

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 13 DECEMBER 2023, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), D Somervaille (Deputy Mayor), A Ewin, C Gosewisch, J Newstead and B Reynolds

General Manager (Mr M Dicker), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr J Hogan), Director Planning & Environmental Services (Mr A Muir), Manager Development Assessment (Mrs C Johnstone) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

APOLOGIES

2312/001

RESOLVED:

That the apology, tendered on behalf of Cr Pryse Jones, be accepted.

(Gosewisch/Reynolds)

CARRIED

DISCLOSURES OF INTEREST

The General Manager reported the following Disclosure of Interest form had been submitted:

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Ferguson	Pecuniary	8	45	DA2023/79 – Erection of a Dwelling and Outbuilding (Detached Garage) – 57 Glenorie Road, Millthorpe	Cr Ferguson does construction contracting with owner.

PUBLIC FORUM

Mary-Elizabeth Andrews – Item 9 – DA2021/146 – Fifty-six (56) Lot Torrens Title Subdivision – 1279 Millthorpe Road, Millthorpe

John Harrison – Item 9 – DA2021/146 – Fifty-six (56) Lot Torrens Title Subdivision – 1279 Millthorpe Road, Millthorpe

Lexi Sturrock – Item 9 – DA2021/146 – Fifty-six (56) Lot Torrens Title Subdivision – 1279 Millthorpe Road, Millthorpe

David Fenton - Item 9 – DA2021/146 – Fifty-six (56) Lot Torrens Title Subdivision – 1279 Millthorpe Road, Millthorpe

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 NOVEMBER 2023****2312/002****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 21 November 2023, being minute numbers 2311/001 to 2311/020 be confirmed.

(Newstead/Gosewisch)
CARRIED

MATTERS ARISING FROM THE MINUTES

Cr Reynolds asked the Council acknowledge Mr Ian Tooke for his contribution to Skillset Board at the January or February Council meeting.

Cr Gosewisch congratulated Cr Pryse Jones on recent election to Skillset Board.

CORPORATE SERVICES REPORTS**REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 2023****2312/003****RESOLVED:**

That Council;

1. Note the report indicating Council's investment position as at 30 November 2023.
2. Note the certification of the Responsible Accounting Officer.

(Reynolds/Ewin)
CARRIED

AMENDMENT TO INVESTMENT POLICY**2312/004****RESOLVED:**

That Council

1. Endorse the Investment policy, as amended, for public exhibition for a period of not less than 42 days.
2. Submit written notice of the proposed amendment and a copy of the draft Investment Policy to TCorp, pursuant to the conditions of borrowing with TCorp, and that adoption be subject to their acknowledgement.
3. Should no submissions be received during the public exhibition period the Investment Policy be adopted and included in Council's policy register.

(Somerville/Newstead)
CARRIED

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT
COMMITTEE MEETING HELD 22 NOVEMBER 2023**

2312/005

RESOLVED:

That Council;

1. Receive the Minutes of the Audit, Risk and Improvement Committee meeting held 22 November 2023.
2. Commence its transition to the new framework upon the legislative approval of the Risk Management and Internal Audit Guidelines for local government in NSW.
3. Share recommendations of the ICAC Report: Operation Galley – *Investigation into the conduct of the former councillors of former Hurstville City Council, now part of Georges River Council, and others* with the elected body and Council undertake an assessment of those that can be embraced.
4. Note that the NSW Office of Local Government is currently reviewing the councillor misconduct framework, following an independent review by Mr Gary Kellar PSM.

(Somerville/Gosewisch)

CARRIED

**CODE OF CONDUCT COMPLAINTS FOR REPORTING
PERIOD**

2312/006

RESOLVED:

That the report on Code of Conduct complaints for the reporting period 1 September 2022 to 31 August 2023 be received.

(Reynolds/Somerville)

CARRIED

**MINUTES OF THE DISABILITY INCLUSION WORKING
GROUP MEETING HELD 16 NOVEMBER 2023**

2312/007

RESOLVED:

That Council;

1. Receive the minutes of the Disability Inclusion Working Group meeting held 16 November 2023.
2. Note the Disability Inclusion Working Group support for the proposed Carrington Park accessible parking location subject to comments already provided.
3. Note the Disability Inclusion Working Group support for the proposed design for accessible seating at King George Oval noting weather, visibility, lack of alternate options and budget constraints.
4. Explore alternative options for shelter of accessible seating at King George Oval e.g. perspex.
5. Note that the Disability Inclusion Working Group does not recommend Council to proceed with the proposed accessible ramp on the Belubula River walk island, having identified and discussed multiple risks.
6. Advise the Disability Inclusion Working Group if any further improvements are proposed for the Belubula River Walk

project.

(Reynolds/Gosewisch)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

INFRASTRUCTURE SERVICES MONTHLY REPORT

2312/008

RESOLVED:

That Council note the Infrastructure Services Monthly Report for December 2023.

