

Ordinary Council Meeting

Late Reports Business Paper

Pursuant to section 9 of the *Local Government Act 1993*, notice is hereby given that an Ordinary Council Meeting of Parkes Shire Council will be held in the Parkes Council Chamber, 2 Cecile Street, Parkes, on Tuesday 20 December 2022 at 2:00pm.



Kent Boyd PSM
GENERAL MANAGER

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12 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY

12.5 APPROVAL OF COUNCILLOR ATTENDANCE AT 2023 LOCAL GOVERNMENT NSW RURAL & REGIONAL SUMMIT

IP&R Linkage: Pillar: Leadership

Goal: Our local government is open, accountable, and representative.

Strategy: Advocate and provide strong representation for our community at the regional, state, and federal levels.

Author: Shona Henry, Executive Officer

Authoriser: Cian Middleton, Director Customer, Corporate Services and Economy

Annexures: Nil

RECOMMENDATION

That Council:

1. Endorse the attendance of the Mayor and Councillor _____ at the 2023 Local Government Rural & Regional Summit on Monday, 20 February 2023, pursuant to clause 6.32 of the *Councillor Expenses and Facilities Policy*.
2. Approve reimbursement of out-of-pocket expenses incurred by the Mayor and Councillor _____ in attending the above conference, in accordance with the *Councillor Expenses and Facilities Policy*.

BACKGROUND

Section 252 of the *Local Government Act 1993* ("the Act") requires all councils to adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office. The policy must be consistent with the *Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors*, prescribed under section 23A of the Act.

Council's current Councillor Expenses and Facilities Policy ("the Policy") was last reviewed by Council at its Ordinary Meeting held 15 November 2022 [**res. 22-375**].

ISSUES AND COMMENTARY

Local Government NSW ("LGNSW") has recently launched the Rural & Regional Summit ("the Summit"), which is a new event aimed specifically at rural and regional councils. The inaugural Summit will be held in Sydney on Monday, 20 February 2023.

The Summit has been designed to provide rural and regional councils with exposure to representatives of both the Liberal-Nationals Coalition and NSW Labor Party, ahead of the 2023 NSW State Election on Saturday, 25 March 2023.

The Summit programme is still in development, however, LGNSW has advised that key topics will include:

- NSW Reconstruction Authority update,
- Housing Supply and Affordability,
- Building Back Better - Roads and Infrastructure, and

- Rural Health, Mental Health and Resilience.

As at the time of this Business Paper being distributed, confirmed speakers include the Leader of the Opposition, the Shadow Minister for Regional Transport and Roads, and Shadow Minister for Local Government. Other speakers include the CEO of the NSW Council of Social Services, the CEO of the Country Women's Association of NSW and the President of the NSW Farmers Federation.

Further information on the Summit is available from the LGNSW website at www.lgnsw.org.au.

Given the importance of the Summit ahead of the forthcoming 2023 NSW State Election, it is recommended that the Mayor attend on behalf of Council. Councillor Louise O'Leary has expressed her interest in joining the Mayor in attending the Summit, and has indicated her availability to attend.

LEGISLATIVE AND POLICY CONTEXT

As detailed above, Council's Councillor Expenses and Facilities Policy provides the framework for the approval of Councillors' attendance at conferences, seminars and professional development opportunities. Clause 6.32 of the Policy provides that approval to attend a seminar or conference should occur, where possible, at a full meeting of the Council.

FINANCIAL IMPLICATIONS

The Guidelines specify that, where Council has endorsed the attendance of a Councillor at a conference; Council should pay conference registration fees, including the costs of related official lunches and dinners, and meet the reasonable cost of transportation and accommodation associated with attendance at the conference. Costs are expected to total \$1,500.00, including accommodation and travel expenses.

RISK IMPLICATIONS

There are no risk implications for Council associated with this report.

COMMUNITY CONSULTATION

There are no community consultation requirements for Council associated with this report.

CONCLUSION

The 2023 Rural & Regional Summit provides Council with an opportunity to engage with representatives of both the incumbent Liberal-Nationals Coalition Government as well as the Labor Opposition ahead of the 2023 NSW State Election, and advocate on issues important to the Parkes Shire community. It is recommended that Council approve the attendance of the Mayor and one (1) other Councillor at the Summit, to be held on Monday, 20 February 2023.

It should be noted that Tuesday 21 February 2023 is the Country Mayor's Association meetings and also the scheduled Ordinary Meeting of Parkes Shire Council.

13 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND STRATEGIC FUTURES

13.2 DECLARATION OF NON-POTABLE SUPPLY - PARKESBOROUGH

IP&R Linkage: Pillar: Environment

Goal: Our utilities are well-planned and efficiently managed.

