

Ordinary Council Meeting

Minutes

Tuesday 20 December 2022



Minutes of the Ordinary Council Meeting
Held on Tuesday, 20 December 2022 at the
Parkes Council Chamber, 2 Cecile Street, Parkes

Present:

Cr Ken Keith OAM	Councillor (Chairperson)
Cr Neil Westcott	Councillor (Deputy Chairperson)
Cr William Jayet	Councillor
Cr Marg Applebee	Councillor
Cr Jacob Cass	Councillor
Cr Ken McGrath	Councillor
Cr Louise O'Leary	Councillor
Cr George Pratt	Councillor
Cr Daniel Weber	Councillor
Cr Glenn Wilson	Councillor

Council Officers in Attendance:

Mr Kent Boyd PSM	General Manager
Mr Cian Middleton	Director Customer, Corporate Services and Economy
Mr Andrew Francis	Director Infrastructure and Strategic Futures
Mr Ben Howard	Director Operations
Mr Brendan Hayes	Director Planning and Community Services
Mr Luke Nash	Chief Financial Officer (Acting)
Mr Anthony McGrath	Executive Manager Corporate Services
Mrs Shona Henry	Minutes Secretary

NOTES

The meeting commenced at 2.00pm and concluded at 5.18pm.

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1 OPENING OF MEETING

The Mayor declared the Ordinary Council Meeting of Tuesday 20 December 2022 open and welcomed Councillors, Council Officers and members of the public attending and listening to the meeting.

The Mayor advised attendees that the meeting was being recorded and streamed live on the internet, to enhance the accessibility of Council meetings to the broader Parkes Shire community, and that the recording will be archived and made available on Council's website.

The Mayor asked that attendees ensure that mobile phones and other electronic devices were turned off or in silent mode for the duration of the meeting.

The Mayor further advised that all care would be taken to maintain privacy, however, as a visitor in the public gallery, members of the public should be aware that their presence may be recorded.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor asked Councillor Kenny McGrath to read the following Acknowledgement of Country:

Parkes Shire Council acknowledges the Traditional Custodians of the Wiradjuri Country and recognises and respects their cultural heritage, beliefs and continuing connection with the lands and rivers of the Parkes Shire.

Council pays its respects to Elders past, present and emerging and extends this respect to all First Nations peoples in the Parkes Shire.

3 PRAYER

The General Manager read the Prayer:

O God,
Inspire Council to make wise decisions,
Grant Integrity to face the truth,
Courage to make difficult choices,
And compassion for the needs of others,
We pray through Jesus Christ, Our Lord.

AMEN

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE

Nil

5 APPLICATIONS TO ATTEND BY AUDIO-VISUAL LINK

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 NOVEMBER 2022

RESOLVED OCM 385/22

Moved: Cr Neil Westcott

Seconded: Cr George Pratt

That Council:

1. Receive and confirm the Minutes of the Ordinary Council Meeting held on Tuesday 15 November 2022 appended at *Annexure A*.

CARRIED

7 DISCLOSURES OF INTERESTS

The Mayor reminded Councillors and Council Officers of their obligation under Council's Code of Conduct to disclose and manage any conflicts of interest they may have in matters being considered at the meeting, and invited Councillors and Council Officers to disclose any such interests.

Cr Jacob Cass disclosed a less than significant non-pecuniary interest in relation to Item 17.1 and chose to remain in the meeting, participate in debate and discussion on the matter, and vote on the matter. The reason provided was:

“Close association with an individual mentioned in the Report.”

Cr Jacob Cass disclosed a significant non-pecuniary interest in relation to Item 17.2 and chose to leave the meeting, not participate in debate or discussion on the matter, and not vote on the matter. The reason provided was:

“Centre Manager for organisation mentioned in the Report.”

Cr George Pratt disclosed a significant non-pecuniary interest in relation to Item 14.3 and chose to leave the meeting, not participate in debate or discussion on the matter, and not vote on the matter. The reason provided was:

“Related to the owner of a property mentioned in the Report.”

8 LATE BUSINESS

The Mayor advised that the following late Items of Business had been submitted by Council Officers, and invited a motion to enable the addition of the late items to the meeting agenda.

