

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 19 APRIL 2022, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), A Ewin, C Gosewisch, J Newstead, M Pryse Jones, B Reynolds and D Somervaille (Deputy Mayor)

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Acting Director Infrastructure Services (Mr G Paton), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Ferguson	Non Pecuniary (Significant)	21	120	Engagement of Recruitment Agency new General Manager	Cr Ferguson is a member and Regional Vice President of the LGNSW Board. Local Government Management Solutions, a business unit of LGNSW, has submitted a proposal.
Rebecca Ryan	Non Pecuniary (Less Than Significant)	21	120	Engagement of Recruitment Agency new General Manager	One of the proposals is from the recruitment agency which undertook the same process for QPRC, where Ms Ryan has been appointed CEO.

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 MARCH 2022

2204/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 March 2022, being minute numbers 2203/001 to 2203/029 be confirmed.

(Newstead/Somervaille)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS**COUNCIL RESOLUTION REPORT****2204/002****RESOLVED:**

That Council notes the Resolution Report to March 2022.

(Ewin/Somerville)

CARRIED**CENTRAL NSW BUSINESS HQ****2204/003****RESOLVED:**

1. That Council support the proposed amendments to the Central NSW Business HQ constitution that will;
 - a. establish a General Membership class with such membership clause to hold full rights as members of the company including the right to vote;
 - b. amend the Founding Council Membership class to become a Council Membership class with such membership class open to any Council; and further amend the revised Council membership class to not have the right to vote.
2. That Council appoints the Interim General Manager, Ross Earl as the Appointed Delegate from Blayney Shire Council to attend this Special Meeting of Biz HQ and until the constitution is amended as above.

(Reynolds/Pryse Jones)

CARRIED**COMMITTEES OF COUNCIL****2204/004****RESOLVED:**

1. That Council maintain the Blayney Shire Disability Inclusion Working Group and Australia Day Committee as Committees of Council as per section 355(b) of the Local Government Act (1993) for the new Council term.
2. That Council appoint 2 Councillors, 1 as Chair of the Blayney Shire Disability Inclusion Working Group, and invite members of the community to be appointed as the community representatives on this committee.
3. That Council establish individual User Groups to continue ongoing stakeholder engagement with user groups for each of the Sporting Facilities as projects are developed and delivered.
4. That Council staff conduct an annual onsite inspection of the Shire's Cemeteries with Councillors inviting stakeholders, Blayney Family History Group, Village/Progress Association representatives and community members.
5. That the Tourism, Towns and Villages Committee not continue in its current format, and Council utilise alternative localised attendance of the Mayor, Councillors and staff, engagement with Orange360 and ongoing communication and involvement supporting Village/Progress Associations

and Hall Committees to progress the individual Town and Village Community Plans. A report comes back to Council on the best options to connect with each of the villages and Blayney Township.

(Reynolds/Newstead)
CARRIED

FLYERS CREEK WIND FARM VOLUNTARY PLANNING AGREEMENT COMMENCEMENT

2204/005

RESOLVED:

1. That the Council Working Group currently reviewing the Financial Assistance Program (FAP) Guidelines examines how the Voluntary Planning Agreement with Iberdrola may facilitate the disbursement of the Community Benefit Fund; representation from Iberdrola and the community on the FAP committee and how both Council and community projects that benefit the Shire and around the Flyers Creek Wind Farm area are supported.
2. Hold the current funds in reserve until a review is completed and a report is brought back to Council.

(Reynolds/Newstead)
CARRIED

RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

2204/006

RESOLVED:

That Council receive and note the Risk, Work Health and Safety Report for the quarter 1 January 2022 to 31 March 2022.

(Reynolds/Newstead)
CARRIED

HOUSING PLUS DEVELOPMENT CONTRIBUTIONS REFUND REQUEST

MOTION:

That Council provide an additional \$5,503 towards the Housing Plus Affordable Housing Project in Frape Street to reimburse the Developer and Sewerage contributions charges paid by Housing Plus to Blayney Shire Council.

