

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 21 MARCH 2022, COMMENCING AT 6.00PM**

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

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

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 Pryse Jones	Non Pecuniary (less than significant)	13	50	Country Education Foundation	Cr Pryse Jones is on the Executive Committee
Cr Ferguson	Pecuniary	8	29	Request for Interest Free Loan Doctors Incentive Package	Cr Ferguson is related to the applicant
Cr Ferguson	Non Pecuniary (significant)	24	112	DA2021/35 – Fifteen (15) Lot Subdivision – 238 Forest Reefs Road, Millthorpe	Cr Ferguson is related to the applicant
Cr Somerville	Non Pecuniary (less than significant)	11	42	Minutes of the Financial Assistance Committee Meeting held 3 March 2022	As per the Declarations of Interest in the Minutes of the Financial Assistance Committee Meeting Cr Somerville is a member of Blayney Rotary who assist the RYDA program and a member of the Blayney Golf Club

PUBLIC FORUM

Ian McRae – Roadside Weed Control

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

Rosemarie Amos – Item 24 – DA2021/35 – Fifteen (15) Lot Subdivision – 238 Forest Reefs Road, Millthorpe

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

MAYORAL MINUTE**AR BLUETT MEMORIAL AWARD**

For Council information.

2022 IPWEA EXCELLENCE AWARD

For Council information.

RETIREMENT OF DAVID HOADLEY**2203/001****RESOLVED:**

That Council acknowledge and thank David Hoadley for his contribution to the Canobolas Zone NSW Rural Fire Service.

(Ferguson/Reynolds)

CARRIED**CONFIRMATION OF MINUTES****MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 FEBRUARY 2022****2203/002****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 21 February 2022, being minute numbers 2202/001 to 2202/024 be confirmed.

(Somerville/Ewin)

CARRIED**MATTERS ARISING FROM THE MINUTES**

Nil

EXECUTIVE SERVICES REPORTS**ALGWA NSW CONFERENCE****2203/003****RESOLVED:**

That Council approve the registration and attendance of Councillor Pryse Jones at the 2022 ALGWA Conference to be held in Fairfield.

(Reynolds/Somerville)

CARRIED**TOURISM DEVELOPMENT FUND APPLICATIONS****2203/004****RESOLVED:**

That Council approve the following applications under the 2021/22 Tourism Event Development Program;

- a. \$1,000 for the Platform Arts Hub, Textures of One Exhibition
- b. \$1,000 for the National All Breeds Junior Heifer Show Association Inc
- c. \$1,000 for the Millthorpe Village Committee, Millthorpe Garden Ramble

(Ewin/Newstead)

CARRIED

CORPORATE SERVICES REPORTS**REPORT OF COUNCIL INVESTMENTS AS AT 28 FEBRUARY 2022****2203/005****RESOLVED:**

1. That the report indicating Council's investment position as at 28 February 2022 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Somerville/Pryse Jones)

CARRIED

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

REQUEST FOR INTEREST FREE LOAN DOCTORS INCENTIVE PACKAGE**MOTION:**

That Council approve the provision of an interest free loan to Dr. Bonnie McRae pursuant to policy 6C Package for Doctors Incentives for Retention / Attraction.

(Ewin/Newstead)

An **AMENDMENT** was moved by Cr Pryse Jones and seconded by Cr Reynolds:

That this matter be deferred to a subsequent meeting.

CARRIED

The amendment became the substantive motion and was put.

2203/006**RESOLVED:**

That this matter be deferred to a subsequent meeting.

(Pryse Jones/Reynolds)

CARRIED

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

YOUTH WEEK 2022**2203/007****RESOLVED:**

That the report on Youth Week 2022 be received and the allocations from the 2022 Youth Week Small Grants Program be endorsed as follows:

- | | |
|---------------------------|----------|
| a. Le Danse School | \$ 820 |
| b. YMCA NSW | \$ 3,850 |
| c. Blayney High School | \$ 1,750 |
| d. Millthorpe Youth Group | \$ 1,000 |

(Ewin/Newstead)

CARRIED

AMENDMENT TO INVESTMENT POLICY

2203/008

RESOLVED:

That Council approve the Investment Policy, as amended, and it be updated to the Policy Register.

