

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

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

Acting General Manager (Mr Grant Baker), Director Corporate Services (Mr A Franze), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

APOLOGIES

- 1603/001 **RESOLVED:**
That the apologies, tendered on behalf of Cr Geoff Braddon OAM, General Manager Rebecca Ryan and Acting Director Infrastructure Services Nathan Skelly, be accepted. (Oates/Ewin)

DISCLOSURES OF INTEREST

Nil

PUBLIC FORUM

Lorna Harris – Agenda Item No.14 – Development Application 165/2015 – Erection of a Dwelling – Lot 40, DP263360, 37 Graham Lane, Millthorpe

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS MEETING HELD ON MONDAY
15 FEBRUARY 2016**

- 1603/002 **RESOLVED:**
That the Minutes of the Ordinary Council Meeting held on 15 February 2016, being minute numbers 1602/001 to 1602/034 be confirmed. (Radburn/Kingham)

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

**MINUTES OF THE CULTURAL CENTRE WORKING GROUP
MEETING HELD ON MONDAY 29 FEBRUARY 2016**

- 1603/003 **RESOLVED:**
1. That the minutes of the Cultural Centre Working Group Meeting, held on Monday 29 February 2016, be received.

2. That an investigation and feasibility of a refurbishment of the Cottage be undertaken with the view of including a commercial Coffee Shop operator and current Visitor Information services as Stage 1 of the Cultural Centre project. (Ewin/Oates)

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 29 FEBRUARY 2016

1603/004

RESOLVED:

1. That the report indicating Council's investment position as at 29 February 2016 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted. (Kingham/Somervaille)

ADOPTION OF AUDIT COMMITTEE AND INTERNAL AUDIT CHARTERS

1603/005

RESOLVED:

That the Audit Committee and Internal Audit Charters be adopted. (Somervaille/Ewin)

ADOPTION OF RESTRICTED AND UNRESTRICTED CASH POLICY

1603/006

RESOLVED:

That the draft Restricted and Unrestricted Cash policy be adopted and included in Council's policy register. (Radburn/Somervaille)

ADOPTION OF RISK MANAGEMENT POLICY

1603/007

RESOLVED:

That the draft Risk Management policy be adopted and included in Council's policy register. (Oates/Ewin)

MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING HELD ON 17 FEBRUARY 2016

1603/008

RESOLVED:

That the minutes of the Blayney Shire Audit Committee meeting held on 17 February 2016 be received. (Somervaille/Ewin)

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

1603/009

RESOLVED:

That the Director of Infrastructure Services Monthly report for March be received and noted. (Oates/Kingham)

TENDER FOR PROVISION OF TRAFFIC CONTROL SERVICES**1603/010****RESOLVED:**

1. That Council accept the tender from Midwest Traffic Management for Contract 726946 Provision of Traffic Control Services;
2. That Council authorise the signing and attachment of the Council Seal to the instrument of agreement, and other associated documents between Blayney Shire Council and Midwest Traffic Management. (Radburn/Somervaille)

PLANET FOOTPRINT - 2015-16 HALF YEAR RESULTS**1603/011****RESOLVED:**

That the 2015-16 Planet Footprint Half Year Performance Review for electricity consumption be received and noted. (Oates/Ewin)

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 19 FEBRUARY 2016**1603/012****RESOLVED:**

That Council accept the Minutes of the Blayney Traffic Committee Meeting, held on Friday 19 February 2016 and resolve to adopt the recommendations 2 to 7 as follows:

1. That Council support for the Newbridge Speed Review Report, be noted and note that Roads and Maritime Services require a written response from NSW Police supporting the report.
2. That Council inspect the signage currently on Bakers Road, Burnt Yards. Roads and Maritime Services recommends appropriate signage for gravel roads is "Drive to Conditions", RMS do not speed limit gravel roads. Council to write to proponent.
3. That Council look at the criteria for black spot funding for Gap Road and respond to proponent. That Council and Roads and Maritime Services inspect the signage of Gap Road and remove any signage that refers to Gap Road as Platform Road.
4. That Council work with RSL/Anzac Day Committees in Blayney, Neville and Mandurama and ensure Traffic Control Plans provided by Council are put in place.
5. That Council liaise with owners of Hill & Crofts with a view to extending the Disabled Parking area to the kerb area in front of Hill & Croft, 98 Adelaide Street, Blayney and Disabled Parking Signs be erected either side of the parking area.
6. That Council liaise with Central Tablelands Water in regards to an appropriate area for Disabled Parking that aligns with the existing ramp access for CTW in Church Street with both Council and CTW contributing to the cost.

