

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE COUNCIL CHAMBERS,
ON 10 FEBRUARY 2014, COMMENCING AT 6.00 PM

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

General Manager (Mr G Wilcox), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr L Rodwell) and Directors Assistant (Mrs L Ferson).

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

APOLOGIES

1402/001 RESOLVED:
That the apology, tendered on behalf of Cr Braddon, be accepted. (Ferguson/Ewin)

CONFIRMATION OF MINUTES

1402/002 RESOLVED:
That the Minutes of the Ordinary Council Meeting held on 9 December 2013, being minute numbers 1312/001 to 1312/020 be confirmed. (Oates/Somervaille)

DISCLOSURES OF INTEREST

Nil

PUBLIC FORUM

Mrs Valda Hempel Footpath Accidents and Maintenance

Mr Murray West Fire and Rescue NSW Presentation

Mr Donald Young Commercial Dog Breeding Facility

MAYORAL MINUTE

The Mayor congratulated the Director of Corporate Services and Council staff for their efforts with the Australia Day Celebrations and Awards Ceremony at Heritage Park

NOTICES OF MOTION**GARLAND ROAD BRIDGE OPENING****1402/003****RESOLVED:**

1. That Council arrange an official opening of the Garland Road Bridge to recognise the improvements undertaken to the road;
2. That Council invite members of the Ridley and Bloomfield families to assist in the bridge opening; and
3. That the local, state and federal parliament members be invited to the opening.
4. Potential names for the bridge be investigated.
(Kingham/Radburn)

KING GEORGE OVAL SEATING UPGRADE**1402/004****RESOLVED:**

1. That Council investigate the replacement of the existing stadium bench type seating at King George Oval with moulder type seating systems. (Kingham/Oates)

GENERAL MANAGER'S REPORTS**COUNCILLOR PROFESSIONAL DEVELOPMENT PROGRAM****1402/005****RESOLVED:**

1. That Council note this report. (Oates/Ewin)

DELEGATES TO THE CENTROC HEALTH WORKFORCE GROUP**1402/006****RESOLVED:**

1. That Council nominate Cr Ferguson as its representative on the Centroc Health Workforce Group. (Radburn/Somervaille)

WBC ALLIANCE EXECUTIVE OFFICER REPORT**1402/007****RESOLVED:**

1. That the report from the WBC Alliance Executive Officer be received and noted. (Somervaille/Ewin)

REVITALISING LOCAL GOVERNMENT - FINAL REPORT OF THE INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL OCTOBER 2013**1402/008****RESOLVED:**

1. That Blayney Shire advise the Minister that it is working towards a higher level of sustainability through a Special Rate Variation and review of its borrowing program as discussed with TCorp, to meet asset depreciation needs and road and bridge upgrading across the Shire. (Radburn/Ewin)

1402/009**RESOLVED:**

2. That Council advise the Minister and Division of Local Government that it does not intend to take up the option proposed by the Review Panel on pages 91 and 115 to

- amalgamate with Orange City Council. (Oates/Ewin)
- 1402/010 RESOLVED:**
3. That any future mergers, boundary adjustments or other structural changes would require a detailed review by the parties involved to ensure that staff, assets and finances can be transferred without placing local government in an unsustainable position and that any such changes are in the best interest of the rate payers; (Radburn/Kingham)
- 1402/011 RESOLVED:**
4. That Council request further information regarding the structure and function of Regional JO's before making a decision on their role and function; (Ewin/Somervaille)
- 1402/012 RESOLVED:**
5. That Council advise that it is working toward a 'Shared Services' direction with the WBC Councils to strengthen local government in this region and in NSW; (Kingham/Radburn)
- 1402/013 RESOLVED:**
6. That Council support the rate cap variation of 5% above the IPART annual estimate; (Radburn/Oates)
- 1402/014 RESOLVED:**
7. That Council submit advice to the Minister and the Division of Local Government restating its support for a review of boundaries that allow communities of interest to be included into Blayney Shire as per the attached submissions. (Kingham/Radburn)