1. *Item 12.5 DCCSE Report Approval of Councillors Attendance at 2023 Local Government NSW Rural & Regional Summit*
2. *Item 13.2 DISF Report Declaration of Non-Potable Supply - Parkesborough*
3. *Item 14.5 DO Report Baker Street Roadworks - Proposed Closure*
4. *Item 17.5 Confidential Report Sale of Industrial Land to Kilgour Healthcare*
5. *Item 17.6 Confidential Tender Evaluation - Legal and Probity*
6. *Item 17.7 Parkes Water Security Program (PWSP) Project Management Office - Technical Support Services Authority to Procedure*
7. *Item 17.8 Confidential Tender Evaluation Project - Project Delivery Panel*

8.1 CONSIDERATION OF LATE BUSINESS ITEMS

RESOLVED OCM 386/22

Moved: Cr George Pratt

Seconded: Cr Jacob Cass

That Council:

1. Resolve to accept the Late Items of Business tabled by the Mayor for consideration at this Ordinary Meeting.

CARRIED

9 MAYORAL MINUTE(S)

9.1 MEETINGS, FUNCTIONS AND EVENTS ATTENDED BY MAYOR AND COUNCILLORS

RESOLVED OCM 385/22

Moved: Cr William Jayet

Seconded: Cr Marg Applebee

That Council:

1. Note the report on the meetings, functions and events attended by the Mayor and Councillors during the period from 16 November 2022 to 21 December 2022.

CARRIED

9.2 COMING KNOWN EVENTS FOR MAYOR AND COUNCILLORS**RESOLVED OCM 386/22**

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Council:

1. Note the upcoming meetings, functions and events for the Mayor and Councillors.

CARRIED**9.3 FLOOD RECOVERY INFORMATION SESSIONS****RESOLVED OCM 387/22**

Moved: Cr George Pratt

Seconded: Cr Marg Applebee

That Council:

1. Note the Mayoral Minute regarding the Flood Recovery Information Sessions.
2. Continued to advocate for further support and assistance for Parkes Shire residents impacted by recently flooding, particularly for the extension of the NSW Government's *Back Home* flood recovery grant to affected residents.

CARRIED**9.4 LIBRARY AMBASSADORS OFFICIAL PRESENTATION****RESOLVED OCM 388/22**

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Council:

1. Congratulate the representatives from the Home School Community, Holy Family School, Middleton Public School, Parkes Christian School, Parkes East Public School and Parkes Public School, as listed in this report, on their participation in the 2022 Library Ambassador Program.

CARRIED

10 REPORTS OF COMMITTEES**10.1 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 24 NOVEMBER 2022****RESOLVED OCM 389/22**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Receive and note the Minutes of the Audit, Risk and Improvement Committee Meeting held on Thursday 24 November 2022 appended at *Annexure A*.

CARRIED**10.2 MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD ON 24 NOVEMBER 2022****RESOLVED OCM 390/22**

Moved: Cr Marg Applebee

Seconded: Cr George Pratt

That Council:

1. Receive and note the Minutes of the Floodplain Management Committee Meeting held on Thursday 24 November 2022 appended at *Annexure A*.

CARRIED**10.3 MINUTES OF THE PARKES SPORTS COUNCIL MEETING HELD ON 13 DECEMBER 2022****RESOLVED OCM 391/22**

Moved: Cr Louise O'Leary

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the Minutes of the Parkes Sports Council Meeting held on Tuesday 13 December 2022 appended at *Annexure A*.

CARRIED

11 REPORTS OF THE GENERAL MANAGER**11.1 STATEMENT OF INVESTMENTS AND BORROWINGS AS AT 30 NOVEMBER 2022****RESOLVED OCM 392/22**

Moved: Cr Marg Applebee

Seconded: Cr Daniel Weber

That Council:

1. Receive and note the Statement of Investments and Borrowings as at 30 November 2022.

CARRIED**12 REPORTS OF THE DIRECTOR CUSTOMER, CORPORATE SERVICES AND ECONOMY****12.1 SECTION 356 REQUEST FOR FINANCIAL ASSISTANCE - COOKAMIDGERA HALL COMMITTEE****RESOLVED OCM 393/22**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Provide public notice of intention to provide \$12,000.00 in financial assistance to the Cookamidgera Hall Committee, as a contribution to completing improvements to the Cookamidgera Hall.
2. Pursuant to section 356 of the *Local Government Act 1993*, approve the provision of \$12,000.00 in financial assistance from the Cookamidgera Town Improvement Fund to the Cookamidgera Hall Committee, subject to no submissions being received.

