

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE COUNCIL CHAMBERS,
ON 12 SEPTEMBER 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.

Acting General Manager (Mr A McCormack), Director Corporate Services (Mr A Franze), Director Engineering (Mr G Baker), Director Environmental Services (Mr P O'Brien) and Administrative Officer (Miss L Fuller).

ACKNOWLEDGEMENT OF COUNTRY

PRAYER BY PASTOR GRAEME SUMMERSON

CONFIRMATION OF MINUTES

1109/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 8 August 2011, being minute numbers 1108/001 to 1108/027 be confirmed. (Ferguson/Braddon)

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Reeks	Pecuniary	31	160	Refusal of DA13/2011 for the Construction of Additions to an Existing Workshop and Consolidation of Three (3) Allotments at 14 Hill Street, Blayney	Partner of Business
Reeks	Pecuniary	1 Confidential Meeting Reports	183	DA13/2011 – Unapproved Building Works – 14 Hill Street, Blayney	Partner of Business
Braddon	Non Pecuniary	7	15	Report from Sole Reviewer, Code of Conduct	Named in the report

Mayor Kingham vacated the Chair for the election of Mayor and Deputy Mayor.

CORPORATE SERVICES REPORTS

The Acting General Manager acted as the Returning Officer for the election of Mayor and Deputy Mayor.

ELECTION OF MAYOR

The Returning Officer advised that two nominations had been received for the position of Mayor for the twelve month term

commencing the 12 September 2011, being Councillors Ferguson and Kingham.

1109/002 RESOLVED:

1. That the election of Mayor and Deputy Mayor be conducted by Open Vote. (Ferguson/Reeks)

The Returning Officer conducted the election and declared Councillor Kingham as Mayor for the twelve month term commencing 12 September 2011

ELECTION OF DEPUTY MAYOR

The Returning Officer advised that two nominations had been received for the position of Deputy Mayor for the twelve month term commencing 12 September 2011, being Councillors Ewin and Radburn.

The Returning Officer conducted the election and declared Councillor Radburn as Deputy Mayor for the twelve month term commencing 12 September 2011.

Mayor Kingham resumed Chairing the meeting.

COUNCIL AND COMMUNITY COMMITTEES - COUNCILLOR REPRESENTATION

1109/003 RESOLVED:

1. That Council confirm representation on the relevant Committees.
2. That Council nominate Councillor Ferguson as the representative on the Youth Council.
3. That Councillor Braddon be removed from the Tourism Committee.
4. That Councillors Ferguson and Ewin be nominated as representatives on the Access Committee.(Radburn/Ewin)

MEETING DATES AND TIMES FOR ORDINARY MEETING OF COUNCIL FOR THE FOLLOWING 12 MONTHS

1109/004 RESOLVED:

1. That the dates outlined in the report by the General Manager, relating to meeting dates and times for ordinary meetings of Council for the next 12 months, be adopted. (Ewin/Bell)

DESTINATION 2036 CONFERENCE

1109/005 RESOLVED:

1. That the information be noted. (Reeks/Radburn)

CITY COUNTRY LINK

1109/006 RESOLVED:

1. That this information be noted and further enquiries made. (Radburn/Ewin)

URALBA RETIREMENT VILLAGE**1109/007 RESOLVED:**

1. That Council delegate to the Mayor, Councillor Braddon, the General Manager and the Director of Engineering authority to determine the assistance to be given to the Village.
(Ewin/Radburn)

REPORT FROM SOLE REVIEWER, CODE OF CONDUCT

Councillor Braddon declared a non pecuniary interest and left the Chambers.

1109/008 RESOLVED:

1. That the Report and finding of the Sole Reviewer be noted.
 2. That the recommendation of a team building exercise and communications training be adopted. (Radburn/Ferguson)
- Councillor Braddon returned to the Chambers.

