

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING  
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY  
CENTRE, ON 18 JULY 2023, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), A Ewin, C Gosewisch, J Newstead, M Pryse Jones, B Reynolds (via audio visual link) and D Somerville (Deputy Mayor)

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

**ACKNOWLEDGEMENT OF COUNTRY**

**LATE REPORTS**

**2307/001**      **REQUEST FOR ATTENDANCE BY AUDIO VISUAL LINK**  
**RESOLVED:**

That Council approves the attendance of Councillor Reynolds to the July 2023 Council Meeting by audio visual link.

(Pryse Jones/Gosewisch)

**CARRIED**

**RECORDING OF MEETING STATEMENT**

**DISCLOSURES OF INTEREST**

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

<b>Councillor /Staff</b>	<b>Interest</b>	<b>Item</b>	<b>Pg</b>	<b>Report</b>	<b>Reason</b>
Cr Ferguson	Pecuniary	11	54	Road Name – 61 Forest Reefs Road (Glenorie Road) Millthorpe	Previous declared conflict in this Development Application as I undertake contracting in the building industry with the proponent.

**PUBLIC FORUM**

Sandi Novak – Item 13 – DA2023/3 – Demolish Existing Residential Dwelling House and Ancillary Buildings, Erection of a Multi Dwelling Development and Community Title Subdivision – 46 Osman Street, Blayney

Alicia McGregor – Item 13 – DA2023/3 – Demolish Existing Residential Dwelling House and Ancillary Buildings, Erection of a Multi Dwelling Development and Community Title Subdivision – 46 Osman Street, Blayney

Frederick McGregor - Item 13 – DA2023/3 – Demolish Existing Residential Dwelling House and Ancillary Buildings, Erection of a Multi Dwelling Development and Community Title Subdivision – 46 Osman Street, Blayney

### **CONFIRMATION OF MINUTES**

#### **MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 27 JUNE 2023**

2307/002

#### **RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 27 June 2023, being minute numbers 2306/E001 to 2306/E011 be confirmed.

(Gosewisch/Newstead)

**CARRIED**

#### **MATTERS ARISING FROM THE MINUTES**

Nil

### **EXECUTIVE SERVICES REPORTS**

#### **QUARTERLY OUTSTANDING RESOLUTION REPORT**

2307/003

#### **RESOLVED:**

That Council note the Outstanding Resolution Report to June 2023.

(Gosewisch/Ewin)

**CARRIED**

#### **RISK WORK HEALTH AND SAFETY QUARTERLY REPORT**

2307/004

#### **RESOLVED:**

That Council note the Risk, Work Health and Safety Report for the quarter to 30 June 2023.

(Ewin/Pryse Jones)

**CARRIED**

### **CORPORATE SERVICES REPORTS**

#### **REPORT OF COUNCIL INVESTMENTS AS AT 30 JUNE 2023**

2307/005

#### **RESOLVED:**

That Council;

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

(Newstead/Pryse Jones)

**CARRIED**

**INFORMATION TECHNOLOGY QUARTERLY REPORT**

2307/006

**RESOLVED:**

That Council note the Information Technology report for the quarter to 30 June 2023.

(Pryse Jones/Newstead)

**CARRIED**

**QUARTERLY REPORT ON SOLAR ANALYTICS**

2307/007

**RESOLVED:**

That Council note the Solar Analytics report for the quarter to 30 June 2023.

(Pryse Jones/Gosewisch)

**CARRIED**

**COMPLIANCE AND REPORTING ACTIVITIES**

2307/008

**RESOLVED:**

That Council note the report on Compliance and Reporting Activities for the six month period to June 2023.

(Newstead/Ewin)

**CARRIED**

**WRITE-OFF OF INVENTORY**

2307/009

**RESOLVED:**

That Council approve the write-off of \$2,597.70 following the Bi-Annual stocktake conducted on 15 June 2023.

(Pryse Jones/Gosewisch)

**CARRIED**

**INFRASTRUCTURE SERVICES REPORTS****INFRASTRUCTURE SERVICES MONTHLY REPORT**

2307/010

**RESOLVED:**

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

(Pryse Jones/Somerville)

**CARRIED**

**ADDITION OF NAME TO PRE APPROVED ROAD AND BRIDGE NAME LIST**

2307/011

**RESOLVED:**

That Council endorse inclusion of the name 'Sutton' to the pre-approved road and bridge names list in the Road, Pathway and Bridge Naming Policy (25F).

(Ewin/Reynolds)

**CARRIED**

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

**ROAD NAME - 61 FOREST REEFS ROAD (GLENORIE ROAD)**  
**MILLTHORPE SUBDIVISION**

**MOTION:**

Council endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe.

(Newstead/Ewin)

An **AMENDMENT** was moved by Cr Reynolds and seconded by Cr Ewin that:

1. Council endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe,
2. That Council through engagement with the community seek to expand, diversify and update the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F).

(Reynolds/Ewin)

The amendment became the substantive motion and was put and lost.

A further **MOTION** was moved by Cr Reynolds and seconded by Cr Pryse Jones that:

1. Council does not endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe,
2. The Developer shall select a name from the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F),
3. That Council through engagement with the community seek to expand, diversify and update the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F).

(Reynolds/Pryse Jones)

This became this substantive motion and was put.