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 DECEMBER 2013

- 1402/015 RESOLVED:**
1. That the report indicating Council's investment position as at 31 December 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted. (Somervaille/Oates)

REPORT OF COUNCIL INVESTMENTS AS AT 29 JANUARY 2014

- 1402/016 RESOLVED:**
1. That the report indicating Council's investment position as at 29 January 2014 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted. (Ewin/Somervaille)

QUARTERLY PERFORMANCE REPORT - DECEMBER 2013

- 1402/017 RESOLVED:**
1. That the Quarterly Review of Council's 2013/2014 Operational Plan including quarterly budget review as at 31 December 2013 be noted.
2. That the adjustments to votes of income and expenditure and

restricted cash (reserves) be adopted. (Radburn/Ewin)

ADOPTION OF INTEGRATED PLANNING AND REPORTING PLANS

1402/018 RESOLVED:

1. That in accordance with Section 402-406 of the Local Government Act 1993, the Community Strategic Plan, Community Engagement Strategy, Delivery Program 2014/15 to 2017/18, and Resourcing Strategy be adopted by Council.
2. That the submissions received on the Integrated Planning and Reporting Plans be noted.
3. That the Division of Local Government be advised of Council's adopted Delivery Program 2014/15 to 2017/18, and Resourcing Strategy within 28 days of adoption by Council.
4. That a copy of the resolution be provided with the section 508A application for a special rate variation of 6% per annum for two years to the Independent Pricing and Regulatory Tribunal (IPART) as required under the Local Government Special Rate Variation guidelines. (Kingham/Oates)

LATE REPORTS

NSW CIVIL AND ADMINISTRATIVE TRIBUNAL HEARING - ANTI DISCRIMINATION ACT

1402/019 RESOLVED:

1. That the report on the NSW Civil and Administrative Tribunal Hearing – Anti Discrimination Act be noted.
2. That legal representation be appointed to act on behalf of Council in this matter. (Somervaille/Ewin)

SALE OF INDUSTRIAL LANE - DEFFERRED PAYMENT REQUEST

1402/020 RESOLVED:

1. That Council accept the payment arrangement from Mid-Western Engineering Pty Ltd for sale part lots 5 and 6 (12,500 square metres) on Lot 22 DP1056047 for the amount of \$78,000;
2. That associated costs of securing Council's interest in the land until final payment of the sale price be at the Purchaser's expense; and
3. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal. (Radburn/Somervaille)

INFRASTRUCTURE SERVICES REPORTS

2 WAY RADIO NETWORK UPGRADE

1402/021 RESOLVED:

1. That Council approve the funding of 2 way radio network upgrade from the plant fund in the current financial year

2. That an allowance be made within the plant hire rates for the ongoing maintenance and future replacement of the network. (Oates/Radburn)

DRAFT STRATEGIC BUSINESS PLAN FOR SEWERAGE SERVICES

1402/022 RESOLVED:

1. That Council accept the Strategic Business Plan for Sewerage Services 2013.
2. That the Strategic Business Plan for Sewerage Services 2013, be exhibited for public comment for a period of 90 days.
3. That a community newsletter be prepared seeking community input, highlighting the proposed future sewer network extension to the Villages of Carcoar, Mandurama, and Lyndhurst. (Radburn/Ewin)

NATIONAL MOBILE COVERAGE PROGRAM

1402/023 RESOLVED:

1. That Council receive the report for advice and consideration. (Kingham/Ewin)

SALE OF PORTION OF CHURCH STREET - BLAYNEY

1402/024 RESOLVED:

1. That Council:
 - a. Support the sale of the portion (16 square metres) of Church Street, Blayney, to adjoining land owner, as shown on the map.
 - b. Approve a sale price of one dollar subject to the applicant paying all survey and legal costs including Council costs.
 - c. Approve the placement of Council's seal on all documentation associated with the transfer of the segment of Church Street. (Somerville/Oates)

