

Blayney Shire Council



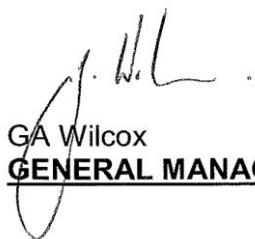
27 June 2013

Dear Councillor,

Your attendance is requested at an Confidential Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 8 July 2013 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
- (8) Mayoral Minute
- (9) Notices of Motion
- (10) Reports of Staff
 - (a) General Manager
 - (b) Corporate Services
 - (c) Engineering Services
 - (d) Environmental Services
- (11) Delegates Reports
- (12) Committee Reports
- (13) Questions from Councillors
- (14) Closed Meeting

Yours faithfully



G.A. Wilcox
GENERAL MANAGER

**5:45 PM PRESENTATION TO COUNCILLORS BY:
- JENNIFER BENNETT FOR CENTROC**

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HELD ON MONDAY 8 JULY 2013

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GENERAL MANAGER'S REPORTS



01) **CENTROC'S SUBMISSION TO LOCAL GOVERNMENT
REVIEW PANEL**
(General Manager)

RECOMMENDED:

1. That Council note the CENTROC submission made to the Review Panel into Local Government Reform.

REPORT

Centroc has prepared its submission to the Review Panel as attached. The submission acknowledges that Councils across the region have varying opinions as to the review panels twenty steps document and that individual submissions will be made. Blayney Shire reported its submission to the public in June 2013 that supports a county council structure and provides advice as to a number of issues raised in the twenty steps paper.

Centroc has compiled points from all councils to submit a general advice on issues to the key questions raised.

BUDGET IMPLICATIONS

Nil effect as this submission contains no commitments.

POLICY IMPLICATIONS

Nil effect as this submission contains no policy commitments.

IP&R

DP6.3.3 Support actions for the sustainable future of local government.

Attachments

- 1 Centroc Submission to Local Government Review Panel 19 Pages

02) **WBC STRATEGIC ALLIANCE'S RESPONSE TO
INDEPENDENT REVIEW PANEL - TWENTY STEPS PAPER**
(General Manager)

RECOMMENDED:

1. That Council note the Alliance response.

REPORT

Attached is a copy of the WBC submission to the Independent Panel Reviewing Local Government and in response to the Twenty Steps Paper. The WBC submission is very similar in context to Blayney Shire Council's submission and talks about the supporting of the county council structure proposed by Blayney Shire.

BUDGET IMPLICATIONS

Should the NSW Government support the county council structure at the end of the consultation period, Council will need to make budget allocations to participate in the changes in structure. Costs will be offset by the removal of ROCs and WBC Alliance over time.

POLICY IMPLICATIONS

Changes in Council policies, delegations and staff structure may need to occur with the introduction of county councils. The changes will be identified with the new local government act or trial county council structures.

IP&R

6.1.2 Promote resource sharing and collaboration with regional organisations.

Attachments

1 WBC Alliance Response 19 Pages

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 JULY 2013



03) REPORT OF COUNCIL INVESTMENTS AS AT 25 JUNE 2013
 (Manager Financial Services)

RECOMMENDED:

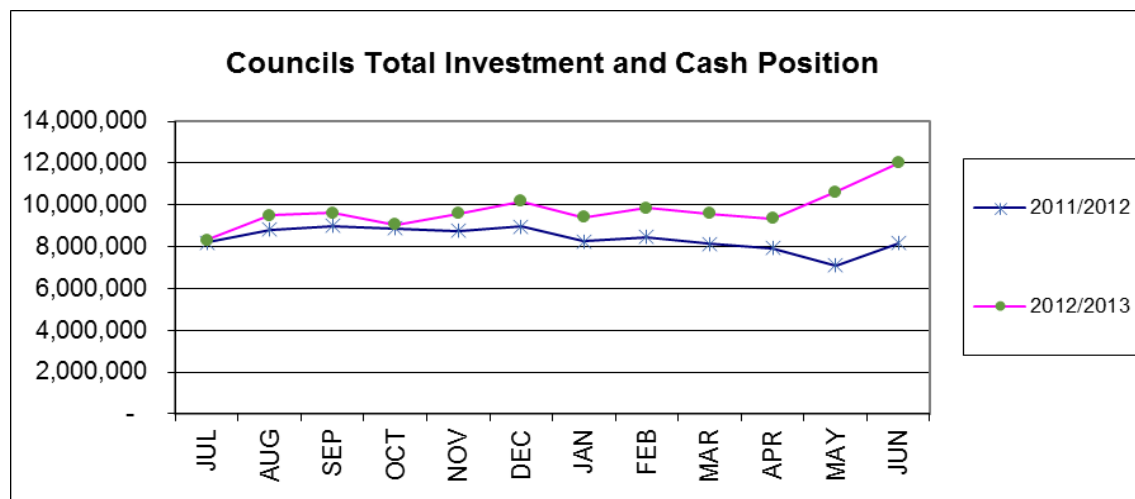
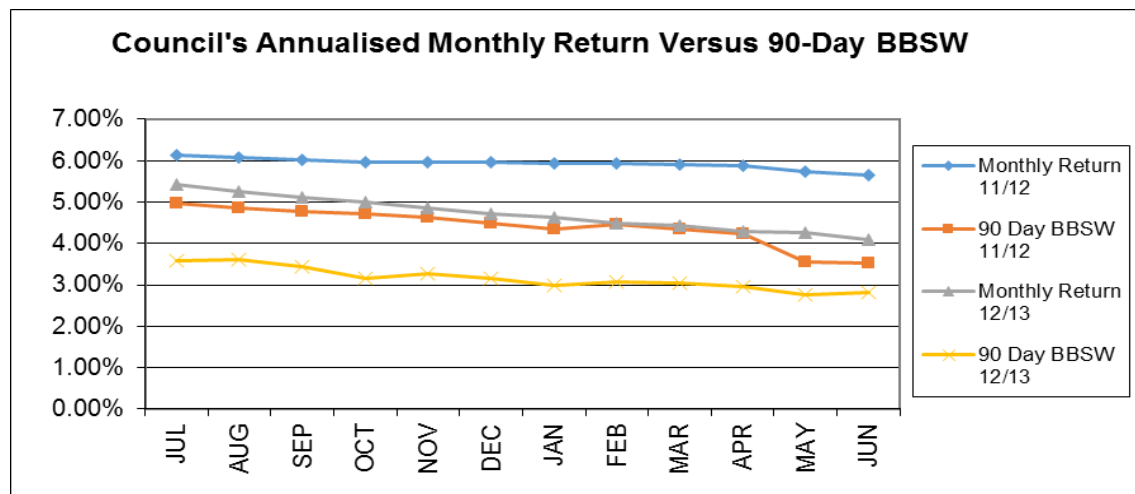
1. That the report indicating Council’s investment position as at 25 June 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

