

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING  
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY  
CENTRE, ON 21 NOVEMBER 2016, COMMENCING AT 6.00 PM**

Present: Crs S Ferguson (Mayor), G Braddon OAM, A Ewin, D Kingham, S Oates, K Radburn and D Somerville

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Acting Director Infrastructure Services (Mr N Skelly), Director Planning & Environmental Services (Mr M Dicker), Acting Executive Assistant to the General Manager (Ms S Hibbert)

**ACKNOWLEDGEMENT OF COUNTRY**

**MINUTE SILENCE**

A minutes silence was held for former Blayney Shire Councillor Jean Adams who passed away 29 October 2016, aged 92.

Jean served as a Councillor from 21 Sept 1972 – 26 Sept 1987. She received the Australia Day Blayney Shire Community Service Award in 1991 and received the Premier Award for Active Citizen in 2001.

**RECORDING OF MEETING STATEMENT**

**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>
Cr Somerville	Non- pecuniary	11	67	Write Off Debt	The write off debt relates to a condition of consent for the Metziya P/L development, which required landscaping works in part to protect the amenity of Cr Somerville's adjoining property.

**PUBLIC FORUM**

Brian Newton – Agenda Item No. 4 - Inala Units Millthorpe, and additional item: Public Toilet Signage Millthorpe

Roger Ellis – Agenda Item No. 4 - Inala Units Millthorpe

**MAYORAL MINUTE****2016 CENTRAL WEST VOLUNTEER OF THE YEAR CEREMONY**

The Mayor attended the 2016 Central West Volunteer of the Year Ceremony, held 13 October 2016 at Bathurst RSL. Michael Truloff from Millthorpe, received both the Adult Volunteer of the Year and Overall Volunteer of the Year Awards for his contribution to the Redmond Oval Project

**MAYORAL MINUTE****GENERAL MANAGER ANNUAL PERFORMANCE REVIEW**

1611/001

**RESOLVED**

That the annual General Manager Performance Review Panel include the Mayor, a Councillor nominated by Council and a Councillor nominated by the General Manager.

(Oates/Radburn)

**CARRIED****CONFIRMATION OF MINUTES****MINUTES OF THE PREVIOUS MEETING HELD MONDAY 24 OCTOBER 2016**

1611/002

**RESOLVED**

That the Minutes of the Ordinary Council Meeting held on 24 October 2016, being minute numbers 1610/001 to 1610/025 be confirmed.

(Kingham/Braddon)

**CARRIED****MATTERS ARISING FROM THE MINUTES****EXECUTIVE SERVICES REPORTS****LGNSW LONG SERVICE AWARDS**

1611/003

**RESOLVED**

That Council acknowledge the awarding of Long Service Awards by Local Government NSW to current Councillors including; an Outstanding Service Award to Councillor Geoff Braddon OAM, a Certificate of Service and Emeritus Mayor Certificate to Mayor Scott Ferguson and Certificates of Service presented to; Deputy Mayor Allan Ewin, Councillor Kevin Radburn and Councillor David Kingham.

(Somerville/Oates)

**CARRIED**

- 1611/004** **INALA UNITS MILLTHORPE**  
**RESOLVED**
1. That Council place on notice inviting public comment for 28 days, the intention in principle; that Council will be proceeding to sell Inala Units being lot 221/DP593369 at 33 Park Street, Millthorpe.
  2. That a communications strategy be implemented to ensure the Blayney Shire residents are fully informed and extensive opinion sought.
- (Oates/Braddon)  
**CARRIED**

- 1611/005** **GARAGE SALE TRAIL 2016**  
**RESOLVED**
- That Council note the results of the 2016 Garage Sale Trail held throughout Blayney and shire villages.
- (Kingham/Ewin)  
**CARRIED**

- 1611/006** **MINUTES OF THE BLAYNEY SHIRE CULTURAL CENTRE**  
**WORKING GROUP MEETING HELD MONDAY 7 NOVEMBER**  
**2016**  
**RESOLVED**
1. That the minutes of the Cultural Centre Working Group Meeting, held Monday 7 November 2016, be received.
  2. That Stage 2 Cultural Centre remain as originally planned to include space for an Art Gallery, Library, Viv Kable Collection and the Family History interests.
  3. That the issue of Caravan/Long Vehicle Parking in Adelaide Street be referred to the Traffic Committee to investigate, including an assessment of signage to direct people to correct areas.
- (Ewin/Oates)  
**CARRIED**

### **CORPORATE SERVICES REPORTS**

- 1611/007** **REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER**  
**2016**  
**RESOLVED**
1. That the report indicating Council's investment position as at 31 October 2016 be received.
  2. That the certification of the Responsible Accounting Officer be received and the report be adopted.
- (Radburn/Braddon)  
**CARRIED ..**

**PRESENTATION**

2016 Financial Statements Review and Auditors Report by  
Leanne Wright of Intentus Chartered Accountants

**2015/2016 AUDITED FINANCIAL STATEMENTS**

1611/008

**RESOLVED**

1. That Council adopt the 2015/2016 Financial Statements and accept the Auditor's Report, as submitted by Intentus Chartered Accountants.
2. That the 2015/2016 transfers to and from Council's restricted cash be adopted.

(Oates/Ewin)  
**CARRIED**

**QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016**

1611/009

**RESOLVED**

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2016 be received.
2. That the supplementary votes of \$919k proposed in the Quarterly Budget Review Statement be adopted resulting in an increase to expenditure of \$103k for Net Continuing Operations and an increase to Capital Expenditure of \$816k offset by Capital Income variations of \$816k.
3. That the budgeted expenditure and transfers from the Asset Replacement Reserve of \$757k for works carried over from the 2015/16 financial year be endorsed.

