

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING  
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY  
CENTRE, ON 15 FEBRUARY 2016, COMMENCING AT 6.00 PM**

Present: Crs S Ferguson (Mayor), A Ewin, D Kingham, S Oates, K Radburn and D Somervaille

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

**ACKNOWLEDGEMENT OF COUNTRY**

**A MINUTES SILENCE**

A minutes silence was held to pay respect for the passing of former Councillor Eric Thompson who served as a Councillor from 1965 to 1991. Eric was President of both Lyndhurst Shire Council (1965 to 1977) and Blayney Shire Council (1977 to 1981).

**RECORDING OF MEETING STATEMENT**

**APOLOGIES**

**1602/001 RESOLVED:**  
That the apology, tendered on behalf of Cr Braddon OAM, be accepted. (Oates/Ewin)

**DISCLOSURES OF INTEREST**

Nil

**PUBLIC FORUM**

Cyril Smith – Sale of Treated Effluent to Regis Resources Ltd

Brenda van Pelt – Agenda Item No. 7 - Carcoar School of Arts Reserve Trust

Vince Harris – Agenda Item No. 27 – Development Application 165/2015 – Erection of a Dwelling – Lot 40 DP263360, 37 Graham Lane, Millthorpe

**CONFIRMATION OF MINUTES**

**MINUTES OF THE PREVIOUS MEETING**

**1602/002 RESOLVED:**  
That the Minutes of the Ordinary Council Meeting held on 21 December 2015, being minute numbers 1512/001 to 1512/030 be confirmed. (Kingham/Somervaille)

**MATTERS ARISING FROM THE MINUTES**

Nil

**EXECUTIVE SERVICES REPORTS****APPLICATION FOR LEAVE OF ABSENCE**

1602/003

**RESOLVED:**

That the application of a Leave of Absence for Councillor Braddon from 1 February 2016, for an initial period of 3 months be granted. (Radburn/Kingham)

**COUNCIL RESOLUTION REPORT**

1602/004

**RESOLVED:**

That Council notes the Resolution Report from July 2014 to January 2016. (Oates/Somervaille)

**WORK HEALTH AND SAFETY QUARTERLY REPORT**

1602/005

**RESOLVED:**

That the Work Health and Safety Report for the quarter October to December 2015 be noted. (Ewin/Somervaille)

**MERGER PROPOSAL BLAYNEY SHIRE, CABONNE AND ORANGE CITY COUNCILS**

1602/006

**RESOLVED:**

Noting Council's preference to remain stand-alone;

1. That Council authorise the Mayor to finalise the response to the NSW Minister for Local Government's council merger proposal for Blayney Shire, Cabonne and Orange City Councils, should a merger proceed.
2. That the response from Blayney Shire Council to the merger proposal detail the concerns of the community for elected representation and the retention of local autonomy and identity; in addition to the fundamental principles which it believes are critical to be taken into consideration and reflected in the planning and implementation of any recommended merger. (Radburn/Oates)

**LOCAL GOVERNMENT ACT PROPOSED AMENDMENTS****PHASE 1**

1602/007

**RESOLVED:**

That the report on the Local Government Act Proposed Amendments Phase 1 be noted. (Ferguson/Kingham)

**CARCOAR SCHOOL OF ARTS RESERVE TRUST**

1602/008

**RESOLVED:**

That Council consider assuming the ownership of the Carcoar School of Arts building for the purpose of community land subject to the provision of the following investigation:

1. Insurance
2. Legal costs

3. Building condition report and cost of any repairs
4. Council decision making during merger proposal guidelines
5. Any other matters. (Ferguson/Kingham)

**MINUTES OF THE CULTURAL CENTRE WORKING GROUP MEETING**

1602/009

**RESOLVED:**

That the minutes of the Cultural Centre Working Group Meeting, held on Tuesday 2 February 2016, be received. (Oates/Kingham)

**CORPORATE SERVICES REPORTS**

**REPORT OF COUNCIL INVESTMENTS AS AT 31 DECEMBER 2015**

1602/010

**RESOLVED:**

1. That the report indicating Council's investment position as at 31 December 2015 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted. (Kingham/Radburn)

**REPORT OF COUNCIL INVESTMENTS AS AT 31 JANUARY 2016**

1602/011

**RESOLVED:**

1. That the report indicating Council's investment position as at 31 January 2016 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted. (Radburn/Somerville)

**QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2015**

1602/012

**RESOLVED:**

1. That the Quarterly Budget Review Statement for the quarter ending 30 December 2015 be received.
2. That the supplementary votes proposed in the Quarterly Budget Review Statement be adopted resulting in adjustments of \$419k for Net Operating Result from Continuing Operations and \$(430)k for Capital Expenditure. (Oates/Ewin)

**FINALISATION OF 2008/09 SPECIAL RATE VARIATION**

1602/013

**RESOLVED:**

1. That Council inform the OLG of its intention to conclude the 2008/09 Special Rate Variation 2 years earlier than planned following finalisation of the Community Centre project within financial projections;
2. That Council reduce its general income in 2016/17 rating year by \$275,415 plus the equivalent cumulative proportion of this increase from any general variation increases or any special

variation increases approved for the 2008/09 to 2015/16 rating years inclusive. (Radburn/Ewin)

**SIX MONTHLY DELIVERY PROGRAM REVIEW - DECEMBER 2015**

**1602/014**

**RESOLVED:**

That the six-monthly review, as at 31 December 2015, of Council's 2014/15 – 2017/18 Delivery Program be received. (Radburn/Oates)

**1602/015**

**ADOPTION OF DISPOSAL OF ASSETS POLICY**

**RESOLVED:**

That the draft Disposal of Assets policy be adopted and included in Council's policy register. (Oates/Somerville)

**1602/016**

**ADOPTION OF USE OF PARKS AND PUBLIC OPEN SPACE BY FITNESS INSTRUCTORS AND GROUP TRAINERS POLICY**

**RESOLVED:**

That the draft Use of Parks and Open Space by Fitness Instructors and Group Trainers policy be adopted and included in Council's policy register. (Ewin/Oates)

**1602/017**

**ADOPTION OF REVISED COUNCIL CODE OF CONDUCT**

**RESOLVED:**

That the revised Council Code of Conduct be adopted and included in Council's policy register. (Somerville/Ewin)

**1602/018**

**RISK MANAGEMENT POLICY**

**RESOLVED:**

That the draft Risk Management policy be placed on public exhibition for a period not less than 28 days. (Somerville/Oates)

**COMMUNITY BANNER POLES POLICY AMENDMENT**

**MOTION:**

That the Community Banner Poles Policy, as amended, be adopted and included in Council's policy register.

(Radburn/Somerville)

An AMENDMENT was MOVED

1. That the Community Banner Poles Policy, as amended, be adopted and included in Council's policy register; and
2. That Council remove 6.1 from the Policy and replace with delegation for the General Manager to change the specifications for the banners if and when required. (Somerville/Oates)

The Amendment, on being put, was WON

The Amendment became the RESOLUTION

**1602/019**

**RESOLVED:**

1. That the Community Banner Poles Policy, as amended, be adopted and included in Council's policy register; and

2. That Council remove 6.1 from the Policy and replace with delegation for the General Manager to change the specifications for the banners if and when required. (Somerville/Oates)

**2016 BLAYNEY MUSIC SCHOLARSHIP PROGRAM**

**RECIPIENTS**

1602/020

**RESOLVED:**

That the report on the 2016 Music Scholarship program recipients be received. (Radburn/Ewin)

**COMPLIANCE AND REPORTING ACTIVITIES - JANUARY**

1602/021

**RESOLVED:**

That the report on Compliance and Reporting Activities for January 2016 be received. (Somerville/Ewin)

**AMENDMENTS TO DELEGATIONS REGISTER**

1602/022

**RESOLVED:**

That the proposed amendments to Council's Register of Delegations, as detailed within this report, be adopted. (Oates/Ewin)

**INFRASTRUCTURE SERVICES REPORTS**

**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

1602/023

**RESOLVED:**

That the Director of Infrastructure Services Monthly report for February 2016 be received and noted. (Radburn/Kingham)

**FELLTIMBER ROAD - BRIDGE REPLACEMENT**

1602/024

**RESOLVED:**

That Council approve funding of \$165,000 from the Bridge Replacement Program to match the \$165,000 from the Federal Government's Bridges Renewal Programme (Round 2), for the replacement of the bridge over Coombing Creek on Felltimber road. (Ewin/Kingham)

**PROPOSED ROAD NAMING - DAVIS ROAD, BROWNS CREEK**

1602/025

**RESOLVED:**

That Council note the report on the proposed naming of the unnamed road at 580 Browns Creek Road and:

- a. That it be included on Council's asset register as a Council Public Road with a length of 1,050m, and;
- b. That the recommended name, Davis Road be placed on public exhibition for a period of not less than 28 days and the public and relevant authorities be invited to make submissions. (Oates/Ewin)

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE**  
**MEETING HELD 11 DECEMBER 2015**

1602/026

**RESOLVED:**

That Council accept the Minutes of the Blayney Traffic Committee Meeting, held on Friday 11 December 2015 and resolve to adopt the recommendations 2 to 7 as follows:

1. That Council request Roads and Maritime Services to investigate action required in relation to signage on the Mid Western Highway near Lucks Lane.
2. That Council request Roads and Maritime Services to investigate and take appropriate action in relation to the safety of vehicles turning into the property Knocknarney on the Millthorpe Road.
3. That Council supports the Newcrest Orange Challenge 2016 to be held Sunday, 20 March 2016 subject to the following conditions:
  - a. Council to receive a certified and signed Traffic Control Plans.
  - b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so.
  - c. Approval is to be obtained from the Roads and Maritime Services Traffic Operations Manager.
  - d. Approval is to be obtained from NSW Police.
  - e. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
  - f. The Event Organiser is to notify all Emergency Services of the event including Blayney Hospital.
  - g. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
  - h. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (Version 3.4), 2 August 2006, for a class 1 event.
  - i. The Event Organiser is to comply with the requirements of the "Guide for Bicycle Road Races" NSW 1 January 2004.
  - j. Approval is to be obtained from Cabonne and Orange Council's.
  - k. Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
  - l. A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.

4. That Council supports the 2016 NAB Blayney to Bathurst (B2B) Cycling Festival to be held Sunday, 10 April 2016 subject to the following conditions:  
The Event Organiser is to comply with the following:
  - a. That Council receive certified and signed Traffic Control Plans.
  - b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so.
  - c. Approval is to be obtained from the Roads and Maritime Services Traffic Operations Manager.
  - d. Approval is to be obtained from NSW Police.
  - e. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
  - f. The Event Organiser is to notify all Emergency Services of the event including Blayney Hospital.
  - g. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
  - h. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (Version 3.4), 2 August 2006, for a class 1 event.
  - i. The Event Organiser is to comply with the requirements of the "Guide for Bicycle Road Races" NSW 1 January 2004.
  - j. A parking plan for the start area is developed (which must ensure no parking in front of fire stations).
  - k. There shall be no parking on any footpaths.
  - l. Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
  - m. There shall be additional VMS placed alerting motorists to closed roads ahead at Crookwell.
  - n. A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.
5. That Council supports the Australia Day Fair to be held at Carcoar on Tuesday, 26 January 2016 subject to:
  - a. Council seeking clarification on current public liability insurance and noting that Council provides Traffic Control.
6. That Council and the Roads and Maritime Services Safety Around Schools Officer investigate and review the parking requirements on Adelaide Street in front of

St Joseph's Primary School and present a diagram of any proposal to the next Local Traffic Committee meeting.

7. That Council write to the truck owner with regards to restricting public access along Lane/Marsden Streets Blayney and advise them of – Road Rules 2014 – Rule 200. Blayney Police have been advised of the trucks parking in residential areas. (Radburn/Somerville)

## **PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

### **STRATEGIC PLANNING PROJECTS**

**1602/027**

#### **RESOLVED:**

1. That Council prepare a Planning Proposal to amend the Blayney Local Environmental Plan 2012 for Rural and Large Lot Residential Areas, including;
  - a) Insertion of a new standard instrument boundary adjustment clause,
  - b) A minor wording amendment to Clause 4.2A,
  - c) To extend the period of time specified in Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 from 3 to 5 years,
  - d) To transfer all land which is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998 in the vicinity of Forest Reefs Road Millthorpe to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 2 Hectares,
  - e) To transfer all land which is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998 in the vicinity of Browns Creek Road Blayney to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 20 Hectares,
2. That Council continue with the Employment Lands Study, including an industry engagement evening with key stakeholders in March 2016.
3. That Council proceed to prepare a Planning Proposal to rezone the area described "Blayney West" from RU2 Rural Landscape to appropriate residential zoned land.
4. That Council proceed to develop a comprehensive Development Control Plan for the Blayney Shire LGA prior to January 2017. (Oates/Ewin)



**DEVELOPMENT APPLICATION 165/2015 – ERECTION OF DWELLING – LOT 40 DP 263360, 37 GRAHAM LANE, MILLTHORPE**

**RECOMMENDATION:**

That Council refuse Development Application 165/2015 for a proposed dwelling on Lot 40 DP 263360, 37 Graham Lane, Millthorpe, because:

- Council is not satisfied that the applicant has adequately addressed the matters set down under Clause 4.6 (3) of the Blayney LEP 2012; and
- The proposal is not in the public interest because it is inconsistent with the objectives within the RU1 zone, and inconsistent with the objectives of the 100ha standard.