This report provides details of Council’s Investment Portfolio as at 25 June 2013.

Council’s total investment and cash position as at 25 June 2013 is \$12,016,813. Investments earned interest of \$39,921.09 for the month of June 2013.

Council’s monthly net return annualised for June of 4.10% outperformed the 90 day Bank Bill Swap Rate of 2.82%.



REGISTER OF INVESTMENTS AND CASH AS AT 25 JUNE 2013

Institution	Maturity	Amount \$	Monthly Net Return Annualised
<u>Term Deposits</u>			
NAB	9/07/2013	500,000.00	4.24%
Bankstown City Credit Union	9/09/2013	500,000.00	4.00%
Rural Bank	4/09/2013	500,000.00	4.25%
Bank of Sydney	23/07/2013	500,000.00	4.45%
The Rock Building Society	16/07/2013	500,000.00	4.25%
ME Bank	27/08/2013	500,000.00	4.25%
St George Bank	27/08/2013	500,000.00	4.20%
Bank of Queensland	13/08/2013	500,000.00	4.25%
Railways Credit Union	18/09/2013	500,000.00	4.15%
IMB	2/07/2013	500,000.00	4.15%
Westpac Bank	17/09/2013	500,000.00	4.18%
Gateway Credit Union	4/09/2013	500,000.00	4.12%
B & E Ltd	11/09/2013	500,000.00	4.15%
Australian Defence Credit Union	11/09/2013	500,000.00	4.20%
ING	30/07/2013	500,000.00	4.49%
Peoples Choice	16/07/2013	500,000.00	4.16%
Bendigo & Adelaide Bank	11/09/2013	500,000.00	4.05%
Police Credit Union	25/09/2013	500,000.00	4.18%
Warwick Credit Union	23/07/2013	500,000.00	3.81%
Wide Bay Australia Ltd	11/12/2013	500,000.00	4.18%
Goldfields Money Ltd	11/06/2014	500,000.00	4.20%
Total		10,500,000.00	4.21%
<u>Collateralised Debt Obligation (CDO's)</u>			
ANZ Custodian (Kakadu, BBSW + 140 points)	20/03/2014	500,000.00	4.45%
Total		500,000.00	4.45%
Total Investments		11,000,000.00	4.22%
Benchmark: BBSW 90 Day Index			2.82%
Commonwealth Bank - At Call Account		500,000.00	
Commonwealth Bank Balance		516,813.19	
TOTAL INVESTMENTS & CASH		12,016,813.19	

Summary of Investment movements - June		
Financial Institution	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>		
Bankstown Credit Union	(505,235.62)	Term Deposit matured 04/06/2013
Bankstown Credit Union	500,000.00	Term Deposit invested 04/06/2013
Rural Bank	(511,343.84)	Term Deposit matured 04/06/2013
Rural Bank	500,000.00	Term Deposit invested 04/06/2013
Gateway Credit Union	(505,651.78)	Term Deposit matured 04/06/2013
Gateway Credit Union	500,000.00	Term Deposit invested 04/06/2013
B & E limited	500,000.00	Term Deposit invested 05/06/2013
Australian Defence Credit Union	500,000.00	Term Deposit invested 05/06/2013
Bendigo and Adelaide Bank	(511,529.45)	Term Deposit matured 11/06/2013
Bendigo and Adelaide Bank	500,000.00	Term Deposit invested 11/06/2013
Goldfields Money Ltd	500,000.00	Term Deposit invested 12/06/2013
Wide Bay Australia Ltd	500,000.00	Term Deposit invested 12/06/2013
Railways Credit Union Limited	(506,846.58)	Term Deposit matured 18/06/2013
Railways Credit Union Limited	500,000.00	Term Deposit invested 18/06/2013
Police Credit Union	(505,422.60)	Term Deposit matured 25/06/2013
Police Credit Union	500,000.00	Term Deposit invested 25/06/2013

Investments are made pursuant to Council's Investment Policy and associated legislation. Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

Pursuant to the Ministerial Investment Order, Council shall only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations (transitional provisions apply);
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include principal and investment income (interest).