DECLARATIONS OF INTEREST**1109/009 RESOLVED:**

1. That this report be received and noted. (Ferguson/Reeks)

ACCESS TO INFORMATION**1109/010 RESOLVED:**

1. That the information in this report be noted. (Ewin/Braddon)

INTEGRATED PLANNING AND REPORTING (PRELIMINARY OBSERVATIONS)**1109/011 RESOLVED:**

1. That this report be noted and Council indicate if it favours any or all of the “Other Actions” listed in the report. (Ewin/Reeks)

WORKERS COMPENSATION**1109/012 RESOLVED:**

1. That this information be noted and Council’s staff be congratulated for the approach to safety. (Reeks/Bell)

LOCAL GOVERNMENT ELECTIONS**1109/013 RESOLVED:**

1. That this information be noted. (Braddon/Ewin)

COUNCIL COMPARATIVE ANALYSIS (SNAPSHOT)**1109/014 RESOLVED:**

1. That this information be noted. (Reeks/Ferguson)

WBC UPDATE**1109/015 RESOLVED:**

1. That the information be noted.
2. That Councillors indicate if they would be attending the Forum on 30 November 2011 and submit any items for discussion.
(Radburn/Ferguson)

- CENTROC**
1109/016 RESOLVED:
1. That the information be noted and that Council contribute the fees of \$10,864, plus GST.
 2. That representatives of Centroc address Council at the October meeting. (Ferguson/Ewin)

- PUBLIC INTEREST DISCLOSURES (WHISTLEBLOWERS)**
1109/017 RESOLVED:
1. That this information be received and noted.
 2. That the Internal Reporting policy be placed on public exhibition for a period of at least 28 days. (Radburn/Braddon)

- DIVISION OF LOCAL GOVERNMENT COLLABORATION SURVEY**
1109/018 RESOLVED:
1. That the information be received and noted. (Ewin/Bell)

- NEWBRIDGE RAILWAY STATION**
1109/019 RESOLVED:
1. That the correspondence from NSW Transport pertaining to the Newbridge Railway Station be received and noted.
 2. That Council makes representation to our Local Member in relation to Railway Stations in our Shire. (Ferguson/Ewin)

- REPORT OF COUNCILS INVESTMENTS AS AT 31 AUGUST 2011**
1109/020 RESOLVED:
1. That the Report indicating Council's Investment position as at 31 August 2011 be received and noted.
 2. That the Certification of the Responsible Accounting Officer be noted and the Report be adopted. (Ferguson/Braddon)

- QUARTERLY PERFORMANCE REPORT - JUNE 2011**
1109/021 RESOLVED:
1. That the Quarterly Review of Council's 2010 – 2015 Management Plan as at 30 June 2011 be received and adopted. (Radburn/Reeks)

- PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY**
1109/022 RESOLVED:
1. That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors policy be adopted and included in Council's policy register.
 2. That attendance at the Annual Shires Conference be regarded as business of the Council and, as permitted by the Division of Local Government Guidelines, registration and official conference dinner costs be met by Council. (Braddon/Bell)

ENGINEERING SERVICES REPORTS**DRAFT ASSET MANAGEMENT POLICY****1109/023****RESOLVED:**

1. That the Draft Asset Management Policy be received and noted, and
2. That the Draft Asset Management Policy be placed on public exhibition for a period of not less than 28 days and the public be invited to make submissions. (Radburn/Braddon)

MILLTHORPE TENNIS COURT RECONSTRUCTION**1109/024****RESOLVED:**

1. That the report on the reconstruction of the Redmond Oval Tennis courts at Millthorpe be received and noted. (Ferguson/Reeks)

SUPPLY OF BITUMEN EMULSION**1109/025****RESOLVED:**

1. That Council:
 - a. Agree to participate in a regional bitumen emulsion contract, and,
 - b. Advise Centroc of the outcome of its decision. (Ewin/Bell)

CENTROC WATER UTILITIES ALLIANCE PROGRESS**1109/026****RESOLVED:**

1. That the report on the progress of the Centroc Water Utilities Alliance be received and noted. (Braddon/Ewin)

TBL SEWERAGE BENCHMARKING REPORT**1109/027****RESOLVED:**

1. That the summary of the results of the 2009/10 Blayney Shire Council Triple Bottom Line (TBL) Performance Report as published by the NSW Office of Water be noted. (Radburn/Bell)

ROADS TO RECOVERY PROGRAM**1109/028****RESOLVED:**

1. That Council support the Australian Local Government Association in its campaign to continue with the Roads to Recovery Programme on a permanent basis beyond 2014.
2. That Council call on the Federal Government to:
 - a. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
 - b. Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities for providing access for its communities;
 - c. Continue the Roads to Recovery Program with the current administrative arrangements; and
 - d. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall

of funding on local roads of \$1.2 billion annually.