SALE OF PORTION OF CHURCH LANE - HOBBS YARDS

1402/025 RESOLVED:

1. That Council:
 - a. Support the sale of the portion of Church Lane, Hobbs Yards, as shown on the map.
 - b. Approve a sale price of one dollar subject to the applicant paying all survey and legal costs including Council costs.
 - c. Approve the placement of Council's seal on all documentation associated with the transfer of the segment of Church Lane. (Radburn/Somerville)

FOOTPATH MAINTENANCE PROGRAM

1402/026 RESOLVED:

1. That Council:
 - a. vote expenditure, in the amount of \$25,000 to the Operations – Footpath/Kerb and Gutter Maintenance Program, from the 2013/14 Footpath Capital Works

Program.

- b. notify its insurer of the expenditure to be redirected as a result of the inspection program priorities. (Kingham/Ewin)

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

REGIONAL TENDER FOR WASTE SERVICES

1402/027

RESOLVED:

1. That Council note for information the dates of the tender development process associated with the Regional Tender for Waste Services.
2. That Council authorise the General Manager to negotiate an extension of the existing Domestic Waste and Recycling Contract with JR Richards and Sons until midnight 3 April 2016 and apply the Council Seal to all associated documents. (Ewin/Oates)

SWIMMING POOL BARRIER INSPECTION PROGRAM

1402/028

RESOLVED:

1. That Council place the draft 'Swimming Pool Barrier Inspection Program' on public exhibition for 14 days and seek community comment on the proposed program before considering a further report on the amendment and/or adoption of this program.
2. A copy of the draft program be made available to local solicitors, conveyancers and real estate agents for information. (Oates/Ewin)

COMMERCIAL DOG BREEDING FACILITY - 1445 HOBBS YARDS ROAD, HOBBS YARDS

1402/029

RESOLVED:

1. That Council endorse the commencement of legal proceedings against the owner of No. 1445, Lot 27 and Lot 28, DP 572532, Hobbs Yards Road, Hobbs Yards, to cease the unauthorised use of the subject premises as an animal boarding and training establishment. (Oates/Ewin)

FOR

Councillor Ferguson
Councillor Ewin
Councillor Somerville
Councillor Kingham
Councillor Oates

Total (5)

AGAINST

Councillor Radburn

Total (1)

FLYERS CREEK WIND FARM - DRAFT VOLUNTARY PLANNING AGREEMENT (VPA)

1402/030

RESOLVED:

1. That the report be received for information.
2. Council place on public exhibition, for 28 days, the proposed Voluntary Planning Agreement and Explanatory Note and the

public be invited to comment, in writing, on the proposal within that 28 day period.

3. Following the public exhibition and community consultation, a further report be submitted to Council for determination.
(Ewin/Radburn)

COMMITTEE REPORTS

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON 13 DECEMBER 2013

1402/031

RESOLVED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 13 December 2013 be adopted.
(Radburn/Ewin)

MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING HELD ON 25 NOVEMBER 2013

1402/032

RESOLVED:

1. That the recommendations of the Blayney Shire Audit Committee meeting held on 25 November 2013 be adopted.
(Ewin/Somervaille)

MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES COMMITTEE MEETING HELD ON 12 DECEMBER 2013

1402/033

RESOLVED:

1. That the recommendations of the Blayney Shire Towns and Villages Committee meeting held on 12 December 2013 be adopted; and
2. That Council contact Transport NSW and John Holland to advocate on behalf of Newbridge, Carcoar and Millthorpe seeking examination of railway facilities with a view to opening facilities; and that members of each Village Committee be invited to attend any meetings.
(Ewin/Somervaille)

There being no further business, the meeting concluded at 7.41pm.

The Minute Numbers 1402/001 to 1402/033 were confirmed on 10 March 2014 and are a full and accurate record of proceedings of the Ordinary Meeting held on 10 February 2014.

Cr S Ferguson
MAYOR

Mr GA Wilcox
GENERAL MANAGER