CARRIED

12.2 SECTION 356 REQUEST FOR FINANCIAL ASSISTANCE - PEAK HILL BUSINESS AND TOURISM ASSOCIATION**RESOLVED OCM 394/22**

Moved: Cr Louise O'Leary

Seconded: Cr Neil Westcott

That Council:

1. Receive and note the correspondence from the Peak Hill Community Consultative Committee, enclosing a letter from the Peak Hill Business and Tourism Association, appended at *Annexure A*.
2. Provide public notice of its intention to provide \$6,200 in financial assistance to the Peak Hill Business and Tourism Association, being an amount to cover the costs of TV advertising, trophies, printing, sound equipment hire, promotional materials, and busking license fees for their Australian National Busking Championships.
3. Pursuant to section 356 of the *Local Government Act 1993*, approve the provision of \$6,200 in financial assistance from the Peak Hill Town Improvement Fund to the Peak Hill Business and Tourism Association, subject to no submissions being received.

CARRIED**12.3 SECTION 356 REQUEST FOR FINANCIAL ASSISTANCE - TRUNDLE SHOWGROUND LAND MANAGER****RESOLVED OCM 395/22**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Receive and note the correspondence from the Trundle & District Progress Association, appended at *Annexure A*.
2. Provide public notice of its intention to provide \$5,000.00 in financial assistance to the Trundle Showground Land Manager, as a contribution to upgrading floodlighting at the Trundle Showgrounds.
3. Pursuant to section 356 of the *Local Government Act 1993*, approve the provision of \$5,000.00 in financial assistance from the Trundle Town Improvement Fund to the Trundle Showground Land Manager, subject to no submissions being received.

CARRIED

12.4 PUBLIC EXHIBITION OF DRAFT PUBLIC MEMORIALS POLICY**RESOLVED OCM 396/22**

Moved: Cr Marg Applebee

Seconded: Cr George Pratt

That Council:

1. Endorse the public exhibition of the draft Public Memorials Policy, appended at *Annexure A*, for a period of 28 days.
2. Receive a further report concerning the adoption of the draft Public Memorials Policy following the public exhibition period.

CARRIED**12.5 APPROVAL OF COUNCILLOR ATTENDANCE AT 2023 LOCAL GOVERNMENT NSW RURAL & REGIONAL SUMMIT****RESOLVED OCM 397/22**

Moved: Cr Marg Applebee

Seconded: Cr Jacob Cass

That Council:

1. Endorse the attendance of three (3) Councillors, being the Mayor, Deputy Mayor and Councillor O'Leary 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, Deputy Mayor and Councillor O'Leary, in attending the above conference, in accordance with the *Councillor Expenses and Facilities Policy*.

CARRIED**13 REPORTS OF THE DIRECTOR INFRASTRUCTURE AND STRATEGIC FUTURES****13.1 MAJOR PROJECTS AND CURRENT WORKS REPORT****RESOLVED OCM 400/22**

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Council:

1. Receive and note the Infrastructure and Strategic Futures Major Projects and Current Works Report for November 2022, appended at *Annexure A*.

CARRIED

13.2 DECLARATION OF NON-POTABLE SUPPLY - PARKESBOROUGH**RESOLVED OCM 401/22**

Moved: Cr Neil Westcott

Seconded: Cr George Pratt

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.

CARRIED**14 REPORTS OF THE DIRECTOR OPERATIONS****14.1 MAJOR PROJECTS AND CURRENT WORKS REPORT****RESOLVED OCM 398/22**

Moved: Cr George Pratt

Seconded: Cr Ken McGrath

That Council:

1. Receive and note the Operations Major Projects and Current Works Report for November 2022, appended at *Annexure A*.

CARRIED**14.2 ACQUISITION OF LAND FOR ROAD REALIGNMENT PURPOSES****RESOLVED OCM 399/22**

Moved: Cr William Jayet

Seconded: Cr Neil Westcott

That Council:

1. Agree to the purchase of land from respective landowners to facilitate the boundary adjustments for Main Road 57, Baldry-Peak Hill Road and Cookamidgera Road.
2. Authorise the General Manager to negotiate the purchase price of the land based on a market valuation.
3. Endorse and affix the Council Seal to all documentation as required to facilitate the process of walkway closures, sale, transfer and/or resumption.