7. That Council advise RMS of the request received for reduced speed limit at 1129 Millthorpe Road, Millthorpe. Council to check previous Speed Zone Review report provided by RMS in regards to signage – “Driveway warning signs.” Council to advise proponent that signage on Millthorpe Road is provided by RMS and that the request has been forwarded to RMS for review. (Radburn/Oates)

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD ON WEDNESDAY 2 MARCH 2016**

1603/013

RESOLVED:

That the Minutes of the Blayney Sports Council Meeting, held on Wednesday 2 March 2016, be received and noted. (Kingham/Ewin)

1603/014

REDMOND OVAL RECONSTRUCTION PROJECT**RESOLVED:**

1. That Council approve additional funds with an upper limit of \$200,000 (ex GST) for the completion of upgrade works at Redmond Oval.
2. That the financial allocations be determined and identified as part of the March 2016 Quarterly Budget Review Statement. (Oates/Somerville)

PLANNING AND ENVIRONMENTAL SERVICES REPORTS**DEVELOPMENT APPLICATION 165/2015 – ERECTION OF
DWELLING – LOT 40 DP 263360, 37 GRAHAM LANE,
MILLTHORPE****RECOMMENDATION:**

That Council refuse Development Application 165/2015 for a proposed dwelling on Lot 40 DP 263360, 37 Graham Lane, Millthorpe, because:

- Council is not satisfied that the applicant has adequately addressed the matters set down under Clause 4.6 (3) of the Blayney LEP 2012; and
- The proposal is not in the public interest because it is inconsistent with the objectives within the RU1 zone, and inconsistent with the objectives of the 100ha standard.

The reasons for refusal are elaborated upon as follows:

- a) The proposal does not align with Council’s structured and planned strategic approach to the location of lifestyle allotments under the Rural and Industrial Land Use Strategy 2008.
- b) The development has the potential to create a precedent for the establishment of lifestyle blocks within the entire RU1 Primary Production zone of the Blayney Shire Local Government Area with no strategic rationale, is inconsistent with the State Environmental Planning Policy (Rural Lands)

- 2008, is inconsistent with the objectives of the Blayney LEP 2012, is inconsistent with the RU1 zone objectives and inconsistent with the 100ha development standard objectives.
- c) The development is proposed in isolation, with no strategic analysis of supply and demand for rural residential allotments, and no analysis of the environmental impacts of soil capability and service provision in the context of future development of the surrounding lots.
 - d) The development has the potential to create landuse conflict with adjoining agricultural landuses, having regard for current and future agricultural activities, and the efficient and effective operation of agricultural land.
 - e) The proposal has the potential to have an adverse visual impact on the locality, with no indication of possible mitigation measures.

An AMENDMENT was MOVED

That Council defer this matter to the May Council Meeting at the request of the owner for determination (Ferguson/Somerville)

The Amendment, on being put, was WON

The Amendment became the RESOLUTION

RESOLVED:

1603/015

That Council defer this matter to the May Council Meeting at the request of the owner for determination (Ferguson/Somerville)

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

FOR	AGAINST
Councillor Ewin	
Councillor Oates	
Councillor Kingham	
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (0)

PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - HERITAGE ITEMS

1603/016

RESOLVED:

1. That, following consideration of the submissions received, Council proceed to endorse the amendments to heritage items within the Blayney Local Environmental Plan 2012 as identified in the business paper report presented to Council at the Ordinary Meeting of 11 May 2015.
2. That, Council, in exercising its delegations under Section 59 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to make amendments to Schedule 5 of the Blayney Local Environmental Plan 2012,

and the making of a Local Environmental Plan.
(Kingham/Radburn)

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

FOR	AGAINST
Councillor Ewin	
Councillor Oates	
Councillor Kingham	
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (0)

**PLANNING PROPOSAL: RURAL AND LARGE LOT
RESIDENTIAL LANDS**

1603/017

RESOLVED:

1. That Council forward a Planning Proposal to the Minister for Planning and Environment requesting a Gateway Determination to amend the Blayney Local Environmental Plan 2012 (BLEP 2012) by:
 - a) Transferring all land which is shown as “Deferred Matter” in BLEP 2012 (land is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998) in the vicinity of Forest Reefs Road, Millthorpe to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 2 Hectares.
 - b) Transferring all land which is shown as “Deferred Matter” in BLEP 2012 (land is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998) in the vicinity of Browns Creek Road Blayney to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 20 Hectares.
 - c) Extending the period of time specified in Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 from 3 to 5 years,
 - d) Incorporating a new standard instrument boundary adjustment clause to permit simple boundary adjustments in rural areas on lots below the minimum lot size and/or greater than 10% variations in lot size.
 - e) Amending Clause 4.2A (3)(c) to add the words ‘under an environmental planning instrument’ before the words ‘before this Plan’, and,
2. If points 1a) and 1b) are adopted, to revoke Blayney Local Environmental Plan 1998. (Oates/Radburn)

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

FOR	AGAINST
Councillor Ewin	
Councillor Oates	
Councillor Kingham	
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (0)

BLAYNEY 2020 MASTERPLAN AND IMPLEMENTATION STRATEGY

1603/018

RESOLVED:

That Council adopt the Blayney 2020 MasterPlan and Implementation Strategy. (Ewin/Somerville)

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD ON THURSDAY 11 FEBRUARY 2016

1603/019

RESOLVED:

That Minutes of the Blayney Shire Access Advisory Committee Meeting, held on 11 February 2016, be received. (Oates/Ewin)

MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING HELD ON THURSDAY 11 FEBRUARY 2016

1603/020

RESOLVED:

That Minutes of the Blayney Shire Cemetery Forum Meeting, held on 11 February 2016, be received. (Radburn/Oates)

DELEGATES REPORTS

WBC ALLIANCE EXECUTIVE OFFICER REPORT

1603/021

RESOLVED:

That the report from the WBC Alliance Executive Officer to March 2016 meeting be received. (Ewin/Oates)

CLOSED MEETING

1603/022

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:

ELECTRICITY PROCUREMENT

This matter is considered to be confidential under Section 10A(2) (c) (di) 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; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

REQUEST FOR EXTENSION OF INTEREST FREE LOAN

This matter is considered to be confidential under Section 10A(2) (b) of the Local Government Act, as it deals with the personal hardship of any resident or ratepayer. (Ewin/Oates)

CONFIDENTIAL MEETING REPORTS

ELECTRICITY PROCUREMENT

1603/023

RESOLVED:

1. That Council acknowledge that there are extenuating circumstances surrounding the procurement of electricity and as such Council should be excused from the tendering requirements under Section 55 of the Local Government Act 1993.
2. That Council engage Energy and Management Services to conduct the procurement process for electricity for the next rounds of small sites, large sites and street lighting contracts.
3. That Council delegate the authority to execute the contracts for the supply of electricity to the Mayor and General Manager. (Radburn/Oates)

REQUEST FOR EXTENSION OF INTEREST FREE LOAN

MOTION:

That Council approve an extension of the provision of the interest free loan approved in February 2015 (minute no. 1502/007) to four (4) years under the existing loan agreement arrangements, subject to negotiation of a satisfactory payment plan.

(Radburn/Oates)

An AMENDMENT was MOVED

That at the request of the borrower, Council approve an amendment of the loan agreement approved in February 2015 (minute no. 1502/007) by changing the first repayment date to 16 March 2017 and the second repayment date to 16 March 2018 subject to negotiation of a satisfactory payment plan.

(Somerville/Radburn)

The Amendment, on being put, was WON

The Amendment, became the RESOLUTION

1603/024

RESOLVED:

That at the request of the borrower, Council approve an amendment of the loan agreement approved in February 2015 (minute no. 1502/007) by changing the first repayment date to 16 March 2017 and the second repayment date to 16 March 2018 subject to negotiation of a satisfactory payment plan.

(Somerville/Radburn)

1603/025 RESOLVED:

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

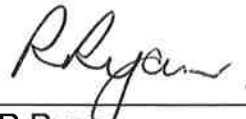
AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 1603/023 TO 1603/024.

There being no further business, the meeting concluded at 7.06pm.

The Minute Numbers 1603/001 to 1603/025 were confirmed on 18 April 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 March 2016.



Cr S Ferguson
MAYOR



Mrs R Ryan
GENERAL MANAGER