



BLAND SHIRE COUNCIL  
*west wyalong*

# **Bland Shire Council**

## **Minutes**

### **Ordinary Council Meeting**

**15 February 2022**

CONFIRMED



# OUR VISION, MISSION AND VALUES



**ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**  
**A guiding checklist for Councillors, Officers and Advisory Committees**

**Ethical Decision Making**

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

**Conflict of Interest**

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only).

**The test for conflict of interest**

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

**Identifying Problems**

1<sup>st</sup> - Do I have private interest affected by a matter I am officially involved in?

2<sup>nd</sup> - Is my official role one of influence or perceived influence over the matter?

3<sup>rd</sup> - Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

**Agency Advice**

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Advisory Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Bland Shire Council	6972 2266	<a href="mailto:council@blandshire.nsw.gov.au">council@blandshire.nsw.gov.au</a>	<a href="http://www.blandshire.nsw.gov.au">www.blandshire.nsw.gov.au</a>
ICAC	8281 5999 Toll Free: 1800 463 909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

Council advises that an audio recording of the proceedings of this meeting were taken and are publicly available on the website.

## 1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

The meeting was opened by the Mayor with the welcome and introduction at 6.30pm.

1.1 Representatives from the Ministers Association lead Council in the annual Prayer session.

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

### 2.1 Attendance

#### Councillors

Cr Bruce Baker  
Cr Monica Clark  
Cr Rodney Crowe (arrived 6.37pm)  
Cr Jill Funnell  
Cr Kerry Keatley  
Cr Tony Lord  
Cr Liz McGlynn  
Mayor Brian Monaghan  
Cr Roger Moore

#### Staff

Acting General Manager – Will Marsh  
Director Corporate & Community Services – Alison Balind  
Executive Assistant – Julie Sharpe

### 2.2 Apologies

General Manager – Ray Smith

### 2.3 Applications for a leave of absence by Councillors

Nil

At this stage 6.37pm, Cr Crowe arrived.

## 3.0 CONFIRMATION OF MINUTES

### 3.1 Extraordinary Meeting held on 11 January 2022

- Corrections - Nil
- Business Arising - Nil
- Confirmation

#### Recommendation:

**01022022 RESOLVED** on the motion of Cr Funnell seconded Cr Moore that the minutes of the Extraordinary Council meeting held on 11 January 2022 be confirmed as a correct record of proceedings.

**CARRIED** Unanimously

#### 4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
Ms Balind	6.1 – Retirement of General Manager	Pecuniary	Left meeting

#### 5.0 PRESENTATION(S) AND PUBLIC FORUM

##### 5.1 Presentations to former Councillors – Ms Jan Wyse and Ms Penny English

The Mayor and Acting General Manager presented former Councillors Wyse and English with a gift of thanks in recognition for their service to the Bland Shire community.

#### 6.0 MAYORAL MINUTE(S)

At this stage 6.41pm, Ms Balind left the meeting.

##### 6.1 Retirement of General Manager – Mr Ray Smith PSM

**Recommendation:**

**02022022 RESOLVED** on the motion of Cr Lord seconded Cr Keatley:

1. That Council adopt the timeline for the recruitment of a new general manger commencing with the calling of Expressions of Interest from suitably qualified recruitment specialists in the NSW Local Government sector.
2. That the Mayor liaise with fellow Councillors to determine suitable farewell arrangements for Mr. Smith sometime in June or July.

**CARRIED** Unanimously

The Council gave a round of applause for Mr Smith. At this stage 6.42pm, Ms Balind returned to the meeting.

#### 7.0 REPORTS OF COMMITTEES

**Recommendation:**

**03022022 RESOLVED** on the motion of Cr Crowe seconded Cr Baker that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

**CARRIED** Unanimously

##### 7.1 Newell Highway Taskforce

Cr Lord advised that flooding issues have continued to impact works. Upgrade plans and consultations are underway with direct sessions for Bland Shire expected in the coming weeks, considerations for reinvigorated tourism initiatives and black spot area identification is also underway.

## 8.0 REPORTS TO COUNCIL

### Section 1 - Office of the General Manager

#### 8.1 Meeting Dates March 2022

**Recommendation:**

**04022022 RESOLVED** on the motion of Cr Clark seconded Cr Funnell that Council receives and notes the revised meeting arrangements for March 2022:

- Tuesday 8th March - Council Budget Workshop, commencing at 2pm and followed by the ordinary Council Workshop and Induction Session
- Tuesday 8th March - Council Workshop and Induction Session, commences following the Budget Workshop
- Tuesday 22nd March - Council Meeting, commencing at 6.30pm

**CARRIED** Unanimously

#### 8.2 Goldenfields Water Board

**Recommendation:**

**05022022 RESOLVED** on the motion of Cr Funnell seconded Cr McGlynn that Council receives and notes the report on membership of the Goldenfields Water Board.

**CARRIED** Unanimously

#### 8.3 Lachlan Regional Transport Committee Inc

**Recommendation:**

**06022022 RESOLVED** on the motion of Cr Lord seconded Cr McGlynn that Council nominate Cr Lord as representative to the Lachlan Regional Transport Committee Inc for the duration of the Council term.

