parkes Shire Council as the consent authority requires inspection of works at the following stages:
- 1) Prior to concrete pour, after erection of forms.
  - 2) At completion of works, when access has been suitably surfaced and forms a smooth junction with the existing layback, and the verge area on either side of the access.
27. Application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to use of the whole or part of the new building/works.
28. 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](mailto:afss@fire.nsw.gov).
29. 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 Certifying Authority.
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 2.8 ETs.

- Note. Sewer ET's for the development have been calculated to be 4.42 ETs.
- Note. \$12,985.00 is the current Section 64 water developer charge per ET set out in Council's published fees and charges for 2021/22. This charge is reviewed each financial year. The current contribution rate is to be confirmed prior to payment.
- Note. \$4,848 is the current Section 64 sewer developer charge per ET set out in Council's published fees and charges for 2021/22. 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 subdivision certificate is to be obtained from Parkes Shire Council for the boundary adjustment.
32. The final survey plan shall show an easement to drain water, burdening Lot 1 for the benefit of Lot 2 as shown on the stamped approved stormwater management plan.
33. Prior to the issue of a subdivision certificate, a clothes line shall be installed for the dwelling at 35 Dalton Street.

### **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](mailto:afss@fire.nsw.gov).
35. The location and facilities for the collection, storage and disposal of waste generated within the premises must be in such a manner that the waste materials/storage bins or refuse areas are not visible from any public place.
36. There must be no interference with the amenity of the area by reason of the emission of any "offensive noise" as defined in the Protection of the Environment Operations Act 1997 as a result of the development.
37. The stormwater pits and wet well shall be maintained and kept free of any obstructions to ensure optimum working capacity. A generator, or alternate power supply shall be kept on site to provide a back- up power supply for the pump servicing the wet well.
38. The hours of operation of the physiotherapy clinic are restricted to those times listed below:
- |     |                            |                  |
|-----|----------------------------|------------------|
| (a) | Monday to Friday           | 6:00am to 7:00pm |
| (b) | Weekends / Public Holidays | Closed           |

### **Prescribed Conditions**

39. The work must be carried out in accordance with the requirements of the Building Code of Australia.
40. 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.

41. 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 - 325 Resolution**

That the recommendation be adopted.

Moved Councillor Neil Westcott, 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 and Cr LA O'Leary

Against: Cr KM McGrath

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

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## **12.6 (DPE) DA2021-0093 - Subdivision (2 Lots), at Lot 5 DP 912168, 67 Hill Street, Parkes**

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### **Development Application Information**

**Application No:** DA2021/0093

**Applicant:** SUH Custodian Pty Ltd

**Property:** Lot 5 DP 912168, 67 Hill Street, Parkes

**Proposal:** Subdivision (2 Lots)

### **Executive Summary**

Development Application No. DA20210/0093 proposes a two (2) lot subdivision of Lot 5 DP 912168, 67 Hill Street, Parkes. The proposed subdivision includes the creation of proposed Lot 10 fronting Hill Street with an area of 561.5m<sup>2</sup> and proposed Lot 11 fronting the rear laneway (Pindari Place) with an area of 450m<sup>2</sup>. Proposed Lot 10 includes an easement for drainage of water given the slope of the land to the west and right of access two (2) wide benefitting proposed Lot 11.

The proposed development was notified to adjoining landowners in accordance with the Parkes Shire Community Engagement Strategy 2021 from 1 July 2021 to 15 July 2021. During the notification period one (1) objection was received. The objection raised concerns that the proposed development is not consistent with the character of the locality, will set a precedent which in the locality which in time could become congested, will redirect underground water which is already creating rising salt damp issues and reduce privacy to neighbouring allotments, particularly if a two storey dwelling is built.

The proposed development is supported in the circumstances, given the proposal is consistent with the Parkes Local Environmental Plan 2012 and the Parkes Shire Development Control Plan 2013, there are existing laneway frontage allotments at 1 Pindari Place and 66 McGees Lane; which are sited further from the Parkes Central Business District, education and employment opportunities and public transport than the subject allotment and any new dwelling-house upon the land is subject to detailed assessment under a future application. It is assessed through the imposition of conditions requiring stormwater to be conveyed to Council's stormwater infrastructure system in Hill Street that any rising salt damp issues will not be exacerbated.

A comprehensive review of the submission is included in the attached Assessment Report on pages 11-12. It is concluded that the proposed development fits in the locality and there are no constraints on the site or posed by adjacent developments. There are no reasons warranting the refusal of the application and it is recommended that the development application be approved, subject to appropriate conditions.

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

## Recommendation

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

## Conditions

### Approved Plans and Documentation

1. The development shall be carried out in accordance with:
  - a) the approved and stamped plan(s) prepared by Arndell Surveying, Reference No. 11637 dated 1 April 2021.
  - b) the approved Statement of Environmental Effects prepared by Arndell Surveying, dated March 2021.

Except where amended in red or by any of the following conditions of consent.

### Prior to Commencement

2. Prior to construction of the approved development it is necessary for the Applicant to obtain a Subdivision Works Certificate. A Subdivision Works Certificate may be issued either by Parkes Shire Council or an Accredited Certifying Authority.