(Gosewisch/Ewin)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

The Mayor, Cr Ferguson, having declared an interest departed the Chair and left the Chambers. The Deputy Mayor, Cr Somerville, assumed the Chair.

**DA2023/79 - ERECTION OF A DWELLING AND
OUTBUILDING (DETACHED GARAGE) - 57 GLENORIE ROAD
MILLTHORPE**

2312/009

RESOLVED:

That Council consent to Development Application 79/2023 for an Erection of a Dwelling House and Outbuilding (Detached Garage) at Lot 2 DP 1289576, 57 Glenorie Road, Millthorpe, subject to the recommended conditions of consent.

(Ewin/Newstead)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Ewin	
Councillor Somerville	
Councillor Reynolds	
Councillor Newstead	
Councillor Gosewisch	
Total (5)	Total (0)

CARRIED

The Mayor, Cr Ferguson returned to the Chambers and resumed the Chair.

**DA2021/146 - FIFTY-SIX (56) LOT TORRENS TITLE
SUBDIVISION - 1279 MILLTHORPE ROAD MILLTHORPE**

2312/010

RESOLVED:

1. That Council consent to Development Application 146/2021 for fifty-two (52) residential lots, one (1) larger residential lot around the existing heritage listed cottage (1273), one (1) lot for public open space, one (1) lot for public drainage reserve and one (1) residual lot at Lot 101 DP 872388, 1279 Millthorpe Road, Millthorpe, subject to the recommended conditions of consent.
2. The recommended conditions of consent be altered in the following ways:
 - a. **Condition 7 - Landscaping** – The original alphabetical “numbering” be changed to: a), b), c), d), e), f), g), h), i).
 - b. **Condition 7b – Assessment of Eucalypts by Landscape Architect** – include sentence: This shall include an assessment of the Box Gum Eucalypts on site and recommendations on their retention or removal.
 - c. **Conditions 17 and 61 – Tree Protection** – include additional sentence: This condition is subject to the recommendations of the Landscape Architect outlined in condition 7 d).
 - d. **Condition 89 – Restrictions on Title** – include additional sentence: b) Restricts the further subdivision of any residential lots identified in the Stage 3 subdivision plan as being 900 square metres or greater.

(Somerville/Newstead)

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Ewin
Councillor Ferguson
Councillor Somerville
Councillor Reynolds
Councillor Newstead
Councillor Gosewisch

Total (6)**AGAINST****Total (0)****CARRIED**

DELEGATES REPORTS**REPORT OF THE CENTRAL NSW JOINT ORGANISATION
BOARD MEETING HELD 23 NOVEMBER 2023****2312/011****Recommendation:**

That Council

1. Note the report of the Central NSW Joint Organisation Board Meeting held 23 November 2023.
2. Note the roundtable discussion with the Premier, Treasurer, State Ministers and their representatives and local MPs; and
3. Note the return on investment from Council fees to the CNSWJO is 9.46:1.

(Somerville/Reynolds)

CARRIED**CLOSED MEETING****2312/012****RESOLVED:**

That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matters:

**TENDER 8/2023: RECONSTRUCTION OF FOREST REEFS
ROAD / TALLWOOD ROAD INTERSECTION**

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

LEGAL MATTER

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

(Newstead/Ewin)

CARRIED

CONFIDENTIAL MEETING REPORTS

TENDER 8/2023: RECONSTRUCTION OF FOREST REEFS ROAD / TALLWOOD ROAD INTERSECTION

2312/013

RESOLVED:

That Council:

1. Decline to accept any of the tenders received under Tender No. 8/2023 for the Reconstruction of Forest Reefs Road – Tallwood Road Intersection due to the tenders not providing sufficient value for money;
2. Not invite fresh tenders as there is no expectation that a fresh tender will provide a different outcome; and,
3. Enter into negotiations with JN Excavations Pty Ltd, with a view of entering into a contract for the Reconstruction of Forest Reefs Road – Tallwood Road Intersection.

(Reynolds/Gosewisch)

CARRIED

2312/014

LEGAL MATTER

RESOLVED:

That Council receive and note the report.

(Newstead/Gosewisch)

CARRIED

2312/015

GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

RESOLVED:

That the report of the General Manager's Annual Performance Review be received and adopted by Council.

(Gosewisch/Newstead)

CARRIED

2312/016

RESOLVED:

That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.

(Gosewisch/Reynolds)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2312/013 TO 2312/015.

There being no further business, the meeting concluded at 8.16pm.

The Minute Numbers 2312/001 to 2312/016 were confirmed on 23 January 2023 and are a full and accurate record of proceedings of the Ordinary Meeting held on 13 December 2023.



Cr S Ferguson
MAYOR



Mr M Dicker
GENERAL MANAGER