Strategy: Provide essential water and sewer infrastructure to meet the needs of our growing community.

Author: Bikash Paudel, Executive Manager Water Engineering

Authoriser: Andrew Francis, Director Infrastructure and Strategic Futures

Annexures: A. Bore water non-potable letter to customers

RECOMMENDATION

That Council:

1. Declares the raw borewater trunk main and all connections to it to be non-potable, and endorse the distribution of the letter appended at *Annexure A* to all connected properties notifying of the declaration.

BACKGROUND

Parkes Shire Council ("Council") currently provides to a number of properties, a water connection to properties from the Council bore water pipeline which runs between the borefield in Forbes Shire and the Parkes Water Treatment Plant. There is a current "Agreement for Continuation of Supply of Water", between owners and Council. The Agreement refers to the water in the pipeline as potable.

ISSUES AND COMMENTARY

Council has been required to reconsider the bore water quality and definition as "potable" following the recent contamination event during the floods. The bore water that is being supplied is a mix of eight different bores that are in use. The bore water in question is not treated in any way or form hence Council cannot assure the quality of water. In addition to that, high water demand from the Parkes water treatment plant and/or operational issues makes it difficult to control pump rates resulting in disturbance of sediment in the pipeline. Hence, Council cannot guarantee the quality of the water in the pipeline and therefore, under the requirements of the *Public Health Act 2010* and *Public Health Regulation 2022* and considering the recent contamination event, the water from the Council borefield cannot be defined as potable.

Council acknowledges that residents have been using the bore water for many years without any problems but must now declare that ongoing use of the water for potable purposes is at the user's risk.

LEGISLATIVE AND POLICY CONTEXT

Public Health Act 2010 and *Public Health Regulation 2022*

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

RISK IMPLICATIONS

As detailed above, recent contamination due to flooding has resulted in Council no longer being in a position to guarantee the quality of the water in the pipeline. Noting Council's statutory obligations under the *Public Health Act 2010* and *Public Health Regulation 2022*, the raw borewater trunk main and all connections to it should be formally declared non-potable.

COMMUNITY CONSULTATION

Should the Officer's Recommendation be endorsed, the draft correspondence appended at *Annexure A* will be distributed to affected property owners.

CONCLUSION

It is recommended that Council formally declares the raw borewater trunk main and all connections to it to be non-potable and endorse the distribution of the letter appended at *Annexure A* to all connected properties.

CONNECTION TO COUNCIL'S BORE WATER PIPELINE

Council currently provides a water connection to your property from the Council bore water pipeline which runs between the bore field in Forbes Shire and the Parkes water treatment plant.

There is a current "Agreement for Continuation of Supply of Water", between yourself and Council. The Agreement refers to the water in the pipeline as potable.

Council has been had to reconsider the bore water quality and definition as "potable" following recent potential contamination events during the floods at the Lachlan River. In addition, the Public Health Act 2010 and the Public Health Regulation 2012, requires drinking water suppliers to develop a "quality assurance program" (or drinking water management system) from 1 September 2014. A drinking water management system assesses all the risks associated with provision of a safe water supply to residents.

The bore water chemistry varies between the eight (8) bores that are in use, Council does not pre-treat the bore water and has no control over the groundwater quality. In addition, high water demand from the Parkes water treatment plant and/or operational issues makes it difficult to control pump rates resulting in disturbance of sediment in the pipeline.

Council can no longer guarantee the quality of the water in the pipeline and therefore, under the requirements of the Act and Regulations and considering the recent potential contamination events, the water from the Council bore field cannot be defined as potable. Please note that there has not been any change to Council's operational practices relating to the bore field operation.

Council acknowledges that residents have been using the bore water for many years without any problems but must now declare that ongoing use of the water for potable purposes is at the user's risk.

In lieu of the change of designation of the water, Council will change the charges for the water from the current potable charge of \$2.10 per kilolitre to the raw water charge of \$1.40 per kilolitre.