Note: It is not necessary to lodge an application for a Subdivision Works Certificate if a Subdivision Works Certificate has been issued with this consent.

Note: If you have been issued with a Subdivision Works Certificate by a Certifying Authority that is separate from Parkes Shire Council it will be necessary to lodge a copy of the Subdivision Works Certificate and any other approved documents with Council at least two days prior to the commencement of work on the site.

3. Prior to any work commencing within a public road reserve located within the Parkes Shire the Applicant shall submit for the approval by Parkes Shire Council's Director Engineering Services, as part of an Application to Occupy Roads and Footpath under Section 138 of the Roads Act 1993, detailed engineering design drawings of intended works. The drawings are to be accompanied by associated sediment control plans, environmental management plans, work method statements and traffic control plans.
4. 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.

5. The Applicant shall submit to Parkes Shire Council a detailed design of the reticulated water supply network to service the proposed development. The design shall include all construction drawings and calculations to enable construction of the reticulated water supply network in accordance with *Parkes Shire Council Engineering Standards*

*2019 and WSA-03 Water Code of Australia*. The detailed design shall be approved by the Director of Infrastructure prior to the issue of a Subdivision Works Certificate.

6. The Applicant shall submit to Parkes Shire Council a detailed design of the sewerage network to service the proposed development. The design shall include all construction drawings and calculations to enable construction of the sewerage network in accordance with *Parkes Shire Council Engineering Standards 2019* and *WSA-02 Sewerage Code of Australia*. The detailed design shall be approved by the Director of Infrastructure prior to the issue of a Subdivision Works Certificate.
7. The Applicant shall submit to Parkes Shire Council a Stormwater Management Plan (SMP) to service the proposed development. The SMP shall include all construction drawings and calculations to enable construction of the drainage network in accordance with *AUSPEC#1/Parkes Shire Council* and *Australian Rainfall and Runoff 2016*. The stormwater drainage network shall cater for a 1 in 10 year ARI 'minor' storm event and a 1 in 100 year ARI 'major' storm event. Inter-allotment drainage must be provided to all lots that cannot drain all or part of their overland flows directly to a street frontage or drainage easement. The detailed design shall be approved by the Director of Works and Services prior to the issue of a Subdivision Works Certificate.
8. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
9. 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 revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with latest publication of *Managing Urban Stormwater – Soils and Construction* produced by Landcom.

### **During Work**

10. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.
11. Construction 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.
12. Throughout the course of construction operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site. 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.
13. Building and construction materials, plant, equipment and the like are not to be placed or stored at any time on a public footpath or roadway.
14. 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.

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15. Introduce and effectively maintain measures to suppress and control dust at all times during the construction of the subdivision. Details of the proposed dust control measures, including procedures for the implementation of such measures, shall be submitted to Council for approval prior to commencement of construction works.
16. 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 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 waste generated on the site
17. All new lots are to be connected to a reticulated sewage main in accordance with approved design plans.
18. 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 sewerage to the subdivision have been undertaken and complied with in full. Council will not issue the Subdivision Certificate until written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.
- Note: Sewer reticulation mains and services must be physically provided to all new lots in accordance with *AUSPEC#1/Parkes Shire Council* and approved design plans.
- Note: Parkes Shire Council as water supply authority requires inspection of sewer installation works at the following stages:
- 1) When the sewer mains and services have been laid and prior to backfilling, including testing of mains and maintenance chambers to WSA02-2014.
  - 2) At completion of works.
- Note: \$4,848 is the current Section 64 sewerage 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. The subdivision has been calculated as having 1 ET.
- Note: A scaled "works as executed plan" showing the layout of sewer reticulation works that have been carried out in relation to the subdivision is required to be submitted to Parkes Shire Council for approval by Council's Director of Infrastructure prior to the issue of a Subdivision Certificate.
19. All new lots are to be connected to a reticulated water supply service and meter in accordance with *AUSPEC#1/Parkes Shire Council* and approved design plans.



20. 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 reticulated water supply to the subdivision have been undertaken and complied with in full. Council will not issue the Subdivision Certificate until written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.
- Note: Water mains, hydrants, services and meters must be physically provided to all new lots in accordance with WSA03-2011 and approved design plans.
- Note: Parkes Shire Council as the water supply authority requires inspection of water supply installation works at the following stages:
- 1) When water reticulated mains and services have been laid and prior to backfilling, including pressure testing to WSA03-2011.
  - 2) At completion of works.
- Note: \$12,985 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. The subdivision has been calculated as having 1 ETs.
- Note: A scaled "works as executed plan" showing the layout of the reticulation water supply works that have been carried out in relation to the subdivision is required to be submitted to Parkes Shire Council for approval by Council's Director of Infrastructure prior to the issue of a Subdivision Certificate.
21. All new lots unable to naturally drain to Parkes Shire Council's drainage system are to be connected to the provided inter-allotment drainage in accordance with approved design plans.
22. 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 stormwater infrastructure to the subdivision have been undertaken and complied with in full. Council will not issue the Subdivision Certificate until written evidence has been issued by an Accredited Certifier or Council, verifying that all works have been satisfactorily completed.
- Note: Stormwater pipes, pits and other required infrastructure must be physically provided to all new lots in accordance with WSA03-2011 and approved Stormwater Management Plan.
- Note: Parkes Shire Council as water supply authority requires inspection of stormwater installation works at the following stages:
- 1) When all trenches have been dug and materials are on-site prior to installation.
  - 2) When stormwater lines have been laid and prior to backfilling.
  - 3) At completion of works.
- Note: A scaled "works as executed plan" showing stormwater infrastructure that has been carried out in relation to the subdivision is required to be submitted to Parkes Shire Council for approval by Council's Director of Infrastructure prior to the issue of a Subdivision Certificate.
23. During work the applicant is to construct a minimum one (1) metre wide concrete/sealed/paved pathway from Hill Street to proposed Lot 11 within the right of access. The pathway is to be completed prior to the Issue of a Subdivision Certificate.