The reasons for refusal are set down as follows:

- a) The proposal does not align with Council's structured and planned strategic approach to the location of lifestyle allotments under the Rural and Industrial Land Use Strategy 2008.
- b) The development has the potential to create a precedent for the establishment of lifestyle blocks in this locality with no strategic rationale undertaken.
- c) The development has the potential to create a precedent for the establishment of lifestyle blocks within the entire RU1 Primary Production zone of the Blayney Shire Local Government Area with; no strategic rationale, is inconsistent with the State Environmental Planning Policy (Rural Lands) 2008, is inconsistent with the objectives of the Blayney LEP 2012, is inconsistent with the RU1 zone objectives and inconsistent with the 100ha development standard objectives.
- d) The development is proposed in isolation, with no strategic analysis of supply and demand for rural residential allotments, and no analysis of the environmental impacts of soil capability and service provision in the context of future development of the surrounding lots.
- e) The development has the potential to create landuse conflict with adjoining agricultural landuses, having regard for current and future agricultural activities, and the efficient and effective operation of agricultural land.
- f) The proposal has the potential to have an adverse visual impact on the locality, with no indication of possible mitigation measures.

An AMENDMENT was MOVED

That Council defer this item at the request of the owner for further review. (Ferguson/Ewin)

The Amendment, on being put, was WON

The Amendment became the RESOLUTION

**1602/028**

**RESOLVED:**

That Council defer this item to next months meeting at the request of the owner for further review. (Ferguson/Ewin)

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 Oates	
Councillor Kingham	
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
<b>Total (6)</b>	<b>Total (0)</b>

### **DELEGATES REPORTS**

#### **WBC ALLIANCE EXECUTIVE OFFICER REPORT**

**1602/029**

#### **RESOLVED:**

That the report from the WBC Alliance Executive Officer for February 2016 be received. (Radburn/Somerville)

### **CLOSED MEETING**

**1602/030**

#### **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 21/2015 BRIDGE GEOTECHNICAL INVESTIGATION**

*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.*

#### **LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 860 AND 1150 ERROWANBANG ROAD - ROWETH**

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, 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.*

#### **GENERAL MANAGER YEARLY PERFORMANCE REPORT**

*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. (Oates/Ewin)*

**CONFIDENTIAL MEETING REPORTS**

**1602/031**      **TENDER 21/2015 BRIDGE GEOTECHNICAL INVESTIGATION**  
**RESOLVED:**  
That Council accept the tender from Macquarie Geotech Pty Ltd for a total value of \$47,720 (exc. GST) for the delivery of geotechnical testing for Council's bridge replacement program. (Kingham/Oates)

**1602/032**      **LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 860 AND 1150 ERROWANBANG ROAD - ROWETH**  
**RESOLVED:**  
1. That Council approve the acquisition of Land for the purpose of road re-alignment, being part of Lot 162 DP 750358 as required for road realignment safety improvements along the Errowanbang Road and the land be classified as public road, as detailed in the Director of Infrastructure Services report.  
2. That Council authorise the Mayor and General Manager to affix the Council Seal to associated transfer documents required to facilitate acquisition. (Oates/Ewin)

**1602/033**      **GENERAL MANAGER YEARLY PERFORMANCE REPORT**  
**RESOLVED:**  
That Council notes the recommendations of the General Manager's Performance Review Panel and congratulates her on a very successful year. (Ferguson/Ewin)

**1602/034**      **RESOLVED:**  
That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public. (Ewin/Oates)

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 1602/031 TO 1602/033.**

There being no further business, the meeting concluded at 7.26pm.

The Minute Numbers 1602/001 to 1602/034 were confirmed on 21 March 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 15 February 2016.



Cr S Ferguson  
**MAYOR**



Mr G Baker  
**ACTING GENERAL MANAGER**