

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 20 NOVEMBER 2017, COMMENCING AT 6.00PM**

Present: Crs S Ferguson (Mayor), S Denton, A Ewin, D Kingham, J Newstead, B Reynolds and D Somerville

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), 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

Nil

DISCLOSURES OF INTEREST

Nil

PUBLIC FORUM

James Conna – Item 5 – Combined Churches Community Christmas Lunch

Jamie Sherlock – Item 17 – Review of Determination – DA55/2016 – Animal Breeding, Keeping and Training Facility – Lot 144 DP 750408, 73 Somers Lane, Mandurama

Alita Funnell – Item 17 – Review of Determination – DA55/2016 – Animal Breeding, Keeping and Training Facility – Lot 144 DP 750408, 73 Somers Lane, Mandurama

SKILLSET DELEGATE REPORT – IAN TOOKE

MAYORAL MINUTE

As part of the Millthorpe's year of celebrating 150 years, the Golden Memories Millthorpe Museum have published a book 'Historic Homes of Millthorpe and District – Millthorpe Sesquicentenary 1867-2017'. This publication was supported by a Blayney Shire Council Local Heritage Assistance grant. The Mayor officially launched this community project on 28 October 2017 in Millthorpe, where this signed copy was handed over to Council for permanent display and keeping which he presented to Council.

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS MEETING HELD MONDAY 16
OCTOBER 2017**

1711/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 16 October 2017, being minute numbers 1710/001 to 1710/017 be confirmed.

(Kingham/Reynolds)

CARRIED**MATTERS ARISING FROM THE MINUTES**

Nil

**MINUTES OF THE EXTRAORDINARY MEETING HELD
MONDAY 6 NOVEMBER 2017**

1711/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 6 November 2017, being minute numbers 1711/E001 to 1711/E004 be confirmed.

(Ewin/Newstead)

CARRIED**MATTERS ARISING FROM THE MINUTES**

Nil

EXECUTIVE SERVICES REPORTS**COMMUNITY REPRESENTATIVES COUNCIL COMMITTEES**

1711/003

RESOLVED:

That Council appoint the following community representatives to the Blayney Shire Access Advisory Committee:

- Jenny McMahon
- Tom Williams
- Shane Oates

(Ferguson/Somerville)

CARRIED

1711/004

RESOLVED:

That Council appoint 5 community representatives to the Blayney Shire Financial Assistance Program Advisory Committee.

(Ferguson/Denton)

CARRIED

1711/005

RESOLVED:

That Council appoint the following 5 community representatives to the Blayney Shire Financial Assistance Program Advisory Committee:

- David Kennedy
- Delanie Sky
- Miles Hedge

- Rebecca Price
- Graeme Summerson

(Denton/Somerville)

CARRIED**1711/006****RESOLVED:**

That Council include a minimum of 1 representative for each cemetery in the shire; being Newbridge, Neville, Hobbys Yards, Blayney, Lyndhurst and Carcoar and appoint the following community representatives to the Blayney Shire Cemetery Forum:

- David Grills
- Hayley Lavers
- Helen Dent
- Mitchell Groves
- Vicki Pulling
- Janelle Adams
- Kevin Radburn Snr
- Kevin Radburn
- Geoff Braddon
- Candice Braddon

(Ferguson/Kingham)

CARRIED**1711/007****RESOLVED:**

That Council appoint the following 3 plus 1 alternate community representatives to the Blayney Shire Cultural Centre Working Group:

- Elizabeth Russ
- Graeme Summerson
- Ian Tooke
- Margaret Paton

(Somerville/Newstead)

CARRIED**1711/008****RESOLVED:**

That Council appoint the following community representatives to the Blayney Shire Floodplain Management Committee:

- Tom Williams
- Nyree Reynolds

(Somerville/Kingham)

CARRIED**1711/009****ORANGE TDO LTD****RESOLVED:**

1. That Blayney Shire Council, make an application to the Minister for Local Government under s358 of the Local Government Act 1993 seeking approval to participate in the formation of a corporation to be set up to deliver industry led regional tourism services for the Blayney, Cabonne and Orange council areas, subject to Council's approval of the constitution.

2. That Council accept the proposed agreement with TDO Ltd trading as Orange Region Tourism Ltd to develop tourism focussed destination marketing and promotion strategies for the Cabonne, Orange and Blayney region for an initial period from 1 July 2017 to 30 June 2020.
3. That Council reaffirms the appointment of the Mayor, as representative of Blayney Shire Council, to the Board of the new Orange Region Tourism Limited Corporation.

