

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE
COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 16 AUGUST 2022,
COMMENCING AT 6.33PM**

An audio recording of the proceedings of this meeting are publicly available on Council's website.

1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

**2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY
COUNCILLORS**

2.1 Attendance

Crs B Monaghan (Mayor), B Baker, M Clark, R Crowe, J Funnell, K Keatley, T Lord, L McGlynn, R Moore

General Manager (G Baker), Director Corporate & Community Services (A Balind) and Executive Assistant (J Sharpe)

2.2 Apologies

Nil

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 19 July 2022

- **Corrections** - Nil
- **Business Arising** - Nil
- **Confirmation**

01082022 RESOLVED that the minutes of the Ordinary Council meeting held on 19 July 2022 be confirmed as a correct record of proceedings.

Funnell/Clark
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

4.0 DISCLOSURES OF INTERESTS

Nil

5.0 MAYORAL MINUTE(S)

5.1 Accounting Treatment of Rural Fire Service ('Red Fleet') Assets

02082022 RESOLVED That:

1. Council writes to the Treasurer the Hon Matt Kean MP, local State Member for Cootamundra and Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Bland Shire Council's financial statements;
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
 - e. Amending s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members, of Bland Shire Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the Rural Fires Act 1997 as set out in correspondence.
3. Bland Shire Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council promotes these messages via its digital and social media channels and via its networks.
5. Re-affirms its complete support of and commitment to local RFS brigades noting that Bland Shire Council's action is entirely directed towards the NSW Government's position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
6. That Bland Shire Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.
7. That should the Audit Office make good on its threat to issue qualified audits to those Councils who do not record RFS assets in their annual financial statements, that Bland Shire Council will accept a qualified audit opinion in relation to the accounting for RFS Assets on the 2021/2022 financial statements.

McGlynn/Lord
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

6.0 REPORTS OF COMMITTEES

03082022 RESOLVED That Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

Baker/Keatley
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.0 REPORTS TO COUNCIL

7.1 LGNSW Annual Conference 2022 – Confirmation of Attendees

04082022 RESOLVED:

1. That Council identifies the representatives to attend the LGNSW Annual Conference being held in the Hunter Valley from 23 – 25 October 2022; and
2. That the Mayor be nominated as Council's voting delegate.

McGlynn/Clark
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

Councillors Lord and Baker confirmed their interest in attending. Cr Crowe is to provide further advise of his availability to attend.

7.2 Strengthening Communities Grant Applications

- 05082022 RESOLVED** That Council approve Strengthening Communities funding to:
- a. West Wyalong Community Church to assist with the cost of installing a Defibrillator at the Church, up to \$3045.
 - b. West Wyalong Charity Campdraft Committee to assist with the costs of holding its annual event on 16-18 September 2022, up to \$4,000.

McGlynn/Clark
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.3 NSW Public Spaces Charter

- 06082022 RESOLVED** That Council note the NSW Public Spaces Charter.

Lord/McGlynn
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.4 Boundary Encroachment – 62-64 Court Street, West Wyalong

MOTION That Council contribute:-

- 50 per cent of the costs associated with survey fees and LRS lodgement fees,
 - 100 per cent of the costs associated with creating a new drainage easement, and,
 - waive the subdivision certificate application fee
- for the boundary adjustment between 62 Court and 64 Court Street, West Wyalong.

Lord/McGlynn

An AMENDMENT was moved by Cr McGlynn that Council bear all costs in the matter. LAPSED for the want of a seconder.

07082022 RESOLVED that Council contribute:-

- 50 per cent of the costs associated with survey fees and LRS lodgement fees,
 - 100 per cent of the costs associated with creating a new drainage easement, and,
 - waive the subdivision certificate application fee
- for the boundary adjustment between 62 Court and 64 Court Street, West Wyalong.

Lord/McGlynn
CARRIED

(6/3: Crs Crowe, Funnell, Lord, McGlynn, Monaghan and Moore voting for and Baker, Clark, Keatley against)

7.5 Finance and Investment Report for July 2022

08082022 RESOLVED:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of July 2022
2. That Council confirms the payment of accounts, for the period 01 July to 31 July 2022, summarised in the accounts summary totalling \$2,570,602.20.

Baker/Funnell

CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.6 Progress Report on the Combined Delivery Program (2017-2022) and Operational Plan (2021-2022)

09082022 RESOLVED That Council receive and note the report and updates on the progress of the Combined Delivery Program and Operational Plan for the period 1 January 2022 to 30 June 2022.

Baker/Keatley

CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.7 Endorsement of Draft BSC Information Guide

10082022 RESOLVED That:

1. Council endorses the Draft Information Guide and places on public exhibition for a period of 28 days from Friday 19 August 2022 for community comment.
2. The Draft Information Guide be forwarded to the Information and Privacy Commissioner for comment.
3. Should there be comment from the community or the Information and Privacy Commissioner on the Draft Information Guide, a further report be prepared and presented to Council.
4. Should there be no comment from the community or the Information and Privacy Commissioner within the 42 day commentary period, Council formally adopt the Draft Information Guide.