(Somerville/Ewin)  
**CARRIED**

**FINANCIAL REPORTING OBLIGATIONS FOR RELATED PARTY DISCLOSURES**

1611/010

**RESOLVED**

That Council receive the report on financial reporting obligations for Related Party Disclosures.

(Radburn/Ewin)  
**CARRIED**

**CR DAVID SOMERVILLE LEFT THE MEETING, THE TIME BEING 06:49 PM**

**WRITE OFF DEBT**

1611/011

**RESOLVED**

That Council approve the write-off of irrecoverable sundry debtor in the amount of \$22,645.70 for the following debtor:

D71247 – Metzuya Pty Ltd T/A Sealink \$22,645.70

(Braddon/Radburn)  
**CARRIED**

**CR DAVID SOMERVILLE RETURNED TO THE MEETING, THE TIME BEING 06:50 PM**

- 1611/012**      **DISABILITY INCLUSION ACTION PLAN**  
**RESOLVED**  
That Council commit to the development of a Disability Inclusion Action Plan pursuant to the Disability Inclusion Act 2014.  
(Oates/Ewin)  
**CARRIED**

**INFRASTRUCTURE SERVICES REPORTS**

- 1611/013**      **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**  
**RESOLVED**  
That the Director of Infrastructure Services Monthly report for November 2016 be received and noted.  
(Kingham/Ewin)  
**CARRIED**

- 1611/014**      **TENDER 4/2016 - REPLACEMENT SIX BRIDGES**  
**RESOLVED**
1. In accordance with the Local Government (General) Regulation 2005, Clause 178 (3) (e):-
    - a. Council not accept any tenders submitted for this project, and
    - b. Council not call new tenders as Council received offers from high quality contractors, and it is considered calling new tenders would not identify additional benefits beyond those already received, and
    - c. Council enter into negotiations with VEC Civil Engineering Pty Ltd as a suitably qualified and experienced contractor, to ensure all aspects of the contract have been negotiated in 'good faith', and are acceptable to both parties.
  2. That Council approve to vote expenditure, in the amount of \$1,100,000 to be brought forward from Financial Year 17/18 to fund the early delivery of Newbridge Road, Dowsetts Lane, and part of Errowanbang Road bridges as offered in the tender scope.
- (Radburn/Oates)  
**CARRIED**

**PLANNING AND ENVIRONMENTAL SERVICES REPORTS****REQUEST FOR REFUND OF CHARGES, BLAYNEY WASTE FACILITY****1611/015****RESOLVED**

That Council approve an adjustment to the disposal rate charged to JR Richards for delivery of 45m<sup>3</sup> of commercial waste to Blayney Waste Facility on 6 April 2016, from \$190 per m<sup>3</sup> to \$48 per m<sup>3</sup>. This equates to a total adjustment of \$6,390 in JR Richards favour.

(Braddon/Ewin)

**CARRIED****DEVELOPMENT APPLICATION 55/2016 - ANIMAL BREEDING, KEEPING AND TRAINING FACILITY AT LOT 144 DP 750408, 73 SOMERS LANE MANDURAMA****1611/016**

That Council refuse Development Application 55/2016 for an animal breeding, keeping and training facility at Lot 144 DP 750408, 73 Somers Lane, Mandurama, for the following reasons:

1. Additional information, being an adequate noise assessment prepared by a suitably qualified person and geotechnical report have not been supplied as requested in accordance with clause 54 of the Environmental Planning and Assessment Regulation 2000,
2. An adequate noise assessment and geotechnical report has not been provided to;
  - a. Support the development.
  - b. Enable proper consideration of the compatibility of the development with the existing rural residential landuse pattern,
  - c. Confirm landuse conflict will not be created from the development,
  - d. Confirm the site is suitable for the development,
  - e. Enable proper consideration of the development and its impact upon the natural and built environment,
  - f. Address issues detailed in submissions made against the development

(Kingham/Oates)

An Amendment was moved by Cr Radburn and seconded by Cr Braddon, to defer this matter to the December 2016 Council Meeting.

**CARRIED**

The Amendment became the substantive motion and was put.

**RESOLVED**

That the matter be deferred to the December 2016 Council Meeting.

(Radburn/Braddon)  
**CARRIED**

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 Braddon	Councillor Kingham
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
<b>Total (5)</b>	<b>Total (2)</b>

**CLOSED MEETING**

1611/017

**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:

**SALE OF LOT 1/DP 813003 MARIA STREET BLAYNEY**

*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.*

(Oates/Somerville)  
**CARRIED**

**CONFIDENTIAL MEETING REPORTS**

1611/018

**SALE OF LOT 1/DP 813003 MARIA STREET BLAYNEY****RESOLVED**

1. That Council accept the offer to purchase 1 Maria Street (Lot 1, DP 813003) for the amount of \$49,500 by J and PJ Newman Pty Ltd T/As Newman's Fuels; unencumbered and as is, without services and the current zoning Industrial IN2.
2. That Council's accepted sale price includes GST and is subject to the purchaser paying all associated legal costs.
3. That Council authorise the Mayor and General Manager to affixing of the Council Seal and executing the Contract of Sale to enable settlement.

(Braddon/Ewin)  
**CARRIED**

**1611/019 RESOLVED**

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

(Braddon/Ewin)  
**CARRIED**

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOME OF RESOLUTION NUMBER 1611/018**

There being no further business, the meeting concluded at 7.10pm

The Minute Numbers 1611/001 to 1611/019 were confirmed on 19 December 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 November 2016.



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Cr S Ferguson  
**MAYOR**



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Mrs R Ryan  
**GENERAL MANAGER**