

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING**  
**HELD IN THE COUNCIL CHAMBERS,**  
**ON 12 DECEMBER 2011, COMMENCING AT 6.00 PM**

Present: Crs B Kingham (Mayor), D Bell, G Braddon OAM, A Ewin, S Ferguson, K Radburn and R Reeks.

General Manager (Mr G Wilcox), Director Corporate Services (Mr A Franze), Director Engineering (Mr G Baker), Director Environmental Services (Mr A Lindsay) and Executive Assistant (Miss A Garraway).

**ACKNOWLEDGEMENT OF COUNTRY**

**ADVISE OF USE OF RECORDING EQUIPMENT**

**CONFIRMATION OF MINUTES**

**1112/001 RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 14 November 2011, being minute numbers 1111/001 to 1111/026 be confirmed. (Ferguson/Radburn)

**MATTERS ARISING FROM THE MINUTES**

Nil

**DISCLOSURES OF INTEREST**

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

<b>Councillor /Staff</b>	<b>Interest</b>	<b>Item</b>	<b>Pg</b>	<b>Report</b>	<b>Reason</b>
Reeks	Pecuniary	2	4	Blayney Community Centre	Subcontractor
Reeks	Pecuniary	16	110	Planning Proposal	Subcontractor
Reeks	Pecuniary	19	114	DA 89/2011	Subcontractor
Radburn	Pecuniary	2	4	Blayney Community Centre	Employed by Contractor
Radburn	Pecuniary	19	114	DA 89/2011	Employed by Contractor

**NOTICES OF MOTION**

**2012 LOCAL GOVERNMENT ELECTIONS - PROPOSED REFERENDUM - POPULARLY ELECTED MAYOR**

**MOTION:**

1. That this Council takes the necessary step to enable a referendum to be held at the 2012 Local Government elections on the question of whether the public would like the opportunity to popularly elect their Mayor.

**The Motion on being put was lost**

**Cr Ferguson foreshadowed a Motion from the Floor.**

**MOTION:**

1. That the General Manager prepare a report for Council in regards to the process of the public electing a Popularly Elected Mayor.  
(Ferguson/Radburn)

The Motion on being put was won

The Motion became the RESOLUTION

**RESOLVED****1112/002**

1. That the General Manager prepare a report for Council in regards to the process of the public electing a Popularly Elected Mayor. (Ferguson/Radburn)

**BLAYNEY COMMUNITY CENTRE**

**Crs Reeks & Radburn declared a pecuniary interest and left the Chambers.**

**MOTION:**

1. That the \$75 special rate not be extended beyond the period required to repay borrowing for construction of the Blayney Shire Community Centre.
2. That there is no increase in the special rate of \$75 for the life of that rate.
3. That the new Blayney Community Centre be fully self funding with no cross subsidisation from rates or other revenue.
4. That there be no reduction in services to the Blayney Shire Community to fund the ongoing operation maintenance or depreciation of the Blayney Shire Community Centre.

There was no seconder for the motion, therefore the motion lapsed

**Crs Reeks & Radburn returned to the meeting.**

**GENERAL MANAGER'S REPORTS****REPORT ON CODE OF CONDUCT COMPLAINTS FOR THE PERIOD 1 JULY 2010 TO 30 JUNE 2011****1112/003****RESOLVED:**

1. That the report on Code of Conduct complaints for the period 1 July 2010 to 30 June 2011 be received and noted.  
(Radburn/Ewin)

**CODE OF CONDUCT REVIEW****1112/004****RESOLVED:**

1. That this report be received and noted.
2. That Council make a submission on the Code of Conduct Review. (Radburn/Bell)

- 1112/005**      **2012 E DIVISION CONFERENCE - CALL FOR MOTIONS**  
**RESOLVED:**  
1. That Councillors provide draft motions, for consideration at the 2012 E Division Conference, as outlined in the attached report. (Ferguson/Ewin)
- 1112/006**      **DESTINATION 2036 - DRAFT ACTION PLAN**  
**RESOLVED:**  
1. That Councillors provide feedback to the General Manager by Friday 20 January 2012 to facilitate a Blayney Shire Council response to the Destination 2036 - Draft Action Plan. (Ferguson/Ewin)
- 1112/007**      **APPOINTMENT OF DIRECTOR ENVIRONMENTAL SERVICES**  
**RESOLVED:**  
1. That Council note the confirmation of the appointment of Mr Leon Rodwell to the position of Director Environmental Services. (Ewin/Bell)