Collateralised Debt Obligations (CDO's)

As per Council's Auditor recommendations the disclosure of the impact of market conditions on the value of the Collateralised Debt Obligations held is provided. It is estimated by ANZ Custodian Services that the market value of Kakadu is \$189,300 as at 31 May 2013. It is anticipated that as the investment draws near to maturity the market value will increase. Council is also involved in ongoing legal action to minimise any losses.

Council's monthly net return annualised for June on the CDO is 4.45% outperforming the 90 day Bank Bill Swap Rate of 2.82%.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

BUDGET IMPLICATIONS

A good investment strategy optimises Council's return on investments.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.2 Maintain a stable and secure financial structure for Council

Attachments

Nil

04) **PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy be placed on public exhibition for a period of at least 28 days.

REPORT

Council has a statutory obligation to adopt a policy concerning expenses and facilities on an annual basis pursuant to section 253 of the Local Government Act 1993. As part of this obligation Council must place it on public exhibition for 28 days prior to adoption and consider any submissions made within the time allowed and make any appropriate changes to the draft policy or amendment.

Upon adoption Council must submit its policy with any submissions to the Division of Local Government. Adoption must be within five months of the end of each year.

Council's Payment of Expenses and the Provision of Facilities to the Mayor and Councillors as proposed has no amendments in the policy. The policy is within the guidelines outlined in DLG Circular 09-36: *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW* and is consistent with many NSW Councils.

A copy of the Draft Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy is provided as an attachment to this business paper.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

DP 6.3.1 – Provide a framework for the efficient and effective administration of Council.

Attachments

- | | | |
|---|---|-------------|
| 1 | Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy | 14
Pages |
|---|---|-------------|

05) REVIEW OF AGENCY INFORMATION GUIDE
(Director Corporate Services)

RECOMMENDED:

1. That Council adopt the Agency Information Guide and Proactive Release Program for the ensuing 12 months and make it available through Council's website.

REPORT

Council at its October 2010 meeting adopted its first publication guide, now known as the agency information guide, as required under Section 21 of the Government Information (Public Access) Act.

Section 21 of the Government Information (Public Access) Act also prescribes that Council must review its agency information guide and adopt a new agency information guide at intervals of not more than 12 months. Council last adopted this guide at its December 2012 meeting.

An "agency information guide" is a guide that:

- a) describes the structure and functions of the Council, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of the Council's functions, and
- d) identifies the various kinds of government information held by the Council, and
- e) identifies the kinds of government information held by the Council that the Council makes (or will make) publicly available, and
- f) specifies the manner in which the Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council must make government information publicly available as provided by its agency information guide. This is done via Council's website.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.3.1 – Provide a framework for the efficient and effective administration of Council.

Attachments

- 1 Blayney Shire Council Agency Information Guide 12 Pages

06) LEHMAN BROTHERS CLASS ACTION
(Manager Financial Services)

RECOMMENDED:

1. That the report on the 'Lehman Brothers Class Action' be received and noted.

REPORT

As previously reported, following the Global Financial Crisis (GFC) Council held two Collateralised Debt Obligation (CDO) investments each with a face value of \$500,000. The 'Flinders' CDO matured on 20 March 2012 with Council receiving the full face value of \$500,000 as well as receiving all interest coupon payments over the life of the CDO. Kakadu is now the last remaining CDO in Council's investment portfolio and is due to mature 20 March 2014.

Due to the volatility in global economic conditions following the GFC Council joined a large syndicate of 72 other Councils, charities, churches and private investors in a class action against Lehman Brothers to minimise any potential investment losses.

The class action has been progressing well to date with Justice Rares delivering judgment in September last year in favour of Council, with Justice Rares determining that Grange (Lehman Brothers) had engaged in misleading and deceptive conduct and was negligent in its promotion of CDO's and breached its duties as a financial adviser. As a result Lehman Brothers is liable for \$248 million in losses sustained by members involved in the class action.

As a consequence of Lehman's filing for bankruptcy in September 2008, shortly after the GFC, liquidators were then required to apply to the court to approve a plan to receive a share in any of the remaining funds held on behalf of the collapsed bank.

A plan was then drafted earlier this year in consultation with all major stakeholders and approved by the Federal Court allowing all creditors to vote on the plan. It has been estimated that creditors will receive a share of a \$211 million payout under the plan, with Blayney expected to receive \$135,000 – \$170,000 in compensation as well as being able to hold the investment to maturity. It was hoped that payment would be received by Council before year's end.