(Pryse Jones/Gosewisch)

An **AMENDMENT** was moved by Cr Somerville and seconded by Cr Reynolds:

1. That Council notes that the actual subdivision costs paid by Council were \$10,219.50 rather than the estimated \$15,868.
2. That Council agrees to reimburse Housing Plus the Section 7.11 and Sewer Headworks charges totalling \$11,151.50

The amendment became the substantive motion and was put.

2204/007

RESOLVED:

1. That Council notes that the actual subdivision costs paid by

- Council were \$10,219.50 rather than the estimated \$15,868.
2. That Council agrees to reimburse Housing Plus the Section 7.11 and Sewer Headworks charges totalling \$11,151.50
(Somerville/Reynolds)
CARRIED

COMMUNITY STRATEGIC PLAN DRAFT 2022-2032

2204/008

RESOLVED:

- That Council place on public exhibition the Draft Blayney Shire Community Strategic Plan 2022-2032 for a period of 28 days.
(Ewin/Reynolds)
CARRIED

CORPORATE SERVICES REPORTS

INFORMATION TECHNOLOGY QUARTERLY REPORT

2204/009

RESOLVED:

- That Council receive and note the Information Technology report for the January to March 2022 quarter.
(Gosewisch/Ewin)
CARRIED

DISCLOSURES BY NEWLY ELECTED COUNCILLORS

2204/010

RESOLVED:

- That the Disclosures by Councillors Returns as at 21 December 2021, as tabled be received.
(Pryse Jones/Somerville)
CARRIED

REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2022

2204/011

RESOLVED:

1. That the report indicating Council's investment position as at 31 March 2022 be received.
 2. That the certification of the Responsible Accounting Officer be received and the report be adopted.
- (Reynolds/Newstead)
CARRIED

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

2204/012

RESOLVED:

- That the Director Infrastructure Services Monthly Report for April 2022 be received and noted.
(Gosewisch/Ewin)
CARRIED

- 2204/013** **ROAD CLOSURE - BLAKE STREET MILLTHORPE**
RESOLVED:
That Council:
1. Temporarily regulate traffic on Blake Street, Millthorpe, between Park and William Streets, and William and George Streets, for a period of 12 months in accordance with s122 of the Roads Act 1993.
 2. Prepare design options for upgrades to Blake Street for consideration by Council.
- (Reynolds/Ewin)
CARRIED

- 2204/014** **MILLTHORPE VILLAGE CENTRE MASTER PLAN**
RESOLVED:
1. That Council endorse the draft Millthorpe Village Centre Master Plan and it be placed on public exhibition for a period of at least 28 days.
 2. That a further report, detailing any submissions received, be presented to Council following the conclusion of the exhibition period.
- (Ewin/Somerville)
CARRIED

- 2204/015** **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 8 APRIL 2022**
RESOLVED:
1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 8 April 2022, be received and noted.
 2. That Council:
 - a. Audit existing curve advisory signage on Errowanbang Road, with reference to the results provided by the assessment undertaken by Council and TfNSW, and,
 - b. Install/replace Curve (W1-2 (L and R)) signs and speed plate (W8-2) signage in accordance with the audit outcomes.
- (Reynolds/Newstead)
CARRIED

- 2204/016** **MINUTES OF THE FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING - 24 MARCH 2022**
RESOLVED:
That the Minutes of the Floodplain Risk Management Committee Meeting held on Thursday 24 March 2022, be received and noted.
- (Ferguson/Pryse Jones)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

- 2204/017** **DEVELOPMENT ASSESSMENT QUARTERLY REPORT**
RESOLVED:
 That the development assessment quarterly report be received and noted.
 (Somervaille/Newstead)
CARRIED

