

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 19 DECEMBER 2022, COMMENCING AT 5.00PM**

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

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

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

DISCLOSURES OF INTEREST

Nil

PUBLIC FORUM

Raelene Mulligan - Item 18 – Planning Proposal to Amend the Blayney Local Environmental Plan 2012 – PP3: Six (6) Unsewered Villages and Surrounds

**MAYORAL MINUTE – INDEPENDENT PLANNING
COMMISSION – NEW PUBLIC HEARING DATE –
MCPHILLAMYS GOLD PROJECT**

Council noted the new dates for the public hearing into the McPhillamys Gold Project is 6, 7 and 8 February 2023.

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21
NOVEMBER 2022**

2212/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 November 2022, being minute numbers 2211/001 to 2211/019 be confirmed.

(Reynolds/Newstead)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS**QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING HELD 21 NOVEMBER 2022****2212/002****RESOLVED:**

That the questions taken on notice at the Ordinary Council Meeting held on 21 November 2022 and the subsequent response be received and noted.

(Reynolds/Gosewisch)

CARRIED

COUNCIL MEETING DATES**2212/003****RESOLVED:**

That Council;

1. Adopt the following amended dates and times for Ordinary Meetings of Council until September 2023 (all commencing 6.00pm) in the Blayney Shire Community Centre:
 - 14 February 2023
 - 21 March 2023
 - 18 April 2023
 - 16 May 2023
 - 6 June 2023
 - 27 June 2023
 - 18 July 2023
 - 15 August 2023
 - 19 September 2023
2. Amend section 3.1 of Policy 1C – Code of Meeting Practice to reflect the change in meeting day and time.

(Gosewisch/Somerville)

CARRIED

CORPORATE SERVICES REPORTS**REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 2022****2212/004****RESOLVED:**

1. That the report indicating Council's investment position as at 30 November 2022 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Somerville/Ewin)

CARRIED

2024 ELECTION SERVICES

2212/005

RESOLVED:

That the Blayney Shire Council (“the Council”) resolves:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner (NSW Electoral Commission) to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

(Somerville/Pryse Jones)

CARRIED**ENDORSEMENT OF CORPORATE CREDIT CARD POLICY**

2212/006

RESOLVED:

1. That the Corporate Credit Card Policy be endorsed and be placed on public exhibition for a period 42 days.
2. Should no submissions be received during the public exhibition period the Corporate Credit Card Policy be adopted and included in Council’s policy register.

(Pryse Jones/Ewin)

CARRIED**ATTRACTION AND RETENTION OF MEDICAL PROFESSIONALS POLICY**

2212/007

RESOLVED:

1. That the Attraction and Retention of Medical Professionals Policy be endorsed and be placed on public exhibition for a period 42 days.
2. Should no submissions be received during the public exhibition period the Attraction and Retention of Medical Professionals Policy be adopted and included in Council’s policy register.

(Somerville/Pryse Jones)

CARRIED

**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT
COMMITTEE MEETING HELD 23 NOVEMBER 2022**

2212/008

RESOLVED:

That Council;

1. Receive the Minutes of the Audit Risk and Improvement Committee meeting held 23 November 2022.
2. Amend the Agenda issue timeframe in the Audit, Risk and Improvement Committee Charter to at least 3 business days and no later than Friday prior to the scheduled meeting if on a Wednesday.

(Somervaille/Newstead)

CARRIED

**MINUTES OF THE DISABILITY INCLUSION WORKING
GROUP MEETING HELD 16 NOVEMBER 2022**

2212/009

RESOLVED:

1. That the minutes of the Disability Inclusion Working Group meeting held 16 November 2022 be received and noted.
2. That the Disability Inclusion Working Group Charter be endorsed.
3. That Council make representation to Sydney Trains for rectification of the concrete lip at the entrance to café at Millthorpe Railway Station.
4. That the report on the 2022 – 2026 Disability Inclusion Action Plan be referred to Council for endorsement.