At the creditors meeting held on the 19 June 2013 the plan went up for vote, with Councils voting in favour of the plan. Unfortunately, the plan was blocked by Lehman Brothers investment Bank's US holding company.

As a result of the above, meetings have now been adjourned with a new plan now having to be negotiated among creditors. Unfortunately this will add

significant delay to the proceedings with some estimating that conclusion of the matter may now not occur for a number of years.

With respect to the information above, Council is best to hold the investment until maturity in the hope that most of the funds are recovered. In the instance that Council was to not recover all funds upon maturity it is hoped that the legal proceedings will result in the recovery of any losses incurred.

BUDGET IMPLICATIONS

\$266,750 has been written off the book value of the Kakadu investment. It is expected that this amount is sufficient to cover any potential investment losses on maturity. The current value of the investment is reported to Council in its monthly investment report. It should be noted that Council will not crystallise any loss until maturity or disposal of the investment prior to maturity.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

Nil

07) **CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**
(Director Corporate Services)

RECOMMENDED:

1. That the report on Constitutional Recognition of Local Government be noted.

REPORT

Council at its meeting held 13 February 2012 resolved to support the Shires Association of NSW, now Local Government NSW, regarding the ongoing campaign being led by ALGA to gain constitutional recognition of Local Government.

Council has now received advice that the Senate passed legislation allowing a referendum to be held to financially recognise Local Government in the Constitution.

The referendum is seen as important as it will help maintain vital infrastructure and services to local communities. It is also about confirming the Federal Government's ability to provide funding to local government directly.

The Federal Government has been funding local government through programs like Roads to Recovery and the Regional and Local Community Infrastructure Program for more than a decade. Billions of dollars have been invested in tens of thousands of local community projects covering roads, footpaths and bridges, community halls, ovals, childcare centres, swimming pools, etc. This support for local communities underpins what the referendum is all about.

More information on the campaign can be found on the Australian Local Government Association website www.councilreferendum.com.au

The Mayor and Councillors with Council will be called upon to help raise awareness and to actively campaign on this referendum.

BUDGET IMPLICATIONS

A Special Levy to fund the ongoing campaign, of \$9,604.60 excluding GST has been factored into Council's Long Term Financial Plan. This is paid in three equal installments, commencing in the 2011/2012 financial year.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

DP 6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

Nil

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 JULY 2013



08) WBC ALLIANCE SEALING TENDER 8/2013
(Operations Manager)

RECOMMENDED:

1. That Council accept the tender from Downer EDI Works trading as Downer Australia for the Sprayed Bituminous Sealing Contract – 2013/2015, Contract No. 8/2013 in the amount of \$8,282,705
2. That Council authorise the signing, and attachment of the Council Seal to the contract documents

REPORT

Background

As part of the WBC Alliance, Blayney has advertised for tenders for the supply, delivery, and placement of sprayed bituminous sealing for Wellington, Blayney, and Cabonne Council's.

Receipt of Tenders

At the close of tenders on 11 June 2013, Blayney Council had received five (5) tenders from the following contractors in apparent order of price:

- Downer EDI Works
- Fulton Hogan Industries Pty. Ltd.
- SRS Roads Pty. Ltd.
- Kerway Asphalt Pty. Ltd.
- Patches Asphalt

The tenders were reviewed by Council Officers from Wellington, Blayney and Cabonne Council's taking into consideration:

- Conformity with the tender documents
- Alternate rates for binder and bitumen
- Quality management systems of the tenderer
- Evidence of capability
- Industry reputation

As a result of this analysis, all tenderers were requested to provide clarifications to their original submission. Most tenderers provided low productivity penalties that were in contravention of the contract documents. Pursuant with Clause 176 of the Local Government Regulation 2005, it is not considered that the clarifications received have substantially altered the original tenders.

Quality Management Systems

As the contract is quality assured, Council officers undertook a detailed analysis of the quality documents that the tenderers submitted. It is considered that Downer EDI Works, Fulton Hogan, and SRS Roads have provided suitable Quality Management documentation in accordance with the requirements of the contract.

Whilst Patches Asphalt and Kerway Asphaltting have provided some quality documentation, it is not considered that it is to the same standard of the other tenderers.

Evidence of Capability and Industry Reputation

As part of the submission, tenderers were required to provide a detailed list of plant items available to be used on this contract, and a list of similar projects/contracts that the tenderer has been appointed to in the past.

Based on the information provided, it is considered that Fulton Hogan, Downer Edi Works, and SRS Roads have the strongest capability to support the requirements of this contract, with large fleets of equipment available consisting of multiple sprayers, rollers, and spreading trucks. With Downer EDI Works stating that two (2) sealing crews can be made available to undertake the works within this contract.

Given the analysis undertaken, and the price difference between submissions, Council officers determined to contact referee's provided in the submission from Downer EDI Works to confirm their capability to undertake the works.

The referee stated that their design documentation, workmanship and availability are good, with works undertaken to the satisfaction of the client with minimal warranty works required.

Value for Money

As a result of undertaking the tender across the WBC Alliance, the joint purchasing power has resulted in a reduction in the expected sealing costs compared to the 2012/13 financial year, with a saving of approximately 5% on existing rates that the Councils are currently subject to.