14 REPORTS OF THE DIRECTOR OPERATIONS**14.5 BAKER STREET ROADWORKS - PROPOSED ROAD CLOSURE****IP&R Linkage:** **Pillar:** Economy**Goal:** Our economy is supported by well-planned and safe transport infrastructure.**Strategy:** Ensure local and regional roads are safe, well-constructed and maintained.**Author:** **Sue McGrath, Business Support Coordinator****Authoriser:** **Ben Howard, Director Operations****Annexures:**
A. Cheney and McGlynn Sporting Field Master Plan Outcomes and Priorities Plan
B. Existing Conditions and Site Photo - McGlynn Park
C. Existing Conditions and Site Photo - Cheney Park

RECOMMENDATION

That Council:

1. Endorses the commencement of the proposed road closure process and associated broader consultation in relation to the Roads Act requirements, due to the financial implications to complete the restoration of Baker Street due to sub grade conditions.
 2. Following the consultation process, a further report be presented to Council with an outcomes report including the consultation received and responses.
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BACKGROUND

Parkes Shire Council ("Council") is currently undertaking road rehabilitation works in numerous locations across Parkes, included in this urban works package is Baker Street. During the rehabilitation works, it has been identified that the scope of the project is much larger than initially anticipated due primarily to the saturated subgrade, and therefore a decision on how to formally proceed has been provided by the Director Operations.

Baker Street has previously been raised as a pedestrian safety concern due to the pedestrian connectivity between the Cheney and McGlynn sporting complexes, with Parkes Hockey formally advising of several near misses of incidents between pedestrians and motorists.

During the development of the Cheney/McGlynn Masterplan in 2014 and subsequent review in 2016, the closure of Baker Street was raised as a potential control and option for the user groups to grow the facilities within this road corridor.

ISSUES AND COMMENTARY

Due to latent ground conditions, works at Baker Street have been halted due to the significant costs associated with the rehabilitation works. To progress these works, a determination is required on the functionality and feasibility of allocating a significant portion of Council funds to complete these works. Unfortunately, under the natural disaster restoration guidelines, the majority of these works are considered betterment and will need to be funded by Council. In the interim, the road has been left closed and crews re-deployed.

Council is currently undertaking road rehabilitation works in numerous locations across Parkes Shire, included in this urban works package is Baker Street. During the rehabilitation works, it has

been identified that the scope of the project is much larger than initially anticipated and therefore a decision on how to formally proceed has been provided by the Director Operations.

Baker Street was identified following the recent natural disaster for repairs and restoration which commenced on Monday, 5 December 2022 using traditional stabilisation techniques. After mixing, it became apparent that there are large amounts of subsurface water, limited gravel pavement and extremely poor subgrade conditions which rendered the stabilisation ineffective.

Subsequently, an estimate has been prepared to address these failures given the current conditions;

- Excavate poor subgrade 1.0m deep, import rock, geofabric and recompact gravel in 150mm layers \$385,000
- Installation of subsoil pipes both sides of the road @ \$150/m = \$33,750
- 14/10 two coat seal \$12.50/m² = \$40,000

Total cost of these works equates to \$458,750

Unfortunately, under the natural disaster restoration guidelines, the majority of these works are considered betterment and will need to be funded by Council. In the interim, the road has been left closed and crews re-deployed.

LEGISLATIVE AND POLICY CONTEXT

Road Act 1993

FINANCIAL IMPLICATIONS

Unfortunately, under the natural disaster restoration guidelines, the majority of these works are considered betterment and will need to be funded by Council. In the interim, the road has been left closed and crews re-deployed. The total cost of repairs is estimated at \$458,750.00.

RISK IMPLICATIONS

There is potentially significant financial risk if Council repairs the road, then closes the road pursuant to Cheney Park Masterplan. There is likely to be objections to the closure from Station Street area.

COMMUNITY CONSULTATION

There is a formal community consultation process required prior to road closures.

CONCLUSION

It is recommended that Council endorses the commencement of the proposed road closure process and associated broader consultation in relation to the Roads Act requirements, due to the financial implications to complete the restoration of Baker Street due to sub grade conditions given the road has been identified for possible closure in the future. Further, following the consultation process, a further report be presented to Council with an outcomes report including the consultation received and responses.







17 CONFIDENTIAL MATTERS

RECOMMENDATION

That Council:

1. Moves into Closed Session to deal with the matters below, which are classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reasons specified:

17.5 SALE OF INDUSTRIAL ESTATE LAND TO KILGOUR HEALTHCARE

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

17.6 TENDER EVALUATION - LEGAL AND PROBITY

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

17.7 PARKES WATER SECURITY PROGRAM (PWSP) PROJECT MANAGEMENT OFFICE - TECHNICAL SUPPORT SERVICES AUTHORITY TO PROCURE

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

2. Exclude the media and public from the meeting on the basis that the business to be considered is classified as confidential, pursuant to 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*.
 3. Withhold reports and correspondence relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.
 4. Make public resolutions made by the Council in Closed Session after the conclusion of the Closed Session, and record such resolutions in the minutes of the Council meeting.
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BACKGROUND, ISSUES AND COMMENTARY

In accordance with section 10A(2) of the *Local Government Act 1993*, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.
- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2021*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of Council's Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.