(Reynolds/Ewin)

CARRIED

ENDORSEMENT OF DISABILITY INCLUSION ACTION PLAN

2212/010

RESOLVED:

1. That the Draft Blayney Cabonne Orange Disability Inclusion Action Plan for Blayney Shire Council be placed on public exhibition for a period of at least 42 days.
2. Should no submissions be received during the public exhibition period the Draft Blayney Cabonne Orange Disability Inclusion Action Plan for Blayney Shire Council be adopted.

(Pryse Jones/Reynolds)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY
REPORT**

2212/011

RESOLVED:

That the Director Infrastructure Services Monthly Report for December 2022 be received and noted.

(Ewin/Pryse Jones)

CARRIED

- 2212/012** **PROPOSED BRIDGE NAMING - CARCOAR ROAD**
RESOLVED:
That Council:
1. Endorse the naming of Carcoar Road Bridge over Cowriga Creek , as the Pte W.G. Smith Bridge; and
 2. Place the proposed name on public exhibition for a period of not less than 28 days; and
 3. Should no submissions be received during the public exhibition period, the name be adopted.
- (Gosewisch/Somerville)
CARRIED

- 2212/013** **LAND CLASSIFICATION - GLENORIE ROAD**
RESOLVED:
That Council following public notice, classifies the 316m² of closed road, adjacent to 18 Glenorie Road as Operational Land.
- (Reynolds/Somerville)
CARRIED

- 2212/014** **LAND ACQUISITION - LEABEATER STREET**
RESOLVED:
That Council:
1. Compulsorily acquire the land described as unnamed portion of Crown Land located within the area known as Leabeater Street, Lyndhurst and Grubbenbun Creek, Lyndhurst to the north of Lot 2 DP 738955 and Lot 360 DP 750392 pursuant to s186-187 of the Local Government Act 1993 and for the purpose of the *Roads Act* 1993.
 2. The making of an Application to the Minister for Local Government and Governor for the approval of such compulsory acquisition.
 3. Delegate to the Mayor and General Manager authority execute signature and fixing of the Council Seal on all required documentation to facilitate the acquisition.
 4. Give public notice for a period of 28 days of Council's intention to classify the land as Operational Land.
 5. Following public notice period, if no submissions are received the land be classified as Operational Land.
- (Ewin/Pryse Jones)
CARRIED

**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 9
DECEMBER 2022**

2212/015

RESOLVED:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 9 December 2022, be received and noted.
2. That Council endorse the Traffic Guidance Scheme for the annual Blayney Show, to be staged on 11 March 2023 on Blayney Showground, Marshalls Lane, as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report with the amendment that a condition be added: for approval by Transport for NSW for the VMS.
3. That the signage on Martin St, Blayney be replaced with signs indicating "Bus Zone 7.30AM-3.00PM"
4. That Council request NSW Police monitor parking at Millthorpe bus stop to ensure compliance with bus zones
5. That Council on behalf of Transport for NSW (TfNSW) install traffic counters along Park St in Millthorpe.
6. That Council request NSW Police to monitor speed on Park Street, Millthorpe.
7. That Transport for NSW (TfNSW) to triage the northern entry 50km signage placement for Park Street, Millthorpe.
8. That Council adopt the Guidelines for Rural School Bus Routes and informal Bus Stops, and informs school bus operators of the outcome.

(Newstead/Pryse Jones)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

**ADOPTION OF BLAYNEY SHIRE LOCAL INFRASTRUCTURE
CONTRIBUTIONS PLAN 2022**

2212/016

RESOLVED:

That Council:

1. Adopt the Blayney Shire Local Infrastructure Contributions Plan 2022 attached to this report.
2. Note the Plan commences on the day notice of the Council's decision to approve the plan is published on the Council's website.
3. Update the schedule of fees and charges in the 2022/23 Operational Plan to reflect the new charges.