Based on the tendered rates, the approximate contract value for each council is as follows:

Council	Contract Value (2013-2015)
Blayney Shire Council	\$1,242,405
Cabonne Council	\$4,555,487
Wellington Council	\$2,484,813

Conclusion

Based on the combination of good quality management systems, the availability of two (2) crews to service the contract, and industry reputation, it is recommended that Downer EDI Works be awarded the contract for bitumen sealing in accordance with Contract No. 8/2013

BUDGET IMPLICATIONS

All works under this contract will be undertaken within existing budget allocations

POLICY IMPLICATIONS

Nil Effect

IP&R

- DP4.1.1 Manage Local Road Network to agreed service levels
- DP4.1.2 Manage State and Regional Road Networks to agreed service levels

Attachments

Nil

09) **CROWN ROAD TRANSFERS - TOWN OF BLAYNEY**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council approve the transfer of those Crown Road reserves, identified as Items A, D, G and H, in the Director Infrastructure Services report to Council as public road.
2. Council grant authority for the use of the Common Seal on any necessary documentation, should it be required, to give effect to this resolution.

REPORT

Executive Summary

It has come to Council's attention that various sections of maintained roads within the Town of Blayney, are currently identified as Crown Road reserve or not dedicated as public road.

This report outlines the situation and the process to resolve it.

Background

A review of road reserves within the Town of Blayney, has identified various Crown road reserves, that are either maintained or unmaintained by Council. These sections of road, include old "night lanes", current roads and access ways.

The following describes these and the proposed course of action. References are indicated on the **attached** maps.

Item	Description / Recommendation
Blayney Sheet 1.	
A	An extension of Farm Lane from Ogilvy Street to the Main Western Railway, this section of road has historically been maintained by Council, and provides the only physical access to Lot 1 DP736373 and Lot 5 DP 217889 (Quality Building Supplies yard). It also provides alternate access to Lot 17 DP 758121 (Peter O'Brien Building) and Lot B DP 335305 (Private residence). This reserve is recommended for transfer.
B	Most likely an old "night soil lane", this access way currently services the Lots 2,3 & 4 DP 16857 (Shell Service Station), providing heavy vehicle access to the diesel fuel bowser. It has not historically been maintained by Council and is essentially a private driveway. This reserve is not recommended for transfer.
C	Most likely an old "night soil lane", this access way currently services Lot 2 DP 815810 (Blayney Smash Repairs), Lot 1 DP 314277 (RepcO) and Lot 1 DP 302871 (Wellfed Café). It has not historically been maintained by Council and is essentially a private driveway. This reserve is not recommended for transfer.

Blayney Sheet 2.	
D	This section is currently occupied by the section of Henry Street between Martin and Burns Street, and also includes a section of the bank of the Belubula River, and portion of land at the corner of Martin Street and Henry Street. The component that refers to that which the current road is constructed upon is recommended for transfer.
E	Most likely an old “night soil lane”, this access way currently services Lot 7 DP 339591 (Presbyterian Church) and Lot 1 DP 17374 (Blayney Veterinary Hospital), both fronting Adelaide Street. It has not historically been maintained by Council and is essentially a private driveway. This reserve is not recommended for transfer.
Blayney Sheet 3.	
F	An old “night soil lane”, the land has remained enclosed within various privately owned parcels between Charles and Stillingfleet Street. Previously part of the proposed Blayney bypass. This reserve is not recommended for transfer.
Blayney Sheet 4.	
G	Currently part of the maintained part of Queen Street between Stillingfleet Street and Lee Hostel, it provides access to Blayney Hospital and Lee Hostel. Council is unable to identify the historic context of this section. This reserve is recommended for transfer.
Blayney Sheet 5.	
H	Currently part of the maintained and unmaintained part of Lowe Street, it provides access to the Church Hill lookout. The reserve continues beyond the lookout location down to the prolongation of Hill Street within the old Blayney Abattoir land. The component that refers to that which the current road is constructed upon is recommended for transfer.

In order to address these matters, it is recommended that Council, make application to the Crown Lands Office to have those items identified within the report transferred from Crown to Council public road.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

1 Crown Road Maps 5 Pages

10) **COMMUNITY BUILDING PARTNERSHIP PROGRAM**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council support the preparation of a grant submission to the Community Building Partnership program for works at King George Oval, as identified in the Director Infrastructure Services report.

REPORT

Executive Summary

The NSW Government has recently released the 2013 round of the Community Building Partnership program, to fund the building and improvement of local community facilities.

This report outlines the proposal to be prepared by Blayney Shire Council.

Background

King George Oval currently provides facilities supporting the undertaking of seasonal fixtures for Rugby League, Rugby Union, Cricket, and athletics for local schools, with a proposal to also utilise the facility by the recently composed Blayney Little Athletics group.

The facility offers two full size rugby league/union fields, turf cricket pitch, athletics running track and field event facilities such as for shot putt.

Patron facilities include two grand stands, commentary box, canteen, storage, change rooms, separate amenities block, and additional referee facilities.

In recent years, user groups have raised issues associated with maintenance, vandalism, and ageing infrastructure. Works have been undertaken subject to budgetary limitations.

