

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE COUNCIL CHAMBERS,
ON 9 SEPTEMBER 2013, 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 (Mr G Wilcox), Director Corporate Services (Mr A Franze) Operations Manager (Mr N Skelly), Director Planning & Environmental Services (Mr L Rodwell). Senior Town Planner (Ms P Moppett) and Executive Assistant (Mrs A McKellar).

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

CONFIRMATION OF MINUTES

1309/001 **RESOLVED:**
That the Minutes of the Ordinary Council Meeting held on 12 August 2013, being minute numbers 1308/001 to 1308/023 be confirmed. (Kingham/Ewin)

BUSINESS ARISING

Nil

APOLOGIES

Nil apologies

DISCLOSURES OF INTEREST

The General Manager reported nil Disclosure of Interest forms had been submitted.

MAYORAL MINUTE

The Mayor attended a function at the Western Region Academy of Sport where a presentation was made to Blayney Shire Council to acknowledge the continued support to the Academy and local sporting youth.

PUBLIC FORUM

Ms Jacqueline Crompton addressed Council in relation to DA 47/2013

GENERAL MANAGER'S REPORTS**ELECTION OF MAYOR**

1309/002 The General Manager confirmed that one nomination for the position of Mayor had been received, being Cr Scott Ferguson.

Accordingly, Cr Scott Ferguson was returned as Mayor for the next 12 months.

ELECTION OF DEPUTY MAYOR

1309/003 The General Manager confirmed that one nomination for the position of Deputy Mayor had been received, being Cr Allan Ewin.

Accordingly, Cr Allan Ewin was returned as Deputy Mayor for the next 12 months.

CODE OF MEETING PRACTICE AMENDMENT - PRESENTATIONS TO COUNCIL

1309/004 **RESOLVED:**

1. That Council amend its Code of Meeting Practice to incorporate presentations to Council into the meeting agenda at the point of Public Forum. (Kingham/Radburn)

SPECIAL VARIATION UPDATE

1309/005 **RESOLVED:**

1. That Council note the report on the progress being made to prepare for the Special Rate Variation of 15% as contained in the IP&R Documents.
2. That Council include in the IP&R documents a statement that discusses the Special Rate Variation based on the information within those documents. (Ewin/Somerville)

COUNCIL AND COMMUNITY COMMITTEES - COUNCILLOR REPRESENTATION

1309/006 **RESOLVED:**

1. That Council confirm representation on the relevant Committees. (Radburn/Ewin)

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

1309/007 **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. (Oates/Ewin)

CORPORATE SERVICES REPORTS**REPORT OF COUNCIL INVESTMENTS AS AT 28 AUGUST 2013**

1309/008

RESOLVED:

1. That the report indicating Council's investment position as at 28 August 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted. (Kingham/Somerville)

PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY

1309/009

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. (Oates/Ewin)

CENTROC FUEL CONTRACT

1309/010

RESOLVED:

1. That Council endorse the selection of Oilsplus, Reliance, Park and Dib Group as the provider for Council's supply of fuel and to commence negotiations. (Radburn/Ewin)

PUBLIC LIBRARIES NSW ANNUAL CONFERENCE

1309/011

RESOLVED:

1. That Council endorse attendance by Councillor Braddon to the Public Libraries Annual Conference 2013 on 24-26 November 2013. (Kingham/Ewin)

ADOPTION OF RISK MANAGEMENT POLICY

1309/012

RESOLVED:

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

MILLTHORPE RAILWAY STATION PUBLIC AMENITIES LEASE NEGOTIATIONS

1309/013

RESOLVED:

1. That correspondence be sent to Edgecombe Wines reaffirming Council's position that it is unable to offer a full indemnity due to the associated uninsured risk exposure to Council; and
 2. That Council investigate further potential leasing options of the toilet block. (Oates/Ewin)
- Cr Braddon recorded his name AGAINST the resolution.

ENDORSEMENT OF COMMUNITY REPRESENTATIVES

1309/014

RESOLVED:

1. That the additional community representatives to Council's committees, as detailed within this report, be endorsed. (Kingham/Radburn)

INFRASTRUCTURE SERVICES REPORTS**WESTERN NSW ROADS PROJECT - STAGE 2**

1309/015

RESOLVED:

1. That Council note the report provided on the Western NSW Roads Project – Stage 2. (Ewin/Somerville)

LIQUID TRADE WASTE MONITORING RESULTS

1309/016

RESOLVED:

1. That Council note the findings of the Liquid Trade Waste Monitoring program. (Radburn/Oates)

ROLLER PURCHASE

1309/017

RESOLVED:

1. That Council accept the tender provided by Semco Equipment for the supply of a 16 tonne Dynapac Smooth Drum Roller for a change over cost of \$167,363.63 (exc. GST) to replace Plant No. 62
2. That Council vote expenditure, in the amount of \$167,363.63 to the 2013/14 budget funded from the Plant Reserve. (Kingham/Oates)

PLANNING AND ENVIRONMENTAL SERVICES REPORTS**REQUEST TO RE-ZONE AT NEVILLE**

1309/018

RESOLVED:

1. That Council write to the NSW Department of Planning and Infrastructure and draw attention to the anomalies in the SEPP Exempt and Complying Development, regarding the exclusion of rural related exemption in the Standard Instrument E3 zone. (Radburn/Ewin)

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

FOR

Councillor Ewin
 Councillor Braddon
 Councillor Oates
 Councillor Kingham
 Councillor Somerville
 Councillor Ferguson
 Councillor Radburn