### **CORPORATE SERVICES REPORTS**

- 1112/008**      **REPORT OF COUNCILS INVESTMENTS AS AT 30 NOVEMBER 2011**  
**RESOLVED:**  
1. That the report indicating Council's investment position as at 30 November 2011 be received and noted.  
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted. (Radburn/Ferguson)
- 1112/009**      **REQUEST TO WAIVE FEES - DEAF FOOTBALL AUSTRALIA**  
**RESOLVED:**  
1. That Council approve the request from Deaf Football Australia to waive hire fees in the amount of \$530.00 associated with hire of King George Oval.  
2. That it be exhibited for public comment for 28 days in accord with section 610E of the Local Government Act. (Radburn/Bell)
- 1112/010**      **BLAYNEY SHIRE YOUTH COUNCIL CHARTER**  
**RESOLVED:**  
1. That Council adopt the Blayney Shire Youth Council Charter. (Ferguson/Ewin)

**ENGINEERING SERVICES REPORTS****BRIDGE REPORTS: GARLAND ROAD, NAYLOR STREET  
AND CARCOAR ROAD****1112/011****RESOLVED:**

1. That Council receives and notes the report regarding the condition and limits imposed on Carcoar Road, Garland Road, and Naylor Street bridges.
2. That Council approve a change to the management plan providing for the replacement of Garland Road bridge in the 2012/2013 financial year. (Braddon/Ewin)

**SEWERAGE TREATMENT PLANT ENERGY EFFICIENCY  
SAVINGS****1112/012****RESOLVED:**

1. That Council receive and note this report on the investigation into energy savings for the Sewerage Treatment Plant.
2. That Council approve the variation to the Management Plan to undertake the development of design documentation for quotation. (Radburn/Bell)

**ORANGE CYCLE AND TRIATHLON CLUB RACING 2012****1112/013****RESOLVED:**

1. That the report of the Blayney Traffic Committee be received and Council approve the Orange Cycling & Triathlon Club road events for 2012. The events are to be classified as Class 2 events and approved subject to the conditions as determined by the Blayney Local Traffic Committee, and contained within the Traffic Committees report. (Ewin/Bell)

**CROWN ROAD TRANSFER, TURNER STREET, BARRY****1112/014****RESOLVED:**

1. That Council approve:
  - a. the transfer of the Crown Public Road identified as Turner Street, between Sawyer and Barker Streets, Barry, and,
  - b. The placement of Council's Seal on all documentation associated with the crown road transfer of Turner Street, Barry. (Braddon/Reeks)

**PURCHASE OF MACHINE GUIDANCE****1112/015****RESOLVED:**

1. That Council approve the addition of \$110,665 to the Management Plan under Major Plant for the potential purchase of the Leica machine guidance system from C.R. Kennedy and Company Pty. Ltd. (Ferguson/Reeks)

**ENVIRONMENTAL SERVICES REPORTS****PLANNING PROPOSAL REZONING 137 NEWBRIDGE ROAD  
METZIYA PTY LTD (SEA LINK)**

Cr Reeks declared a Pecuniary Interest and left the Chambers.

**1112/016**

**RESOLVED:**

1. That Council note the update report on the Planning Proposal for 137 Newbridge Road, Blayney.
2. That Council waive the \$5,250.00 planning proposal fee in this instance.
3. That Council immediately submit the Planning Proposal for 137 Newbridge Road, Blayney, as soon as possible to the Department of Planning and Industry. (Braddon/Radburn)

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

**FOR****AGAINST**

Councillor Kingham

Councillor Ewin

Councillor Braddon

Councillor Bell

Councillor Ferguson

Councillor Radburn

**Total (6)**

**Total (0)**

Councillor Reeks returned to the meeting.