(Reynolds/Gosewisch)

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

AGAINST

Councillor Pryse Jones
 Councillor Gosewisch
Total (7)

Total (0)

CARRIED

PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 – RU2 RURAL LANDSCAPE TO R2 LOW DENSITY RESIDENTIAL – 34 CHARLES STREET, BLAYNEY

2212/017

RESOLVED:

That Council:

1. Submit the Planning Proposal to the Minister for Planning in accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34(2) of the Environmental Planning and Assessment Act 1979.
2. Request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
3. Prepare and exhibit an amendment to the Blayney Shire Development Control Plan 2018 to include development controls relating to the subject property in accordance with the Environmental Planning and Assessment Act 1979.
4. Require, prior to submitting the Planning Proposal for Gateway Determination, that the landowner be advised and agree to paying all reasonable costs involved for Council to amend the Blayney Shire Development Control Plan 2018.
 (Newstead/Ewin)

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

FOR

Councillor Ewin
 Councillor Ferguson
 Councillor Newstead
 Councillor Gosewisch
Total (4)

AGAINST

Councillor Somerville
 Councillor Reynolds
 Councillor Pryse Jones

Total (3)

CARRIED

PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - PP3: SIX (6) UNSEWERED VILLAGES AND SURROUNDS

MOTION:

That Council:

1. Endorse, the amendment to the Blayney Local Environmental Plan 2012 *PP3 Six (6) Unsewered Villages & Surrounds* as outlined in this report.
2. Include 6450 Mid Western Highway, Lyndhurst (Lot 5 DP 1108340) as a lot under PP3B: Dwelling Permissibility – within 500m of the Village zone provision.
3. In exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Department Planning and Environment, forward the required documentation to Parliamentary Counsel for opinion to amend the Blayney Local Environmental Plan 2012.
4. Delegate authority to the General Manager to finalise the amendments to Blayney Local Environmental Plan 2012 with advice from Parliamentary Counsel and the NSW Government on terms that are broadly consistent with the Planning Proposal and this report, including any final feedback from government agencies.
5. Not implement the changes in the Planning Proposal to the Blayney Local Environmental Plan 2012 prior to 1 March 2023.

(Newstead/Gosewisch)

An **AMENDMENT** was moved by Cr Somerville and seconded by Cr Reynolds to include 108 Brady Road, Carcoar (Lot 1 DP626899) as a lot under PP3B: Dwelling Permissibility – within 500m of the Village zone provision.

AMENDMENT

1. Endorse, the amendment to the Blayney Local Environmental Plan 2012 *PP3 Six (6) Unsewered Villages & Surrounds* as outlined in this report.
2. Include 6450 Mid Western Highway, Lyndhurst (Lot 5 DP 1108340) and 108 Brady Road, Carcoar (Lot 1 DP626899) as lots under PP3B: Dwelling Permissibility – within 500m of the Village zone provision.
3. In exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Department Planning and Environment, forward the required documentation to Parliamentary Counsel for opinion to amend the Blayney Local Environmental Plan 2012.
4. Delegate authority to the General Manager to finalise the amendments to Blayney Local Environmental Plan 2012 with advice from Parliamentary Counsel and the NSW

Government on terms that are broadly consistent with the Planning Proposal and this report, including any final feedback from government agencies.

5. Not implement the changes in the Planning Proposal to the Blayney Local Environmental Plan 2012 prior to 1 March 2023.

(Somerville/Reynolds)

The amendment became the substantive motion and was put.

CARRIED

2212/018 RESOLVED:

1. Endorse, the amendment to the Blayney Local Environmental Plan 2012 *PP3 Six (6) Unsewered Villages & Surrounds* as outlined in this report.
2. Include 6450 Mid Western Highway, Lyndhurst (Lot 5 DP 1108340) and 108 Brady Road, Carcoar (Lot 1 DP626899) as lots under PP3B: Dwelling Permissibility – within 500m of the Village zone provision.
3. In exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Department Planning and Environment, forward the required documentation to Parliamentary Counsel for opinion to amend the Blayney Local Environmental Plan 2012.
4. Delegate authority to the General Manager to finalise the amendments to Blayney Local Environmental Plan 2012 with advice from Parliamentary Counsel and the NSW Government on terms that are broadly consistent with the Planning Proposal and this report, including any final feedback from government agencies.
5. Not implement the changes in the Planning Proposal to the Blayney Local Environmental Plan 2012 prior to 1 March 2023.