Total (7)**AGAINST****Total (0)**

Cr Kingham left the chamber 6.57 pm

**BLAYNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS
PLAN 2013 (SECTION 94/94A PLAN FOR BLAYNEY SHIRE
COUNCIL)**

1309/019

RESOLVED:

1. That Council approve the Plan.
2. That public notice of the adoption of the Blayney Local Infrastructure Contributions Plan 2013 (Section 94/94A Plan for Blayney Shire Council) be given in a local newspaper circulating in Blayney Shire.
3. That Council give public notice of its decision in the Blayney Chronicle to be published on Thursday 19 September 2013. (Oates/Ewin)

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

FOR	AGAINST
Councillor Ewin	
Councillor Braddon	
Councillor Oates	
Councillor Somervaille	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (0)

**COMMONWEALTH ENERGY EFFICIENCY PROGRAM
ROUND 1 AND ADMINISTRATION BUILDING
REFURBISHMENT (CEEP1)**

1309/020

RESOLVED:

1. That the report be received for information. (Radburn/Somervaille)

Cr Kingham returned to the Chamber at 6.59 pm

**COMMONWEALTH ENERGY EFFICIENCY PROGRAM
(ROUND TWO) (CEEP2) FUNDING - CENTREPOINT
COMPLEX**

1309/021

RESOLVED:

1. That this report be received for information. (Ewin/Somervaille)

**DEVELOPMENT APPLICATION NO.47/2013
TELECOMMUNICATION FACILITY AT 24 ELLIOTT STREET,
MILLTHORPE**

1309/022

RESOLVED:

1. That Council defer for a period of two months any further consideration of the development application;
2. That Council advise NBN Co. that it should consult further with land owners in the Millthorpe locality to identify other locations for towers that are suitable to meet the needs of the service, and

3. That Council reconsider the development application if and when NBN Co. can fully demonstrate that no other location is suitable or that a land owner agreement cannot be resolved at any other location. (Ferguson/Ewin)

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

FOR	AGAINST
Councillor Ewin	
Councillor Braddon	
Councillor Oates	
Councillor Kingham	
Councillor Somervaille	
Councillor Ferguson	
Councillor Radburn	
Total (7)	Total (0)

DEVELOPMENT APPLICATION NO.73/2013 - EXTERNAL ACCESS RAMP, NEW FRONT DOOR AND SIGNAGE - 105 ADELAIDE STREET, BLAYNEY

1309/023

RESOLVED:

1. That Council **REFUSE** Development Application 64/2011 which proposes to construct an external access ramp to provide universal access to the premises at 105 Adelaide Street, Blayney.

REASONS

- The proposed access ramp will form an unnecessary hazardous obstruction in the footway;
- The access ramp will hinder access for visually impaired persons;
- The access ramp will create a liability within the road reserve that is not in the public interest;
- The proposed access ramp is visually unsympathetic to the streetscape;
- Alternate access within the bounds of the commercial premises is possible; (Oates/Radburn).

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

FOR	AGAINST
Councillor Ewin	Councillor Kingham
Councillor Braddon	
Councillor Oates	
Councillor Somervaille	
Councillor Ferguson	
Councillor Radburn	
Total (6)	Total (1)

COMMITTEE REPORTS**MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM
MEETING HELD ON 8 AUGUST 2013**

1309/024

RESOLVED:

1. That the minutes of the Blayney Shire Cemetery Forum be received and noted. (Braddon/Radburn)

BELLS LINE EXPRESSWAY GROUP

1309/025

RESOLVED:

1. That the Minutes of the Bells Line Expressway Group, held on 15 July 2013, be received and noted. (Somerville/Ewin)

**MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY
COMMITTEE MEETING HELD ON 8 AUGUST 2013**

1309/026

RESOLVED:

1. That the recommendations of the Blayney Shire Access Advisory Committee meeting held on 8 August 2013 be adopted. (Oates/Ewin)

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD ON 16 AUGUST 2013**

1309/027

RESOLVED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 16 August 2013 be adopted. (Radburn/Oates)

QUESTIONS WITH NOTICE**CONSULTANTS FEES**

1309/028

How much money has been spent on consultants during the year, either end of June if more convenient or in the first twelve months of this current council. Can this be further allocated to each directors responsibility?

CLOSED MEETING

1309/029

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: (Oates/Ewin)

CONFIDENTIAL MEETING REPORTS**REQUEST TO WAIVE FEES – DOMESTIC WASTE**

This matter is considered to be confidential under Section 10A(2) (a) (b) of the Local Government Act, as it deals with personnel matters concerning particular individuals; AND the personal hardship of any resident or ratepayer.

1309/030**RESOLVED:**

1. That Council decline the request to waive waste service charges for period July 2010 to 10 December 2012; and
2. That Council endorse the write off of “post policy amendment” waste service charges for period 11 December 2012 to 30 June 2014 in the amount of \$481.27. (Braddon/Oates)

ANNUAL PERFORMANCE MONITORING

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.

1309/031**RESOLVED:**

1. That the report on the General Manager’s Annual Performance Review be received and adopted; and
2. In accordance with Clause 8.3 of the General Manager’s contract, that the General Manager’s contract be increased by 3.5% above the index rate under clause 8.5
3. That the rate is applied at the contract anniversary. (Braddon/Kingham)

1309/032**RESOLVED:**

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

There being no further business, the meeting concluded at 7.40 pm

The Minute Numbers 1309/001 to 1309/1309/032 were confirmed on 14 October 2013 and are a full and accurate record of proceedings of the Ordinary Meeting held on 9 September 2013.

Cr S Ferguson
MAYOR

Mr GA Wilcox
GENERAL MANAGER