(Somerville/Ewin)

CARRIED

1711/010

COMBINED CHURCHES COMMUNITY CHRISTMAS LUNCH**RESOLVED:**

That Council provides support for the proposed Combined Churches 2017 Christmas Eve Lunch to be held at the Blayney Shire Community Centre.

(Kingham/Reynolds)

CARRIED**CORPORATE SERVICES REPORTS****REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2017**

1711/011

RESOLVED:

1. That the report indicating Council's investment position as at 31 October 2017 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Reynolds/Newstead)

CARRIED**AUDITOR'S PRESENTATION – CHRIS CLAYTON FROM THE AUDIT OFFICE AND LEANNE SMITH FROM INTENTUS CHARTERED ACCOUNTANTS**

1711/012

2016/2017 AUDITED FINANCIAL STATEMENTS**RESOLVED:**

1. That Council adopt the 2016/2017 Financial Statements and accept the Auditor's Report, as submitted by Auditor General.
2. That the 2016/2017 transfers to and from Council's restricted cash be approved.

(Reynolds/Somerville)

CARRIED

QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2017

1711/013

RESOLVED:

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2017 be received.
2. That the supplementary votes of \$1,128k proposed in the Quarterly Budget Review Statement be adopted resulting in an increase to operating expenditure of \$249k, a decrease in operating income of \$377k and an increase to capital expenditure of \$502k offset by capital income variations of \$758k.
3. That the budgeted expenditure and transfers from External and Internal Restricted Cash of \$1,827k for works carried over from the 2016/17 financial year be endorsed.

(Newstead/Reynolds)

CARRIED**ADOPTION OF LEASE OF COUNCIL LAND FOR AGISTMENT PURPOSES POLICY**

1711/014

RESOLVED:

That the Lease of Council Land for Agistment Purposes Policy be adopted and included in Council's policy register.

(Ewin/Somerville)

CARRIED**MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING HELD 30 OCTOBER 2017**

1711/015

RESOLVED:

That the minutes of the Blayney Shire Audit Committee meeting held 30 October 2017 be received.

(Reynolds/Ewin)

CARRIED**INFRASTRUCTURE SERVICES REPORTS****DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

1711/016

RESOLVED:

That the Director Infrastructure Services Monthly report for November 2017 be received and noted.

(Reynolds/Newstead)

CARRIED**ROAD FUNDING ALLOCATIONS**

1711/017

RESOLVED:

That Council receive and note the proposed work locations for resealing, heavy patching, and footpath renewals.

(Kingham/Reynolds)

CARRIED

**PROPOSED ROAD NAME - UNNAMED ROAD AT 168
FOREST REEFS ROAD, MILLTHORPE**

1711/018

RESOLVED:

1. That Council note the report on the naming of the Unnamed Road at 162 -168 Forest Reefs Road, Millthorpe and:
 - a. That it be included on Council's Asset Register as a Council Public Road with a length of 250m, and;
 - b. That the recommended name, Old Showground Lane be placed on public exhibition for a period of not less than 28 days and the public and relevant authorities be invited to make submissions.

(Reynolds/Ewin)

CARRIED

CARCOAR ROAD - COWRIGA CREEK WET CROSSING

MOTION:

That Council accept the licence for the wet crossing on Carcoar Road, Licence Number RI 567669 and authorise the Mayor and General Manager to execute and affix the Council Seal to the Licence, and other associated documents for this Licence.

(Ewin/Somerville)

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

That this matter be deferred to a Councillor Workshop.

The Amendment was put and lost.

A further **AMENDMENT** was foreshadowed by Cr Reynolds:

That before any works be undertaken on the licenced land a report be provided to Council with various options for a crossing and potential costings.

The mover and seconder agreed to have this point 2 included in the original motion now being:

1. That Council accept the licence for the wet crossing on Carcoar Road, Licence Number RI 567669 and authorise the Mayor and General Manager to execute and affix the Council Seal to the Licence, and other associated documents for this Licence.
2. That before any works be undertaken on the licenced land a report be provided to Council with various options for a crossing and potential costings.

This Amendment became the substantive motion and was put.

1711/019 RESOLVED:

1. That Council accept the licence for the wet crossing on Carcoar Road, Licence Number RI 567669 and authorise the Mayor and General Manager to execute and affix the Council Seal to the Licence, and other associated documents for this Licence.
2. That before any works be undertaken on the licenced land a report be provided to Council with various options for a crossing and potential costings.