**2307/012 RESOLVED:**

1. Council does not endorse the name 'Mortimer Close' for the subdivision at 61 Forest Reefs Road (Glenorie Road) Millthorpe,
2. The Developer shall select a name from the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy (25F),
3. That Council through engagement with the community seek to expand, diversify and update the preapproved names list in Appendix A of the Road, Pathway and Bridge Naming Policy

(25F).

(Reynolds/Pryse Jones)  
**CARRIED**

Cr Newstead requested his named be recorded against this resolution.

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

**BLAYNEY SHIRE ACTIVE MOVEMENT STRATEGY 2023**

**2307/013**

**RESOLVED:**

That Council adopt the Blayney Shire Active Movement Strategy 2023, including modifications made having considered the submissions received during the public exhibition period.

(Gosewisch/Pryse Jones)  
**CARRIED**

**PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

**DA2023/3 - DEMOLISH EXISTING RESIDENTIAL DWELLING HOUSE & ANCILLARY BUILDINGS, ERECTION OF A MULTI DWELLING DEVELOPMENT AND COMMUNITY TITLE SUBDIVISION - 46 OSMAN STREET BLAYNEY**

**2307/014**

**RESOLVED:**

That Council consent to Development Application 3/2023 for the demolition of an existing dwelling house and outbuildings, erection of multi dwelling development (containing four dwelling houses) and a community title subdivision at 46 Osman Street, Blayney (Lot 16 Section 12 DP758121).

(Reynolds/Somervaille)

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Ewin	
Councillor Ferguson	
Councillor Somervaille	
Councillor Reynolds	
Councillor Newstead	
Councillor Pryse Jones	
Councillor Gosewisch	
<b>Total (7)</b>	<b>Total (0)</b>

**CARRIED**

**DA2020/87 - MODIFICATION APPLICATION - CHANGE OF USE & INTERNAL ALTERATIONS - 27 VICTORIA STREET MILLTHORPE**

**MOTION:**

That Council grant development consent under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application 87/2020/2 to amend condition 25 and add condition 27 in the following manner:

Amend condition 25 to read:

No excessive noise or disturbance after 8.30pm on the first-floor verandah.

Add condition 27 to read:

Prior to use of the verandah beyond 8.30pm the applicant shall implement a Plan of Management to include:

- Noise management and complaint handling protocols to ensure compliance with Condition 25.
- Noise management and complaint handling protocols in relation to noise after 8.30pm.

The Plan of Management shall be submitted for the approval of the Director Planning and Environmental Services prior to the use of the verandah after 8.30pm.

(Gosewisch/Pryse Jones)

An **AMENDMENT** was moved by Cr Reynolds and seconded by Cr Somerville to amend the last sentence to:

The draft Plan of Management shall be brought back to Council for approval.

(Reynolds/Somerville)

The amendment became the substantive motion and was put.

**2307/015**

**RESOLVED:**

That Council grant development consent under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application 87/2020/2 to amend condition 25 and add condition 27 in the following manner:

Amend condition 25 to read:

No excessive noise or disturbance after 8.30pm on the first-floor verandah.

Add condition 27 to read:

Prior to use of the verandah beyond 8.30pm the applicant shall implement a Plan of Management to include:

- Noise management and complaint handling protocols to ensure compliance with Condition 25.
- Noise management and complaint handling protocols in

relation to noise after 8.30pm.  
The draft Plan of Management shall be brought back to Council for approval.

(Reynolds/Somerville)

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

<b>FOR</b>	<b>AGAINST</b>	
Councillor Ewin		
Councillor Ferguson		
Councillor Somerville		
Councillor Reynolds		
Councillor Newstead		
Councillor Pryse Jones		
Councillor Gosewisch		
<b>Total (7)</b>	<b>Total (0)</b>	<b>CARRIED</b>

**2307/016** **DEVELOPMENT ASSESSMENT QUARTERLY REPORT**  
**RESOLVED:**  
That the development assessment quarterly report be received and noted.  
(Gosewisch/Pryse Jones)  
**CARRIED**

#### **CLOSED MEETING**

**2307/017** **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 4-2023: DESIGN AND CONSTRUCTION OF FOUR MILE CREEK ROAD BRIDGE OVER SWALLOW CREEK**

*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.*

#### **OGILVIE V ROVEST HOLDINGS PTY LTD**

*This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

(Gosewisch/Ewin)  
**CARRIED**

**CONFIDENTIAL MEETING REPORTS**

**TENDER 4-2023: DESIGN AND CONSTRUCTION OF FOUR MILE CREEK ROAD BRIDGE OVER SWALLOW CREEK**

**2307/018**

**RESOLVED:**

That Council accept the tender from Murray Construction Pty Ltd for the Design and Construction of Four Mile Creek Road Bridge over Swallow Creek, Contract 4/2023, for the value of \$841,190.73 (\$925,309.80 including GST), and subject to variations.

(Pryse Jones/Ewin)

**CARRIED**

**OGILVIE V ROVEST HOLDINGS PTY LTD**

**2307/019**

**RESOLVED:**

That Council note the report in relation to Ogilvie v Rovest Holdings Pty Ltd.

(Reynolds/Pryse Jones)

**CARRIED**

**2307/020**

**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/Pryse Jones)

**CARRIED**

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2307/018 AND 2307/019.**

There being no further business, the meeting concluded at 8.24pm.

The Minute Numbers 2307/001 to 2307/020 were confirmed on 15 August 2023 and are a full and accurate record of proceedings of the Ordinary Meeting held on 18 July 2023.



Cr S Ferguson  
**MAYOR**



Mr M Dicker  
**GENERAL MANAGER**