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

FOR

AGAINST

Councillor Ewin
 Councillor Ferguson
 Councillor Somerville
 Councillor Reynolds
 Councillor Newstead
 Councillor Pryse Jones
 Councillor Gosewisch

Total (7)

Total (0)

CARRIED

DA94/2022 - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING - 7 - 9 VICTORIA STREET MILLTHORPE

2212/019

RESOLVED:

That Council consent to Development Application 94/2022 for alterations and additions to an existing dwelling house at Lot 116 DP587508, 7 – 9 Victoria Street, Millthorpe subject to the recommended conditions of consent.

(Gosewisch/Reynolds)

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

FOR**AGAINST**

Councillor Ewin
Councillor Ferguson
Councillor Somervaille
Councillor Reynolds
Councillor Newstead
Councillor Pryse Jones
Councillor Gosewisch

Total (7)**Total (0)****CARRIED**

DA99/2022 - PROPOSED ALTERATIONS AND ADDITIONS TO THE FORMER BLAYNEY BOWLING CLUB FOR USE AS A RESTAURANT, BAR, LOUNGE AND GUEST RECREATION AREA ANCILLARY TO THE BLAYNEY MOTEL - 62 OSMAN STREET BLAYNEY

2212/020

RESOLVED:

That Council consent to Development Application 99/2022 for alterations and additions to the former Blayney Bowling Club at 62 Osman Street Blayney for use as a restaurant, bar, lounge and guest recreation area ancillary to the Blayney Motel at 62 Osman Street, Blayney 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 Ferguson
Councillor Somervaille
Councillor Reynolds
Councillor Newstead
Councillor Pryse Jones
Councillor Gosewisch

Total (7)**Total (0)****CARRIED**

DELEGATES REPORTS**REPORT OF THE CENTRAL NSW JOINT ORGANISATION
BOARD MEETING HELD 12 OCTOBER 2022****2212/021****RESOLVED:**

That Council note the report on the Central NSW Joint Organisation Board Meeting held 12 October 2022, the Roundtable with Ministers on 13 October 2022 and provide feedback to CNSWJO on its draft Statement of Strategic Regional Priority.

(Pryse Jones/Gosewisch)

CARRIED

**REPORT OF THE CENTRAL NSW JOINT ORGANISATION
BOARD MEETING HELD 24 NOVEMBER 2022****2212/022****RESOLVED:**

That Council note the report of the Central NSW Joint Organisation Board Meeting held 24 November 2022 and provide feedback on advocacy regarding flooding in region.

(Reynolds/Newstead)

CARRIED

CLOSED MEETING**2212/023****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:

LAND ACQUISITION - FOREST REEFS ROAD

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 MANAGERS PERFORMANCE AGREEMENT

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.

(Pryse Jones/Ewin)

CARRIED

CONFIDENTIAL MEETING REPORTS**LAND ACQUISITION - FOREST REEFS ROAD****2212/024****RESOLVED:**

That Council:

1. Approve the acquisition of land for the purpose of road widening, being approx. 86m² of Lot 1 DP576280 as required for the Forest Reefs Road construction works, and the land be classified as Public Road.
2. Delegate authority to the General Manager to negotiate the terms of the acquisition with the landowner of Lot 1 DP576280
3. Delegate to the Mayor and General Manager authority to execute signature and fixing of the Council Seal on all required documentation to facilitate the acquisition.

(Newstead/Ewin)

CARRIED**GENERAL MANAGERS PERFORMANCE AGREEMENT****2212/025****RESOLVED:**

That Council:

1. Endorse the actions taken to date in relation to the development of the General Managers Performance Agreement including nominated Strategic Objectives and Priorities,
2. Note that an informal half yearly review will be conducted in June 2023 and the formal yearly review conducted in November 2023.

(Ewin/Somerville)

CARRIED**2212/026****RESOLVED:**

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

(Newstead/Reynolds)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2212/024 AND 2212/025.

There being no further business, the meeting concluded at 6.53pm.

The Minute Numbers 2212/001 to 2212/026 were confirmed on 14 February 2023 and are a full and accurate record of proceedings of the Ordinary Meeting held on 19 December 2022.



Cr S Ferguson
MAYOR



Mr M Dicker
GENERAL MANAGER