With the establishment of the Blayney Shire Sports Council, user groups have recently been provided with an opportunity to raise facility associated issues via submission of the facility survey and responses to the draft management plans. The closing date for these is 18 July 2013.

It is anticipated the Sports Council will prioritise sporting related projects as a result of these engagement activities.

In the interim, Council staff have identified a program of works for King George Oval that could be undertaken with an indicative budget of \$25,000.

These works whilst not final, may include:

- Replacement of existing timber benching in grandstands with long life recycled plastic or manufactured wood product, in a similar configuration to the existing.

- Replace missing guttering from grandstands and clearing of drainage lines.
- General painting works
- General lighting repairs/replacement, where appropriate with long life, low energy LED fittings.

As a regionally recognised facility, these works are considered priority works, due to the associated safety issues, and the long term implications for the facility if they are not addressed.

It is also considered important that Council gain “buy in” from sporting groups. Such “buy in” could be in the form of a letter of support from the relevant user groups, that can accompany the application, and/or volunteer involvement in preparatory works.

It is however noted that volunteer involvement that would be expected to occur out of ordinary Council business hours, may create difficulties in relation to management of the project, due to the increased requirements of the NSW Work Health and Safety Act, requiring a Principal Contractor to supervise works.

An email has been provided to members of the Sports Council outlining the proposal as identified and seeking user group support.

BUDGET IMPLICATIONS

Grants to councils (including their Section 355 committees) requires matched funding (50:50). Should council be successful in attracting funding, a report to either the Sports Council and the Council will be required to identify the most suitable budgetary reallocation.

POLICY IMPLICATIONS

Council may need to consider the potential implications associated with non-council workers (volunteers) undertaking works on council facilities, and the supervision of those works, should in kind work be part of the project.

IP&R REFERENCES

- DP 2.1.2 Engage with key groups and organisations with a view to developing community partnerships for conducting activities and programs.
- DP 2.2.1 Encourage active participation in sport.

Attachments

Nil

11) **WESTERN NSW ROAD PLAN**
(Infrastructure Manager)

RECOMMENDED:

1. That the information on Council's submission to the Western NSW Road Plan Project be received and noted.

REPORT

The Hon. Kevin Humphries wrote to Council on the 17 June 2013 (attached), seeking the nomination of up to three strategic road link projects, which support productivity including mining, agriculture, freight and tourism. These projects will be used to develop Phase 2 of the Western NSW Road Plan.

Council has been involved in initial discussions with other member councils of CENTROC, which will organise the project. At a recent meeting of the CENTROC Infrastructure Group, all councils agreed on the priority of routes to be submitted to Federal and State governments in August to September 2013.

Nominated projects are encouraged to include routes that cross more than one Local Government Area and need to fit one or more of the following categories:

- Increasing road freight productivity to support agriculture, mining and other regional industry
- Creating strategic links between places
- Supporting tourism and access to places of regional or national significance
- Enhancing safety on the road network

Projects being nominated by Blayney are all routes identified as strategic routes within the Blayney Road Hierarchy and have been supported by the neighbouring councils. The routes nominated are:

- Hobbys Yards Road from Trunkey to Blayney, providing a strategic link from Orange to Canberra and the coast and for stock transport to Central Tablelands Livestock Exchange. (Bathurst Regional Council will be the lead council on this project)
- Errowanbang Road, Panuara Road, Cadia Road and beyond through Cabonne Local Government Area to Orange, providing a southern access route to Cadia. (Blayney Shire Council will be the lead council on this project)
- Mandurama Road and Neville-Trunkey Road, as an extension from Belubula Way through to Hobbys Yards Road, providing a strategic link from the Central West to Canberra and the coast. (Blayney Shire Council will be the lead council on this project)

BUDGET IMPLICATIONS

\$2,000 consulting fee payable to CENTROC from existing budget allocation.

POLICY IMPLICATIONS

Nil.

IP&R LINKS

- DP 1.2.2 Improve transport linkages across the Local Government Area to support the mining industry.
- DP 1.5.1 Advocate for increased funding for transportation assets through Federal and State programs.
- DP 4.1.6 Seek additional grant funding for construction and maintenance of roads and associated facilities.
- DP 4.1.7 Plan for future transport and road infrastructure to service future needs.

Attachments

- 1 Western NSW Road Plan - Phase 2 2 Pages

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 JULY 2013



12) **PROPOSED NAPIER OVAL TOILET BLOCK**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the proposed Napier Oval toilet block be referred to the Blayney Shire Sports Council for information and consideration of the priority of the proposal in its consideration of the list of sports ground improvements.
2. That Council require user groups to enter into a user agreement, with Council, to open and close the proposed toilet block on the days of use of Napier Oval.

REPORT

Council at its meeting, on 17 June 2013, resolved *‘that Council staff investigate the costing of a toilet block for Napier Oval, similar to the northern toilet block at the Showground, and report to the July Council meeting for consideration’*.

A copy of the Showground toilet block plans, with an additional 1200 mm wide patio, were provided to a local builder for an indicative cost quote.