CARRIED

At this stage being 3.00pm the Mayor adjourned the Council meeting to conduct a Citizenship Ceremony.

At the conclusion of the Citizenship Ceremony the Mayor invited all present to join the Councillor's for afternoon tea.

The meeting resumed at 3.38pm

At 3:39pm, Cr George Pratt, having previously disclosed a significant non-pecuniary interest in relation Item 14.3, left the meeting. He did not participate in debate or discussion on the matter, and did not vote on the matter.

14.3 ACQUISITION OF EASEMENT FOR PROPERTY NUMBER 880780

RESOLVED OCM 400/22

Moved: Cr William Jayet

Seconded: Cr Jacob Cass

That Council:

1. Acquire an easement for access through land being Lot 7301 DP 1147341 for access purposes by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and make the necessary application to the Minister and/or Governor.
2. Upon acquisition, determine the land to be classified as Operational.
3. Authorise the General Manager and Mayor to sign and affix the Council Seal to all documentation to facilitate the acquisition.
4. That the landowner of Lots 158 to 161 DP 750179 and Lots 1 and 2 DP 1112408 be advised that the easement for access will be in one location and future requests for additional easements to access the land will be denied.

CARRIED

At 3:44 pm, Cr George Pratt re-joined the meeting.

14.4 SALE OF CLOSED ROAD - FORMERLY PART OF MCGRANE WAY, TULLAMORE

RESOLVED OCM 401/22

Moved: Cr Jacob Cass

Seconded: Cr Ken McGrath

That Council:

1. Authorise the sale of Lot 20 DP 1134329 to the adjoining landowner.
2. Note that the adjoining landowners interested in purchasing the land will be required to pay their costs associated with the transaction.
3. Authorise the General Manager to negotiate the purchase price of the land based on a market valuation.
4. Endorse and affix the Council Seal to all documentation as required to facilitate the process of walkway closures, sale, transfer and/or resumption.

CARRIED

14.5 BAKER STREET ROADWORKS - PROPOSED ROAD CLOSURE**RESOLVED OCM 402/22**

Moved: Cr Louise O'Leary

Seconded: Cr William Jayet

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.

CARRIED**15 REPORTS OF THE DIRECTOR PLANNING AND COMMUNITY SERVICES****15.1 NOVEMBER 2022 BUILDING STATISTICS REPORT****RESOLVED OCM 403/22**

Moved: Cr Neil Westcott

Seconded: Cr Ken McGrath

That Council:

1. Receive and note the November 2022 Building Statistics Report.

CARRIED**15.2 USE OF PEAK HILL TOWN IMPROVEMENT FUNDS FOR REPLACEMENT OF PEAK HILL CEMETERY FENCE****RESOLVED OCM 404/22**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Approve the allocation of \$41,400.00 from the Peak Hill Town Improvement Fund to replace the fencing at the Peak Hill Cemetery.

CARRIED

15.3 ADOPTION OF THE DRAFT MIDDLETON MASTERPLAN**MOTION**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Adopt the draft Middleton Masterplan, appended at *Annexure A*.
2. Prepare a planning proposal to implement changes in the Middleton Masterplan, west of Docos Road.
3. Continue discussions on delivery options with landowners impacted by the requirement for the provision of shared roads over adjoining property boundaries.

Pursuant to clause 10.10 and 10.11 of the Code of Meeting Practice, Cr Ken McGrath moved an Amendment.

AMENDMENT**RESOLVED OCM 405/22**

Moved: Cr Ken McGrath

Seconded: Cr Glenn Wilson

That Council:

1. Defer the adoption of the draft Middleton Masterplan until a meeting can be held with affected landowners, and receive a further report at the Ordinary Meeting of Council scheduled to be held February 2023.

CARRIED

Pursuant to clause 10.15 of the Code of Meeting Practice, the Amendment then became the Motion.

MOTION**RESOLVED OCM 406/22**

Moved: Cr Ken McGrath

Seconded: Cr Glenn Wilson

That Council:

1. Defer the adoption of the draft Middleton Masterplan until a meeting can be held with affected landowners, and receive a further report at the Ordinary Meeting of Council scheduled to be held February 2023.