**CARRIED** Unanimously

### Section 2 – Corporate & Community Services

#### **8.4 Finance and Investment Report for November 2021**

**Recommendation:**

**07022022 RESOLVED on the motion of Cr Lord seconded Cr Baker:**

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of November 2021**
- 2. That Council confirms the payment of accounts, for the period 01 November to 30 November 2021, summarised in the accounts summary totalling \$6,232,207.46**

**CARRIED Unanimously**

#### **8.5 Finance and Investment Report for December 2021**

**Recommendation:**

**08022022 RESOLVED on the motion of Cr Baker seconded Cr Funnell:**

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of December 2021**
- 2. That Council confirms the payment of accounts, for the period 01 December to 31 December 2021, summarised in the accounts summary totalling \$3,901,415.51**

**CARRIED Unanimously**

#### **8.6 Finance and Investment Report for January 2022**

**Recommendation:**

**09022022 RESOLVED on the motion of Cr Moore seconded Cr Baker:**

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of January 2022**
- 2. That Council confirms the payment of accounts, for the period 01 January to 31 January 2022, summarised in the accounts summary totalling \$1,866,571.60**

**CARRIED Unanimously**

## 8.7 Budget Review – December 2021

### Recommendation:

**10022022 RESOLVED** on the motion of Cr Baker seconded Cr Keatley:

1. That the Officers Report be received and noted.
2. That the Council endorses the Statement acknowledging the financial position is considered satisfactory.

**CARRIED** Unanimously

## 8.8 Progress Report on the Combined Delivery Program and Operational Plan 2017-2022

### Recommendation:

**11022022 RESOLVED** on the motion of Cr Baker seconded Cr McGlynn that Council receive and note the report on the progress of the Combined Delivery Program and Operational Plan for the period 1 July 2021 to 31 December 2021.

**CARRIED** Unanimously

## 8.9 Public Interest Disclosures for Bland Shire Council

### Recommendation:

**12022022 RESOLVED** on the motion of Cr Baker seconded Cr Moore that Council notes the submission of the Bi-annual Agency Report on Public Interest Disclosures was made to the relevant agencies within the statutory time frames.

**CARRIED** Unanimously

## 8.10 Endorsement of the Revised Community Strategic Plan 2017-2027

### Recommendation:

**13022022 RESOLVED** on the motion of Cr Lord seconded Cr Baker:

1. That Bland Shire Council re-endorse the Amended Your Vision, Our Future Community Strategic Plan 2017-2027 and place it on public exhibition for a minimum period of 28 days from Friday 18 February 2022 for community comment.
2. Following the period of exhibition and a minimum period of 28 days following be permitted to allow for written submissions to be made, a further report be presented to Council prior to the formal adoption of the Plan.

**CARRIED** Unanimously



### 8.11 Endorsement of Draft Bland Shire Council Code of Meeting Practice

**Recommendation:**

**14022022 RESOLVED** on the motion of Cr Lord seconded Cr Crowe:

1. That Council endorse the Draft Bland Shire Council Code of Meeting Practice and place it on public exhibition for a minimum period of 28 days from Friday 18 February 2022 for community comment.
2. Following the period of exhibition and a minimum period of 14 days following to allow for written submissions to be made, a further report be presented to Council prior to the formal adoption of the Code.

**CARRIED** Unanimously

### 8.12 Endorsement of Draft Policy – Payment of Expenses and Provision of Facilities to Councillors

**Recommendation:**

**15022022 RESOLVED** on the motion of Cr Baker seconded Cr Clark:

1. That Council endorses the DRAFT Payment of Expenses and Provision of Facilities to Councillors policy and places it on public exhibition for a period of 28 days from Friday 18 February 2022 for community comment.
2. Following the period of exhibition and a minimum period of 14 days following be permitted to allow for written submissions to be made, a further report be presented to Council prior to the formal adoption of the Policy.

**CARRIED** Unanimously

## Section 3 – Technical Services

### 8.13 Kildary Road Deviation

**Recommendation:**

**16022022 RESOLVED** on the motion of Cr Lord seconded Cr McGlynn that Council close the unformed section of Kildary Road shown on the attached plan and dedicated it to the Heinjus' AND Council approve of the gazettal of the current constructed section of road reserve as public road.

**CARRIED** Unanimously

## Section 4 – Reports for Information

**Recommendation:**

**17022022** RESOLVED on the motion of Cr Funnell seconded Cr Baker that the following reports, provided for information only, be received and noted:

- 8.14 - Economic Development & Tourism Report – November 2021
- 8.15 - Community Services Report
- 8.16 - Bland Shire Library Monthly Update
- 8.17 - Children Services October Update
- 8.18 - Bland Community Care Services Update
- 8.19 - Technical Services Report
- 8.20 - Development Services Activity Reports - November 2021, December 2021 and January 2022

**CARRIED** Unanimously

### 9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

### 10.0 CONFIDENTIAL MATTERS

**Recommendation:**

**18022022** RESOLVED on the motion of Cr Crowe seconded Cr Baker that Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act.

**CARRIED** Unanimously

The meeting then closed at 8.09pm.

**Recommendation:**

**21022022** RESOLVED on the motion of Cr McGlynn seconded Cr Baker that Council move out of closed Council and into open Council.

**CARRIED** Unanimously

The meeting then resumed at 8.17pm.

### 10.1 Request for a Lease Variation

*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.*

#### **Recommendation:**

**19022022 RESOLVED on the motion of Cr Lord seconded Cr Funnell that Council declines the request for a variation to the lease over 583 Newell Highway.**

**CARRIED** Unanimously

### 10.2 Business Assistance Application

*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.*

#### **Recommendation:**

**20022022 RESOLVED on the motion of Cr Crowe seconded Cr Lord that Council approves of the Business Assistance Application from Mr. and Mrs Lemon and that the financial package, detailed in the report, be paid by two (2) equal instalments over a 12 month period.**

**CARRIED** Unanimously

### 11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 8.18pm.

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Chairperson  
Mayor Brian Monaghan