24. During work the applicant is to remove any structures which are located within the right of access.
25. During work the existing layback crossover is to be relocated to wholly serviced proposed Lot 10.

#### **Prior to the Issue of a Subdivision Certificate**

26. The Applicant is to obtain from Parkes Shire Council a Subdivision Certificate prior to its lodgement with Land and Property Information Services NSW. The final survey plan and six paper copies are to be submitted to Parkes Shire Council along with the application for the Subdivision Certificate.
27. The final survey plan shall show easements over all utility services. Easements for water and sewer shall be in favour of Parkes Shire Council.
28. The final survey plan shall show inter-allotment drainage for those lots that cannot drain all or part of their overland flows directly to a legal discharge point.

#### **Prescribed conditions under the Environmental Planning and Assessment Regulation 2000**

29. 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.

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

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

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

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

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

Note: Principal certifiers 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).

31. 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 - 326 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 and Cr LA O'Leary

Against: Cr KM McGrath and Cr AJ Ward

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

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## **13 DIRECTOR WORKS AND SERVICES REPORT**

### **13.1 (DWS) Major Projects & Current Works - Progress Report as at 17 August 2021**

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#### **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 - 327 Resolution**

That the information be received and noted.

Moved Councillor Neil Westcott, seconded Councillor Barbara Newton.

**CARRIED**

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## **14 DIRECTOR INFRASTRUCTURE REPORT**

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

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#### **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 - 328 Resolution**

That the information be received and noted.

Moved Councillor George Pratt, seconded Councillor Bill Jayet.

**CARRIED**

## **15 CONSIDERATION OF COMMITTEE MINUTES**

### **15.1 Committee Minutes - Little Theatre Management Committee Meeting 22 July 2021**

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#### **Executive Summary**

The Parkes Shire Little Theatre Management Committee met on Thursday 22 July 2021.

#### **Recommendation**

1. That the Minutes together with the Recommendations of the Little Theatre Management Committee meeting held on 22 July 2021 be endorsed be adopted.

#### **21 - 329 Resolution**

That the recommendation be adopted.

Moved Councillor Neil Westcott, seconded Councillor Bill Jayet.

**CARRIED**

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## **15.2 Committee Minutes - Cultural, Education & Library Committee Meeting 3 August 2021**

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### **Executive Summary**

The Parkes Shire Cultural, Education and Library Committee met on 3 August 2021. The Minutes of this meeting are attached for information and endorsement.

### **Recommendation**

1. That the Minutes and recommendations of the Parkes Cultural, Education & Library Committee meeting held on 3 August 2021 be endorsed.
2. That the nomination of Roxanne Gallacher as Council's representative to Arts Out West be endorsed.

### **21 - 330 Resolution**

That the recommendation be adopted.

Moved Councillor Barbara Newton, seconded Councillor Bill Jayet.

**CARRIED**

Councillor PJ Smith left the TEAMS meeting at 4.32pm.

## **15.3 Committee Minutes - Henry Parkes Centre Management Committee Meeting 3 August 2021**

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### **Executive Summary**

Henry Parkes Centre Management Committee meeting are scheduled to be held bi monthly with the Minutes from those meetings tabled at a Council for information.

A meeting was held on 3 August 2021, minutes are attached for Councillors information.

### **Recommendation**

1. That the Minutes of the Henry Parkes Centre Management Committee meeting held on 3 August 2021 be endorsed.

### **21 - 331 Resolution**

That the recommendation be adopted.

Moved Councillor Alan Ward, seconded Councillor Neil Westcott.

**CARRIED**

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## **15.4 Committee Minutes - Parkes Sports Council Annual General Meeting Committee Meeting 10 August 2021**

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### **Executive Summary**

The Minutes of the Parkes Sports Council Annual General Meeting held on 10 August 2021 are presented for the information of Council.

### **Recommendation**

1. That the Minutes and Actions of the Parkes Sports Council held on 10 August 2021 be endorsed.

### **21 - 332 Resolution**

That the recommendation be adopted.

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

**CARRIED**

## **16 QUESTIONS AND MATTERS OF URGENCY**

Nil

There being no further business the Mayor declared the meeting closed at 4.40pm.