CARRIED

16 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RESOLVED OCM 407/22

Moved: Cr William Jayet
Seconded: Cr Marg Applebee

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:

17.1 APPOINTMENT OF EXTERNAL MEMBERS TO ADVISORY COMMITTEES

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

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.

17.2 LEASE OF 58 COLEMAN ROAD PARKES TO CHARLES STURT UNIVERSITY

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.

17.3 ACQUISITION OF LAND FOR STORMWATER DRAINAGE

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.

17.4 REPLACEMENT OF COUNCIL PLANT - VOLVO WHEELED LOADER

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.

17.5 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.

17.8 TENDER EVALUATION - PROJECT DELIVERY PANEL

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

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.

CARRIED

At 4.14pm, the Meeting went into Closed Session.

17.1 APPOINTMENT OF EXTERNAL MEMBERS TO ADVISORY COMMITTEES**RESOLVED OCM 408/22**

Moved: Cr Jacob Cass

Seconded: Cr Marg Applebee

That Council:

1. Endorse the consolidation of the Access and Inclusion Advisory Committee, Community and Culture Advisory Committee and Liveability Advisory Committee be consolidated to form a single Community, Liveability and Access Advisory Committee.
2. Adopt the draft Terms of Reference for the Community, Liveability and Access Advisory Committee, appended at *Annexure A*, and appoint Michael Anderson, Jeffrey Evans and Lyn McLeod as the three (3) External Members for a two-year term, concluding 31 December 2024.
3. Adopt the draft Terms of Reference for the Economy, Investment and Innovation Advisory Committee, appended at *Annexure B*, and appoint Geoffrey Rice, Tracie Robertson and Declan Small as the three (3) External Members for a two-year term, concluding 31 December 2024.
4. Adopt the draft Terms of Reference for the Sport and Recreation Advisory Committee, appended at *Annexure C*, and appoint Peter Bristol as the one (1) External Member for a two-year term, concluding 31 December 2024.
5. Adopt the draft Terms of Reference for the Tourism, Destination and Major Events Advisory Committee, appended at *Annexure D*, and appoint Dave Chambers, Gary Crowley and Michelle Roberts as the three (3) External Members for a two-year term, concluding 31 December 2024.

CARRIED

At 4:25 pm, Cr Jacob Cass, having previously disclosed a significant non-pecuniary interest in relation Item 17.2, left the meeting. He did not participate in debate or discussion on the matter, and did not vote on the matter.

17.2 LEASE OF 58 COLEMAN ROAD PARKES TO CHARLES STURT UNIVERSITY**RESOLVED OCM 409/22**

Moved: Cr Ken McGrath

Seconded: Cr William Jayet

That Council:

1. Endorses the leasing of both townhouses at 58 Coleman Road, Parkes to Charles Sturt University for the amount detailed in the report for a period of 18 months with an option of an additional period subject to concurrence on both parties.

CARRIED

At 4:37 pm, Cr Jacob Cass re-joined the meeting.

17.3 ACQUISITION OF LAND FOR STORMWATER DRAINAGE**RESOLVED OCM 410/22**

Moved: Cr Ken McGrath

Seconded: Cr Jacob Cass

That Council:

1. Agree to the purchase of easements over land situated at Lot 2 DP 1124717 Charles Barber Close, Parkes; Lot 2 DP 14580 Station Street, Parkes; Lot 3 and Lot 4 DP 810324 Coolabah Drive, Parkes.
2. Authorise the General Manager to negotiate the purchase price of the land based on a market valuation.
3. Endorse and affix its Council Seal to all documentation as required to facilitate the process of acquisition, sale, transfer and/or resumption.

CARRIED**17.4 REPLACEMENT OF COUNCIL PLANT - VOLVO WHEELED LOADER****RESOLVED OCM 411/22**

Moved: Cr Ken McGrath

Seconded: Cr William Jayet

That Council:

1. Accept the tender from Westrac Dubbo to supply a CCF 4 938K Wheel Loader as detailed in the report.
2. Endorse the disposal of Council's existing Volvo L90F Wheeled Loader, to be offered through Pickles Auctions with a reserve price set.