**PROPOSED FLYERS CREEK WIND FARM ENVIRONMENTAL  
ASSESSMENT**

**1112/017**

**RESOLVED:**

1. That Council note the update report on the proposed Flyers Creek Wind Farm proposal.
2. That Council endorse the submission to the NSW Department of Planning and Infrastructure (DP&I).
3. That Council's submission to NSW DP&I be placed on Council's website.
4. That a letter of thanks be forwarded to Blayney High School for the use of their hall for the Community Meeting.
5. That a letter of thanks be forwarded to Mr Malcolm Barlow for availing himself to attend the Community Meeting.
6. That a delegation of Council make representation to the Department of Planning and Infrastructure in relation to the Flyers Creek Wind Farm proposal. (Ferguson/Ewin)

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

**FOR****AGAINST**

Councillor Kingham

Councillor Ewin

Councillor Reeks  
 Councillor Braddon  
 Councillor Bell  
 Councillor Ferguson  
 Councillor Radburn

**Total (7)**

**Total (0)**

Councillor Roxanne Reeks left the meeting, the time being 7.34 pm

### **NOVEMBER 2011 DEVELOPMENT APPROVALS**

**1112/018**

#### **RESOLVED:**

1. That Council note this report on the November 2011 Development Approvals. (Braddon/Ewin)

### **DA89/2011 - BLAYNEY SHIRE COMMUNITY CENTRE**

Cr Radburn declared a Pecuniary Interest and left the Chambers.

**1112/019**

#### **RESOLVED:**

1. That Council note the report from the Acting Director of Environmental Services on the Community Centre.
2. That Council approve the modification as submitted.
3. That Council delegate to the General Manager approval to undertake minor modifications to the approved DA.  
(Ferguson/Bell)

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

#### **FOR**

Councillor Kingham  
 Councillor Ewin  
 Councillor Bell  
 Councillor Ferguson

**Total (4)**

#### **AGAINST**

Councillor Braddon

**Total (1)**

Cr Radburn returned to the Chamber

### **COMMITTEE REPORTS**

#### **MINUTES OF THE BLAYNEY SHOWGROUND COMMITTEE - 8 NOVEMBER 2011**

**1112/020**

#### **RESOLVED:**

1. That the minutes of the Blayney Shire Showground Committee Meeting held on 8 November 2011 be received and noted. (Bell/Ferguson)

#### **MINUTES OF THE BLAYNEY SHIRE TOURISM COMMITTEE - 10 NOVEMBER 2011**

**1112/021**

#### **RESOLVED:**

1. That the Minutes of the the minutes of the Blayney Shire Tourism Committee meeting held 10 November 2011 be received and noted;

2. That the Charter be amended to permit 10 community members for the remainder of the Council term; and
3. That the appointments of Bruce Pine and Betty Wilson to the Blayney Shire Tourism Committee be endorsed.  
(Ewin/Ferguson)

Councillor Geoff Braddon left the meeting, the time being 7.47 pm.

### **CLOSED MEETING**

**1112/022**

**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: (Ewin/Radburn)

### **CONFIDENTIAL MEETING REPORTS**

#### **FINALISATION OF LEGAL ACTION - STAFF MEMBER**

*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.*

**1112/023**

**RESOLVED:**

1. That Council note that legal action against a Council staff member was withdrawn and that Council's costs associated with defending this action totalled \$13,255 incl GST.  
(Ferguson/Bell)

#### **CENTROC BITUMEN TENDER**

*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.*

**1112/024**

**RESOLVED:**

1. That Council endorse the selection of Boral Asphalt for Council's bitumen emulsion supplier and for negotiations to take place;
2. advise Centroc of its decision;
3. note the balance of the report. (Radburn/Bell)

**1112/025**

**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/Bell)

**1112/026      RESOLVED:**

That the Recommendations of the Closed Meeting, being Minute Numbers 1112/023 and 1112/024, be adopted as Resolutions of Council (Ferguson/Bell)

There being no further business, the meeting concluded at 8:03pm

The Minute Numbers 1112/001 to 1112/026 were confirmed on 13 February 2012 and are a full and accurate record of proceedings of the Ordinary Meeting held on 12 December 2011.

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Cr BR Kingham  
**MAYOR**

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Mr G Wilcox  
**GENERAL MANAGER**