The cost provided was \$79,200.00. It is considered appropriate to include a contingency figure of \$10,000 to cover likely cost increases to the total sum, due to any possible increase in the cost of building materials and unexpected changes, that may occur between when the quote was provided and when the building may be built.

It is considered necessary that the possible construction of the building and its priority be referred to Blayney Shire Sports Council for consideration.

BUDGET IMPLICATIONS

An amount of \$80,000 has been provided for in the Long Term Financial Plan for 2014/15 to undertake this project. As Council requested at its May meeting to escalate this project to 2013/14, Council will seek to restrict available funds for this project at year end. Should funds not be available, Council will need to review / defer capital works priorities in the 2013/14 Operational Plan to accommodate this project.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

- DP 2.1.5 Encourage and facilitate an active and healthy community by developing accessible programs through CentrePoint and local sporting groups.
- DP 5.2.1 Build partnerships with community groups to increase use of parks and reserves.

Attachments

1 Toilet Block

13) **AVAILABILITY OF VACANT LAND IN BLAYNEY TOWNSHIP**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the report on the availability of vacant land in Blayney township be received and noted; and
2. That Council provide information to identified landowners on the process of subdivision and development of their land for residential use.

REPORT

In response to Council's motion, *'that Council review the availability of vacant land in the Blayney township'*, made at its meeting on the 17 June 2013, the following information is provided.

A desktop review was undertaken of available land in Blayney suitably zoned, under Blayney Local Environmental Plan 2012 (BLEP 2012) for residential development in Blayney township.

The review revealed the following approximate numbers:

- Vacant lots (not including the residual area of Highlands Estate – 85.
- Existing lots with houses on or other buildings on them – 106.
- Land subject to development constraints has not been included e.g. flooding.

Any proposal to further develop any of these lots would require the prior approval of Council and a development application, lodged for the propose, would need to address the subdivision requirements of BLEP 2012 and Council's Draft Development Control Plan.

The following matters would generally apply to an application. Lodged with Council, for subdivision:

- A site analysis should be carried out to determine the constraints of the land, such as:
 - Easements, rights of way, drainage lines, covenants, flooding.
 - Stormwater disposal options.
 - Availability of electricity, telephone, water and sewer, and contact made with the relevant authority.
 - Vegetation and slope limitations.
 - Drainage lines and wet areas.
- The developer should have regard for any existing buildings on the land and ensure appropriate setbacks from boundaries with no building encroachments across boundaries. The configuration of lots should have regard for future development of the land in terms of allowing for appropriate setbacks, perhaps nominating a building envelope.

- Regard should be had for buildings on adjoining land, in regard to setbacks and the provision of driveways along boundaries.
- Access arrangements should be addressed. This relates to access into each proposed allotment, and the suitability of the road network to cater for the subdivision.
- Section 64 and 94 contributions are invariably applicable, in accordance with Council's current fees and charges.
- The developer would need to factor in costs such as surveying and drafting, consultants fees to address the required planning documents, legals etc and construction works.

Additional infrastructure requirements would include separate and distinct sewer connections with each property, a separate reticulated water connection, road access, which may include a driveway construction, possible kerb and gutter construction.

People considering pursuing a subdivision should seek independent professional advice from suitably qualified people on the process and/or a real estate agent regarding the demand for a sale potential for residential land and take advantage of Council's free development pre-lodgement and advice service.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 5.1.2 – Promote living in the Blayney Shire.

Attachments

1 Vacant Land & Subdivision Potential Plan 2 Pages

14) **NETWASTE TENDER 145/534/984/1 - TENDER FOR COLLECTION AND RECYCLING OF SCRAP METAL FOR COUNCILS IN THE NETWASTE REGION**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the Contract be awarded to Sims Metal Management.
2. That Council confirm its involvement in the Contract to the NetWaste Projects Coordinator and execute the Contract documents as appropriate.

REPORT

NetWaste Councils currently manage collection and recycling of scrap metal material from nominated waste facilities under a single contract, with the current contract arrangement to expire on 26 August 2013. NetWaste recently undertook an open tender process on behalf of 23 of the 28 NetWaste Councils for this service, with Blayney Shire Council expressing interest in being involved in this Contract and therefore included in the tender process.

The tender process and evaluation of tender submissions has been undertaken in accordance with the requirements of Local Government Act 1993 and the Local Government (General) Regulation 2005. The resulting Contract is for an initial period of two (2) years, with the possibility of extension periods of twelve months, which can occur on two successive occasions.

The purpose of this report is to seek Council's endorsement to engage a contractor to collect and recycle scrap metal material from the nominated Council Waste Facilities.

Tenders were called on 2 April 2013 and closed on 3 May 2013, which resulted in tender submissions from the following companies, being three (3) in total i.e. Sell and Parker Pty Ltd, One Steel and Sims Metal Management.

Tender submissions were evaluated by a sub-committee based on the conforming submissions, with the report and recommendation endorsed by the NetWaste Steering Committee on or before 20 May 2013. Each submission was evaluated based on common criteria, including:

- Tender Price/s.
- Past experience in carrying out the works or similar works, including the experience of specific individuals nominated by the contractor as part of its team to carry out the works.
- Environmental Management Systems (EMS) and Safety Systems.
- Ability to provide backup service and resources.
- Innovative submissions and/or ancillary opportunities for the NetWaste participating Councils.