- 2204/018** **AGRITOURISM REFORMS AND CHANGES TO THE**
BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012
RESOLVED:
 That Council advise the NSW Department of Planning and Environment to alter the Blayney Local Environmental Plan 2012 as follows;
 1. Incorporate the proposed Farm Gate Premises Clause (Clause 5.24), as detailed in Enclosure 1, and
 2. Permit 'Agritourism', 'Farm Experience' and 'Farm Gate Premises' in the zones that currently have 'Agriculture' as a permissible land use.
 (Reynolds/Somervaille)

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

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Somervaille		
Councillor Reynolds		
Councillor Newstead		
Councillor Pryse Jones		
Councillor Gosewisch		
Total (7)	Total (0)	CARRIED

- 2204/019** **DA119/2017 - ERECTION OF A DWELLING AND DETACHED**
GARAGE - 37 SILVER STREET MANDURAMA
RESOLVED:
 That Council refuses Development Application DA119/2017 for the development of a Dwelling, detached garage and associated works at 37 Silver Street, Mandurama, being Lot 14 DP1096417, on the following grounds:
- Insufficient information has been provided by the Applicant relating to the likely impacts of the proposed development including environmental impacts relating to stormwater management;
 - Given the constrained nature of the subject property, the Applicant has failed to demonstrate that the site is suitable for the proposed development in accordance with the requirements of s 4.15(1)(c) of the EP&A Act; and

- Approval of Development Application DA119/2017 is not considered to be in the public interest.
(Newstead/Reynolds)

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

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Somervaille		
Councillor Reynolds		
Councillor Newstead		
Councillor Pryse Jones		
Councillor Gosewisch		
Total (7)	Total (0)	CARRIED

CLOSED MEETING

2204/020

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:

APPOINTMENT INTERIM GENERAL MANAGER

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.

ENGAGEMENT OF RECRUITMENT AGENCY NEW GENERAL MANAGER

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.

(Newstead/Gosewisch)

CARRIED

CONFIDENTIAL MEETING REPORTS

2204/021

APPOINTMENT INTERIM GENERAL MANAGER

RESOLVED:

That Council;

1. Accepts the resignation of the General Manager, Rebecca Ryan
2. Appoint as Interim General Manager, Mr Ross Earl commencing Monday 9 May 2022 at the negotiated remuneration package plus reasonable rental expenses in Blayney.

3. Delegate to Mr Ross Earl, Interim General Manager, powers pursuant to section 377 of the Local Government Act (1993) as defined in the Blayney Shire Council Register of Delegations to the General Manager.

(Somerville/Ewin)
CARRIED

The Mayor, Cr Ferguson, having declared an interest departed the Chair and left the Chambers. The Deputy Mayor, Cr Somerville, assumed the Chair.

The General Manager, Directors and staff left the Chambers.

ENGAGEMENT OF RECRUITMENT AGENCY NEW GENERAL MANAGER

2204/022 RESOLVED:

1. That Council accept the proposal from Local Government Management Solutions to act as recruitment consultant to assist Council in conducting the recruitment process for a General Manager.
2. That Council appoint a panel comprising the Mayor, Deputy Mayor, Councillor Pryse Jones and Councillor Ewin (with Councillor Reynolds as alternate) to work with the consultant during the recruitment process, including:
 - a) settling a position description and selection criteria;
 - b) approving an information pack for candidates;
 - c) approving advertising copy;
 - d) conducting first round interviews if necessary; and
 - e) settling a list of suitable candidates for final interview by full Council

(Pryse Jones/Gosewisch)
CARRIED

The Mayor, Cr Ferguson, returned to the Chambers and resumed the Chair. The General Manager returned to the Chambers.

2204/023 RESOLVED:

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

(Newstead/Reynolds)
CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2204/021 AND 2204/022.

The Mayor acknowledged the valuable contribution the General Manager Rebecca Ryan has made to the Council and Blayney Shire over her 7½ years with Council.

There being no further business, the meeting concluded at 7.21pm

The Minute Numbers 2204/001 to 2204/023 were confirmed on 16 May 2022 and are a full and accurate record of proceedings of the Ordinary Meeting held on 19 April 2022.



Cr S Ferguson
MAYOR



Mr R Earl
GENERAL MANAGER