(Somerville/Reynolds)

CARRIED**MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE
MEETING HELD 3 MARCH 2022**

2203/009

RESOLVED:

1. That the minutes of the meeting held 3 March 2022 be received.
2. That the recommendations for 2021/22 - Round 1 of the Community Financial Assistance Program by the Financial Assistance Committee, in the amount of \$39,236 be approved.
3. That an amount of \$19,326 from prior year unexpended funds be voted at the next Quarterly Budget Review.

(Somerville/Reynolds)

CARRIED**APPOINTMENT OF INDEPENDENT MEMBER - AUDIT, RISK
AND IMPROVEMENT COMMITTEE**

2203/010

RESOLVED:

That Council endorse the appointment of Ron Gillard as the Independent Member to the Audit Risk and Improvement Committee.

(Reynolds/Somerville)

CARRIED**COUNTRY EDUCATION FOUNDATION**

2203/011

RESOLVED:

That Council supports the request from the County Education Foundation for sponsorship in the amount of \$3,000.

(Reynolds/Somerville)

CARRIED**ADDITIONAL SPECIAL VARIATION**

2203/012

RESOLVED:

1. That Council make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the Local Government Act (1993) for a permanent Additional Special Variation of 2.5% including the population factor; for the 22/23 Operational Plan.
2. In making this application for the Additional Special Variation, Council has undertaken an assessment against the current Long Term Financial Plan, which assumed a 2.5% Rate Peg for 22/23 and noted;
 - a) the additional income that Council will receive if approved compared to that Rate Peg of 0.7% as determined by

- IPART in December 2021 totals \$167K
- b) is required to maintain Councils current levels of services and operations to the Blayney Shire
 - c) that Council has considered the impact on ratepayers and the community in 2022/23 Operational Plan and future years and that the impact is reasonable.

(Reynolds/Pryse Jones)

CARRIED

2203/013 **LEASE OF INDUSTRIAL LAND FOR AGISTMENT PURPOSES**
RESOLVED:

That Council lease industrial land for the period ending 29 February 2024 with a 1 year option to the following party:

Lease lot 8: ex-Saleyards Paddocks, 31 Gerty Street (part Lot 2 DP 881155): C.Haynes \$2,500p.a.

(Gosewisch/Ewin)

CARRIED

2203/014 **NAIDOC WEEK SCHOOLS INITIATIVE**
RESOLVED:

That Council support the request for sponsorship from NAIDOC for the NAIDOC Week Initiatives contribution and approve an amount of \$450 be included in the 3rd Quarter Budget Review for this purpose.

(Reynolds/Newstead)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

2203/015 **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY**
REPORT

RESOLVED:

That the Director Infrastructure Services Monthly Report for March 2022 be received and noted.

(Ewin/Gosewisch)

CARRIED

2203/016 **CENTRAL WEST COUNCILS ENVIRONMENT AND**
WATERWAYS ALLIANCE

RESOLVED:

That Council continues to support and participate with the Central West Councils Environment and Waterways Alliance.

(Newstead/Ewin)

CARRIED

- 2203/017** **PESTICIDE NOTIFICATION PLAN**
RESOLVED:
That the Pesticide Notification Plan be placed on public exhibition for a period of not less than 28 days.

(Ewin/Pryse Jones)
CARRIED

- 2203/018** **BLAYNEY MAINSTREET MASTER PLAN**
RESOLVED:
1. That Council endorse the draft Blayney Mainstreet 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.

(Pryse Jones/Ewin)
CARRIED

- 2203/019** **REVISED RECYCLED WATER POLICY**
RESOLVED:
That Council place the revised Recycled Water policy on public exhibition for a period of at least 28 days.

(Somerville/Gosewisch)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

- 2203/020** **DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN**
2041 SUBMISSION
RESOLVED:
That Council note the submission to the NSW Department of Planning and Environment regarding the 2041 Draft Central West and Orana Regional Plan.