Moore/Baker

CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.8 Endorsement of Draft Legislative Compliance and Draft Housing Policies

11082022 RESOLVED That:

1. Council endorses the Draft Legislative Compliance and Draft Housing Policies and places on public exhibition for a period of 28 days from Friday 19 August 2022 for community Comment.
2. Should there be comment from the community on the Draft Legislative Compliance and Draft Housing Policies, a further report be prepared and presented to Council.
3. Should there be no comment from the community within the 42 day commentary period, Council formally adopt the Draft Legislative Compliance and Draft Housing Policies.

McGlynn/Crowe

CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.9 Endorsement of Motions for LGNSW Conference

12082022 RESOLVED That Council submits the following Notices of Motions for consideration at the LGNSW Conference scheduled for 23 to 25 October 2022:

RURAL FIRE SERVICE

That Local Government NSW:

1 - Seeks a commitment from all political parties contesting the March 2023 NSW elections to amend the *Rural Fire Services Act 1997* to remove Section 119's reference to vesting RFS equipment with councils to remove the conflict of "control", specifically in accordance with the definition in Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements.

2 – Write to the NSW Treasurer and Minister for Emergency Services and Resilience requesting:

- a) Urgent attention be given to this matter in light of the pending qualified audits of more than half of the state's Local Government organisations due to a conflict in accounting positions.
- b) Immediate action to ensure the NSW Rural Fire Service is an entity under the same requirements and regulations as other emergency service organisations such as the State Emergency Service.

ROAD FUNDING

That Member Councils of Local Government NSW:

1 - Support the recommendations of the 2022 NSW Local Roads Congress, specifically the sustainable funding model to include the adoption of a long term allocation-based process to ensure stability in Local Government supply chains and resourcing.

2 - Request LGNSW further lobbies State and Federal Governments to:

- a) Seek agreement that roads funding grants not be specifically tied to new infrastructure projects; and
- b) Allow Councils to determine the areas of greatest need in accordance with adopted Operational Plans.

ADMINISTRATION OF FEDERAL ASSISTANCE GRANTS

That Local Government NSW continues to lobby the NSW and Federal Governments to modify the administration of infrastructure grants in favour of direct grants to councils using a similar formula to the Federal Government Assistance Grants (FAGs).

FUNDING FOR LIBRARIES

That Local Government NSW seeks a commitment from all political parties contesting the March 2023 NSW elections to the continuation and improvement of funding to public libraries to deliver a sustainable funding model for the future for these valuable community resources.

DISTRIBUTION OF NATURAL DISASTER RELIEF FUNDS

That Local Government NSW makes representations to the NSW and Federal Treasurers:

1 – To have funding for future natural disasters administered by Local Councils to ensure positive outcomes for the whole community and not specific interest organisations.

2 - To support the provision of post-disaster resources to improve community social and economic resilience to future events.

PUBLIC HOSPITAL AND HEALTH SERVICES

That Local Government NSW lobbies the NSW Government to:

1 - Seek a more equitable distribution of health infrastructure and operational funding to support and improve health services in regional, rural and remote NSW.

2 – Work with educational institutions to remove barriers for practitioners to establish services within regional and remote NSW to meet the current and ongoing needs of the community.

Lord/Funnell

CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.10 Minutes of the Audit, Risk and Improvement Committee held 28 July 2022

13082022 RESOLVED:

1. That the minutes of the Audit, Risk and Improvement Committee meeting held on 28 July 2022, be received and noted.
2. That Council accept a Qualified Audit in relation to RFS Assets.

Lord/Moore
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

Reports for Information

14082022 **RESOLVED** That the following reports, provided for information only, be received and noted:

- 7.11 - Economic Development & Tourism Report –August 2022
- 7.12 - Community Services Report
- 7.13 - Bland Shire Library Monthly Update
- 7.14 - Children Services July Update
- 7.15 - Bland Community Care Services Update
- 7.16 - Bland Shire Museum Advisor Report – July 2022
- 7.17 - Technical Services Report
- 7.18 - Development Services Activity Report - July 2022

Funnell/Keatley
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

8.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

9.0 CONFIDENTIAL MATTERS

15082022 **RESOLVED** That Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act, 1993, for consideration of the following matters.

Moore/Funnell
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

9.1 Business Park Proposal

Local Government Act 1993 (Section 10A (2))

The matters and information are the following:

c) information that would, if disclosed, confer a commercial advantage on a person with whom council is conducting (or proposes to conduct) business.

16082022 **RESOLVED** that Council:

1. Accept the latest offer for the purchase of Lot 4 in the new business park, as detailed in the General Managers report, and it be accepted on the following conditions:
 - a) The site is purchased unserviced;
 - b) There will be no business assistance available due to the discounted price;
 - c) That Council accepts that settlement will be subject to both DA and EPA approval.
 - d) Delegate the authority to the General Manager to finalise negotiations.
2. That a future report be submitted to Council following registration of the subdivision detailing the sale of the various lots within that subdivision as well as the overall costings of this project.

Lord/Keatley
CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

The meeting then closed at 7.53pm.

17082022 RESOLVED that Council move out of closed Council and into open Council.

Moore/Funnell

CARRIED

(Unanimously: Crs Baker, Clark, Crowe, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

The meeting then resumed at 8.16pm.

At the reopening of the meeting to the public the Mayor announced the outcomes of resolution number 16082022.

10.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 8.17pm.

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Chairperson
Mayor Brian Monaghan

CONFIRMED