CARRIED**17.5 SALE OF INDUSTRIAL ESTATE LAND TO KILGOUR HEALTHCARE****RESOLVED OCM 412/22**

Moved: Cr William Jayet

Seconded: Cr Marg Applebee

That Council:

1. Concurs to sell proposed Lot 10 Saleyards Road (corner of Newell Highway and Saleyards Road) to Kilgour Healthcare for \$435,000, inclusive of GST.
2. Endorse and affix its Council Seal to all documentation as required to facilitate the process of the sale.

CARRIED

17.6 TENDER EVALUATION - LEGAL AND PROBITY**RESOLVED OCM 413/22**

Moved: Cr Neil Westcott

Seconded: Cr Louise O'Leary

That Council:

1. Engage Maddocks as the Preferred Tenderer for the Parkes Project Management Office Legal and Probity Advisor Support Services for 2023 for a lump sum value of \$170,424.00.
2. Endorses executing the Contract following the finalisation of the Contract with the Preferred Tenderer.
3. Endorses executing panel contract with Holding Redlich, HWL Ebsworth, and Marsdens Law Group pending contract negotiations for other Legal and Probity engagements as required in 2023.

CARRIED**17.7 PARKES WATER SECURITY PROGRAM (PWSP) PROJECT MANAGEMENT OFFICE - TECHNICAL SUPPORT SERVICES AUTHORITY TO PROCURE****RESOLVED OCM 414/22**

Moved: Cr Marg Applebee

Seconded: Cr William Jayet

That Council:

1. Receives and notes the Authority to Procure, appended at *Annexure A*, regarding the procurement of contracts for the following Technical Support Services ("TSS") roles:
 - (a) PMO Electrical Engineering TSS;
 - (b) PMO Engineering TSS;
 - (c) PMO Environmental TSS; and
 - (d) PMO Parkes IWCM Support TSS.
2. Resolves, for the reasons set out in the Authority to Procure appended at *Annexure A*, that the requirement under Council's *Procurement and Disposal Policy* to obtain multiple quotations shall not apply in respect of the contracts for each of the TSS services, provided that:
 - (a) Each contract is entered into with the recommended service provider identified for the relevant TSS Service in the Authority to Procure;
 - (b) Each contract must have a term of no greater than 12 months and expire on or before 31 December 2023; and
 - (c) The total estimated expenditure under each contract must not exceed \$250,000.00 (including GST), which is the applicable tendering threshold under the *Local Government Act 1993*.
3. Authorises the General Manager to finalise engagements for ongoing TSS for 2023.

CARRIED

17.8 TENDER EVALUATION - PROJECT DELIVERY PANEL**RESOLVED OCM 415/22**

Moved: Cr William Jayet

Seconded: Cr Ken McGrath

That Council:

1. Issue a panel contract to the following organisations, and the resources nominated in this report, for the Parkes Shire Council Project Delivery Panel for a three-year period:
 - a. ANT Engineering,
 - b. Conseth Solutions Pty Ltd,
 - c. Deleg8 ZAMR Engineering Pty Ltd,
 - d. Dionysus Group Pty Ltd (WPS),
 - e. Engineering Risk Management Pty Ltd,
 - f. Hunter H20 Holdings Pty Ltd,
 - g. Incline Constructions Pty Ltd,
 - h. JJ Ryan Consulting Pty Ltd,
 - i. Ktylons Pty Ltd,
 - j. Lidiar Group Pty Ltd,
 - k. UMINEX, and
 - l. Upright Management.
2. Subsequent to financial assessment, panellists be issued with an AS4122 engagement for each package of work as it arises.

CARRIED**RESOLVED OCM 416/22**

Moved: Cr Neil Westcott

Seconded: Cr William Jayet

That Council:

1. Resume in Open Session and note the Mayor's report on Confidential Resolutions.

CARRIED

At 5.15pm, the Council in Closed Session returned to Open Session.

18 REPORT OF CONFIDENTIAL RESOLUTIONS

In accordance with clauses 14.22 and 14.23 of Council's Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson as soon as practicable. Such resolutions must be recorded in the publicly available minutes of the meeting.

19 CONCLUSION OF MEETING

The meeting concluded at 5.18pm.

This is the final page of the minutes comprising 23 pages numbered 1 to 19 of the Ordinary Council Meeting held on Tuesday, 20 December 2022 and confirmed on Tuesday, 24 January 2023.



Cr Ken Keith OAM

MAYOR