(Reynolds/Newstead)
CARRIED

- 2203/021** **CENTREPOINT MANAGEMENT AGREEMENT EXTENSION**
RESOLVED:
That Council
1. Due to extenuating circumstances, being impacts preventing continual operations from COVID19 NSW public health orders and the stage 2 roof project, Council will not proceed to invite tenders for the operational management of CentrePoint Sport and Leisure Centre Blayney because a satisfactory result would not be achieved.
2. Extend the current Management Agreement with YMCA for a period of 2 years until 30 June 2024, to provide the operational management of CentrePoint Sport and Leisure Centre Blayney.
3. Authorise the General Manager to negotiate and execute the

Management Agreement extension and associated documentation with YMCA for the operational management of CentrePoint Sport and Leisure Centre Blayney.

(Newstead/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.

DA2021/35 - FIFTEEN (15) LOT SUBDIVISION - 238 FOREST REEFS ROAD MILLTHORPE

2203/022

RESOLVED:

That Council consents to Development Application DA2021/35 for a fifteen lot subdivision of 238 Forest Reefs Road, Millthorpe, being Lot 3 DP546309, subject to the recommended conditions of consent.

(Ewin/Reynolds)

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

FOR

Councillor Ewin
Councillor Somerville
Councillor Reynolds
Councillor Newstead
Councillor Pryse Jones
Councillor Gosewisch

Total (6)

AGAINST

Total (0)

CARRIED

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

DELEGATES REPORTS

REPORT OF THE CENTRAL NSW JOINT ORGANISATION MEETING HELD 24 FEBRUARY 2022

2203/023

RESOLVED:

That Council note the report from the recent Central NSW Joint Organisation Board meeting.

(Reynolds/Newstead)

CARRIED

CLOSED MEETING**2203/024 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 - CENTRAL NSW JOINT ORGANISATION

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.

LEGAL MATTER

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 143 FOREST REEFS ROAD - DP1280817

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.

LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 133 AND 150 CARBINE ROAD - DP1281949

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.

(Ewin/Gosewisch)
CARRIED

CONFIDENTIAL MEETING REPORTS**ELECTRICITY PROCUREMENT - CENTRAL NSW JOINT ORGANISATION****2203/025****RESOLVED:**

That Council;

1. Advise Central NSW Joint Organisation that Council's decision and term of contract will be subject to further review given current investigations into the Blayney Solar Farm
2. Resolve that because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for large market sites and streetlighting which are due to commence on 1 January 2023.
3. Note that the reasons for this decision are as follows:
 - a. The services with respect to which the tender relates can only be provided by energy retailers.
 - b. Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.
 - c. Even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.
 - d. This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.
 - e. This would not be a satisfactory result for Council.
4. Delegate the authority to execute the contracts for the supply of electricity for large market sites and streetlighting to the General Manager.

(Newstead/Somerville)

CARRIED**LEGAL MATTER****2203/026****RESOLVED:**

That Council receive and note the report.

(Reynolds/Somerville)

CARRIED

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 143
FOREST REEFS ROAD - DP1280817**

2203/027

RESOLVED:

That Council approve;

1. The compulsory acquisition of Lot 2, in DP1280817 registered 18/01/2022; and
2. The making of an Application to the Minister for Local Government and Governor for the approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisitions for the realignment of Forest Reefs Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Gosewisch/Ewin)

CARRIED

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 133
AND 150 CARBINE ROAD - DP1281949**

2203/028

RESOLVED:

That Council approve:

1. The compulsory acquisition of Lots 1 and 2 in DP1281949 registered 21 March 2022; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Carbine Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Somerville/Pryse Jones)

CARRIED

2203/029

Recommended:

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

(Gosewisch/Reynolds)

CARRIED

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR
ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2203/025
TO 2203/028.**

There being no further business, the meeting concluded at 8.05pm.

The Minute Numbers 2203/001 to 2203/029 were confirmed on 19 April 2022 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 March 2022.



Cr S Ferguson
MAYOR



Mrs R Ryan
GENERAL MANAGER