(Ewin/Somerville)

CARRIED

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD 17 OCTOBER 2017

1711/020 RESOLVED:

1. That the minutes of the Blayney Traffic Committee, held on Tuesday 19 October 2017, be received and noted.
2. That Council provides in principle support to Millfest to be held Saturday 9 December 2017 subject to the following conditions:
 - a. All implementation and Traffic Control works and Plans are to be completed by persons qualified to do so.
 - b. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.
 - c. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
 - d. The Event Organiser will, advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.
 - e. Council is to be provided with an up to date copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event, and
 - f. The provision of satisfactory parking arrangements put in place by the Event Organisers.
3. That Council provides in principle support to the Millthorpe Markets to be held Sunday 3 December 2017 subject to the following conditions:
 - a. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so. Specifically the Event Organiser needs to provide updated TCP (including 40km zone, formalised road closure at Redmond Oval entrance and No Parking at Millthorpe Rural Fire Service), which Council will forward to Roads and Maritime Services (RMS).

- b. Approval is to be obtained from the RMS Traffic Operations Manager.
- c. Approval is to be obtained from NSW Police.
- d. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.
- e. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- f. The Event Organiser will, advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.
- g. Council acknowledges copy of \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
- h. Event Organiser to email bicycle clubs – advising Millthorpe Markets are on 3 December and could they ask their members to avoid riding to or around Millthorpe due to the increased traffic conditions.

(Reynolds/Newstead)

CARRIED

**MINUTES OF THE EXTRAORDINARY MEETING OF
BLAYNEY SHIRE SPORTS COUNCIL HELD ON THURSDAY,
19 OCTOBER 2017**

1711/021

RESOLVED:

That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 19 October 2017, be received and noted.

(Kingham/Reynolds)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

**REVIEW OF DETERMINATION - DA55/2016 - ANIMAL
BREEDING, KEEPING AND TRAINING FACILITY - LOT 144
DP 750408, 73 SOMERS LANE MANDURAMA**

1711/022

RESOLVED:

That pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, Council's Refusal Notice of Determination dated 21 December 2016 of Development Application No. DA55/2016 for an animal breeding, keeping and training facility at Lot 144 DP 750408, 73 Somers Lane, Mandurama be reaffirmed for the following reasons:

- a. The development will have unacceptable noise exceedances during the daytime period,
- b. The development will be non-complaint with the daytime noise criterion of the Industrial Noise Policy,
- c. The development is not considered to meet the objective of the RU1 Primary Production zone that aims "To

- minimize conflict between land uses within this zone and land uses within adjoining zones.”,
- d. The development is likely to create ongoing land use conflict particularly to neighbouring residential dwellings for the wider locality which is not in the public interest,
 - e. The site is considered unsuitable for the proposed development given the number of residential dwellings in close proximity, settlement pattern of the locality and ongoing daytime noise exceedances associated with the development,
 - f. Issues relating to noise raised within submissions remain unresolved,
 - g. Council is not satisfied that the known daytime noise exceedances could be mitigated on an ongoing basis to prevent ongoing land use conflict with neighbouring properties.

(Reynolds/Newstead)

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

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Kingham		
Councillor Somerville		
Councillor Reynolds		
Councillor Newstead		
Councillor Denton		
Total (7)	Total (0)	CARRIED

CLOSED MEETING

1711/023

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:

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT
ERROWANBANG ROAD - ROBSON**

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.

(Reynolds/Ewin)
CARRIED

CONFIDENTIAL MEETING REPORTS

LAND ACQUISITION FOR ROAD RE-ALIGNMENT
ERROWANBANG ROAD - ROBSON

1711/024

RESOLVED:

1. That Council approve the acquisition of land for the purpose of road re-alignment, being part of Lot 111 DP806674 as required for road re-alignment safety improvements along the Errowanbang Road and the land be classified as public road, as detailed in the report.
2. That Council authorise the Mayor and General Manager to affix the Council Seal to associated transfer document required to facilitate the acquisition.

(Ewin/Kingham)

CARRIED

1711/025

RESOLVED:

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

(Reynolds/Newstead)

CARRIED

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR
ANNOUNCED THE OUTCOME OF RESOLUTION NUMBER 1711/024.**

There being no further business, the meeting concluded at 8.19pm.

The Minute Numbers 1711/001 to 1711025 were confirmed on 18 December 2017 and are a full and accurate record of proceedings of the Ordinary Meeting held on 20 November 2017.



Cr S Ferguson
MAYOR



Mrs R Ryan
GENERAL MANAGER