It is the recommendation of the NetWaste Steering Committee that the Contract be awarded to Sims Metal Management (SIMS) for the following reasons:

- SIMS tendered the highest rate per tonne to be paid to the Councils inclusive of transport & set-up costs. SIMS outlined that the price would be reviewed every 3 months as required by the Contract.
- SIMS have a strong history of working with groupings of Councils and known experience in providing the required services;
- Access Recycling have been identified as the sub-contractor who would be responsible for servicing the nominated NetWaste Councils, with a range of machinery equipment available for the work;
- Ancillary opportunities offered include continued sponsorship of Waste 2 Art. No ancillary opportunities were offered from the other two contractors;
- SIMS was the only contractor whose EMS is independently audited.
- The full range of ferrous and non-ferrous metals would be accepted under the Contract, but items such as heavy unshreddable steel scrap, steel cable or wire, vessels containing fluids, LPG, Oxygen, Acetylene or any other compressed gas cylinders (including BBQ bottles) and any hazardous material are not eligible for collection.

Each participating Council, to the resultant Contract will enter into a separate Contract in accordance with the General Conditions of Contract.

BUDGET IMPLICATIONS

Engagement of Sims Metal Management will result in Blayney Shire Council being paid the per tonne rate for scrap metal as outlined in the report.

POLICY IMPLICATIONS

This matter has no policy implications to report.

IP&R LINK

DP 4.5.1 Develop and promote programs that increase the participation of the community in recycling and reducing waste going to landfill.

Attachments

Nil

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 JULY 2013



15) **MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD ON THURSDAY 13 JUNE 2013**
(Director Infrastructure Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Sports Council meeting held on 13 June 2013 be adopted.

REPORT

The minutes of the Blayney Sports Council meeting held on Thursday 13 June 2013 are attached and Councillors attention is drawn to the following recommendations:

- Acceptance of Committee membership.
- Preparation of a report to Council on costing of cleaning of sporting facilities.
- Consideration to additional storage at King George Oval.

Attachments

- 1 Blayney Shire Sports Council Minutes 13/06/2013 2 Pages

16) **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD ON FRIDAY 21 JUNE 2013**
(Infrastructure Manager)

RECOMMENDED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 21 June 2013 be adopted.

REPORT

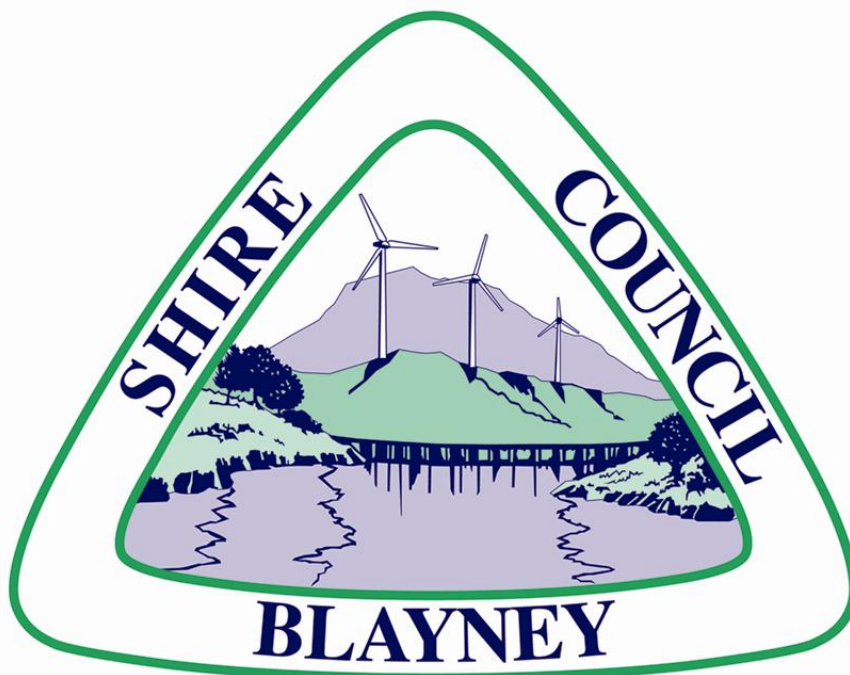
The minutes of the Blayney Traffic Committee meeting held on Friday 21 June 2013 are attached and Councillors attention is drawn to the following items:

- Speeding issue in Barry.
- Blayney to Bathurst (B2B) Cyclo Sportif.
- Update on Farm Lane.
- Railway Lane – formalisation of existing priority.
- Restriction sign for Naylor Street bridge.
- Cadia Open Day.

Attachments

- 1 Traffic Committee Minutes 21/06/2013 3 Pages

CONFIDENTIAL MEETING REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 8 JULY 2013



17) **SALE OF LAND FOR UNPAID RATES AND CHARGES**

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.

18) **REQUEST FOR INFORMATION DA230/2012**

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.

19) **GENERAL MANAGERS' PERFORMANCE REVIEW**

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.

As per section 10(a)4(b) of the Local Government Act, members of the public are invited to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