3. That Council write to the Prime Minister, Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and the local Federal Member, seeking their support for the continued operation of the Roads to Recovery Program. (Ewin/Radburn)

CASUAL PLANT HIRE TENDER 2011-2012

1109/029 RESOLVED:

1. That Council accept the tenders submitted for Hire of Plant in the current financial year, as listed in the report, in accordance with the General Conditions for Hire of Plant. (Ferguson/Reeks)

CENTROC ROAD SIGN SUPPLY CONTRACT

1109/030 RESOLVED:

1. That Council
 - a. Endorse the selection of Road Management Solutions as Council's preferred road sign supplier, and,
 - b. Advise Centroc of the outcome of its decision. (Reeks/Ewin)

ENVIRONMENTAL SERVICES REPORTS

ACCESS TO PREMISES STANDARD 2010

1109/031 RECOMMENDED:

1. That Council receive and note the report on the new Access to Premises Standard 2010. (Ferguson/Ewin)

REFUSAL OF DA13/2011 FOR THE CONSTRUCTION OF ADDITIONS TO AN EXISTING WORKSHOP AND CONSOLIDATION OF THREE (3) ALLOTMENTS AT 14 HILL STREET, BLAYNEY

Councillor Reeks declared a Pecuniary Interest and left the Chambers.

MOTION:

1. That Council refuse DA13/2011 for construction of additions to an existing workshop and consolidation of three (3) allotments, as the works have been predominantly completed and may not be approved retrospectively.
2. That Council invites Mr Reeks to submit a new Development Application for the use of the unapproved workshop addition. This application would be required to be accompanied by an application for a Building Certificate.
3. That Council issue a Notice of Intention to serve Order Number 9 under Environmental Planning and Assessment Act 1979, requiring the cessation of the occupation of the building until such time as appropriate provisions for fire safety and fire safety awareness which are adequate to prevent the spread of fire and promote the safety of persons

in the event of fire, are installed in the building.

4. That proceedings for an offence under Section 125 of the Environmental Planning and Assessment Act 1979 be taken before the Local Court in relation to the unapproved building works.

This Motion lapsed through want of a mover.

The following Motion was then moved.

1. That Council ask the Acting General Manager to seek legal advice on this matter and provide a report back to Council. (Kingham/Ferguson)

The Motion, on being put was WON.

1109/032

RESOLVED:

1. That Council ask the Acting General Manager to seek legal advice on this matter and provide a report back to Council. (Kingham/Ferguson)

FOR

Councillor Kingham
Councillor Ewin
Councillor Braddon
Councillor Bell
Councillor Ferguson
Councillor Radburn

Total (6)

AGAINST

Total (0)

Councillor Reeks returned to the Chambers.

COMMITTEE REPORTS

CENTRAL TABLELANDS WATER DELEGATES REPORT

1109/033

RESOLVED:

1. That the Central Tablelands Water Delegates Report from the August 2011 meeting be received and noted. (Braddon/Radburn)

MINUTES OF THE BLAYNEY SHIRE TOURISM COMMITTEE MEETING - 14 JULY 2011

1109/034

RESOLVED:

1. That the Minutes of the Blayney Shire Tourism Committee meeting held 14 July 2011 be received and noted. (Ewin/Bell)

MINUTES OF THE BLAYNEY SHIRE TOURISM COMMITTEE MEETING - 4 AUGUST 2011

1109/035

RESOLVED:

1. That the minutes of the Blayney Shire Tourism Committee meeting held 4 August 2011 be received and noted.
2. That the resignation by Aida Pottinger be received and that Council advertise to fill the vacancy on the Tourism Committee. (Ewin/Braddon)

CLOSED MEETING

MOTION:

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 matter:

DA13/2011 - Unapproved Building Works – 14 Hill Street, Blayney

1109/036 RESOLVED:

1. That because the matter listed in the Closed Report had been covered by a motion moved in Open Council, in relation to Item 31, it was deemed unnecessary to go to Closed Council. (Ferguson/Braddon)

There being no further business, the meeting concluded at 7.02pm.

The Minute Numbers 1109/001 to 1109/036 were confirmed on 10 October 2011 and are a full and accurate record of proceedings of the Ordinary Meeting held on 12 September 2011.

Cr BR Kingham
MAYOR

Mr A McCormack
ACTING GENERAL MANAGER