



**BLAND SHIRE COUNCIL**  
*west wyalong*

# **Bland Shire Council**

## **Minutes**

### **Ordinary Council Meeting**

**22 March 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.

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

### 2.1 Attendance

#### Councillors

Cr Monica Clark  
Cr Rodney Crowe (arrived 6.41pm)  
Cr Jill Funnell  
Cr Kerry Keatley  
Cr Tony Lord (arrived 6.32pm)  
Cr Liz McGlynn  
Mayor Brian Monaghan  
Cr Roger Moore

#### Staff

General Manager – Ray Smith PSM  
Director Technical Services – Will Marsh  
Director Corporate & Community Services – Alison Balind (left at 7.35pm)  
Executive Assistant – Julie Sharpe

### 2.2 Apologies

Cr Bruce Baker

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

Nil

## 3.0 CONFIRMATION OF MINUTES

### 3.1 Ordinary Meeting held on 15 February 2022

- Corrections - Nil
- Business Arising - Nil
- Confirmation

#### Recommendation:

**01032022 RESOLVED** on the motion of Cr Funnell seconded Cr Clark that the minutes of the Ordinary Council meeting held on 15 February 2022 be confirmed as a correct record of proceedings.

**CARRIED** Unanimously

#### 4.0 DISCLOSURES OF INTERESTS

At this stage 6.32pm, Cr Lord arrived.

Councillor/ Officer	Item	Nature of Interest	How Managed
Ms A. Balind	10.1 – Expressions of Interest – Recruitment of General Manager	Pecuniary	Left meeting

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

Nil

#### 6.0 MAYORAL MINUTE(S)

Nil

#### 7.0 REPORTS OF COMMITTEES

**Recommendation:**

**02032022 RESOLVED** on the motion of Cr Funnell seconded Cr Moore that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

**CARRIED** Unanimously

#### 8.0 REPORTS TO COUNCIL

### Section 1 - Office of the General Manager

#### 8.1 Disclosure of Interest Returns

**Recommendation:**

**03032022 RESOLVED** on the motion of Cr Clark seconded Cr Keatley Councillors note the Disclosure of Interest return requirements and accept the Disclosure of Interest Register as tabled.

**CARRIED** Unanimously

## **8.2 Strengthening Communities – Weethalle Country Music Muster**

**Recommendation:**

**04032022 RESOLVED** on the motion of Cr McGlynn seconded Cr Keatley that Council provide a Strengthening Communities grant of \$2781 to the Weethalle Country Music Muster for the hire of a shower trailer.

**CARRIED** Unanimously

## **Section 2 – Corporate & Community Services**

### **8.3 Finance and Investment Report for February 2022**

At this stage 6.41pm, Cr Crowe arrived.

**Recommendation:**

**05032022 RESOLVED** on the motion of Cr Lord seconded Cr Moore:

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of February 2022**
- 2. That Council confirms the payment of accounts, for the period 01 February to 28 February 2022, summarised in the accounts summary totalling \$3,658,233.72**

**CARRIED** Unanimously

### **8.4 Financial Considerations for Inclusion in the Budget 2022/2023**

**Recommendation:**

**06032022 RESOLVED** on the motion of Cr Keatley seconded Cr McGlynn Council receives and notes the report on the IPART additional round of 2022-23 Special Variation process.

**CARRIED** Unanimously

**Recommendation:**

**07032022 RESOLVED** on the motion of Cr Lord seconded Cr McGlynn that Council authorises the application by Bland Shire Council for a Special Rate Variation in accordance with Section 508(2) of the Local Government Act under the additional 2022-23 Special Variation process to provide for a 2.4% increase in General Rates Revenue assumed in the Long Term Financial Plan 2019-2029 included as part of the Bland Shire Council Integrated Planning and Reporting process with such increase to be made permanent.

**CARRIED** Unanimously

**Recommendation:**

**08032022 RESOLVED** on the motion of Cr Lord seconded Cr McGlynn that Council endorse the implementation of a levy for Storm Water Management Services for commencement in the 2022/23 financial year in accordance with Sections 496A of the Local Government Act and Section 125A of the Local Government Regulation with such levy to be made on an annual basis.

**CARRIED** 6/2 (Crs Clark, Funnell, Keatley, Lord, McGlynn and Monaghan voting for and Crs Crowe and Moore voting against)

## **8.5 Adoption of Draft Budget for 2022/2023**

**Recommendation:**

**09032022 RESOLVED** on the motion of Cr Crowe seconded Cr Moore that the 2022/2023 Draft Budget documentation be endorsed and placed on public exhibition for a period of 28 days, commencing 23 March 2022, in accordance with the legislative requirements of the Local Government Act 1993.

**CARRIED** 7/1 (Crs Clark, Crowe, Funnell, Keatley, Lord, Moore and Monaghan voting for and Cr McGlynn voting against)

## **8.6 Adoption of Draft Revenue Policy for 2022/2023**

**Recommendation:**

**10032022 RESOLVED** on the motion of Cr Crowe seconded Cr McGlynn that the Draft Revenue Policy (including Draft Fees and Charges 2022/2023) documentation be endorsed and placed on public exhibition for a period of 28 days, commencing 23 March 2022, in accordance with the legislative requirements of the Local Government Act 1993.

**CARRIED** Unanimously

## Section 3 – Technical Services

### 8.7 Standard Instrument LEP Agritourism Amendment Order

**Recommendation:**

**11032022 RESOLVED** on the motion of Cr Lord seconded Cr Moore that Council adopt the optional clauses for farm stay accommodation and farm gate premises of the Standard Instrument LEP Agritourism Amendment Order.

**CARRIED** Unanimously

### 8.8 Local Heritage Assistance Funding – 101 Main Street, West Wyalong

**Recommendation:**

**12032022 RESOLVED** on the motion of Cr Lord seconded Cr McGlynn that Council approve funding of \$3,500.00 to GP Evans & Englert towards painting of the external façade of the business premises at 101 Main Street, West Wyalong.

**CARRIED** Unanimously

## Section 4 – Reports for Information

**Recommendation:**

**13032022 RESOLVED** on the motion of Cr Keatley seconded Cr McGlynn that the following reports, provided for information only, be received and noted.

- **8.9 - Economic Development & Tourism Report – February 2022**
- **8.10 - Community Services Report**
- **8.11 - Bland Shire Library Monthly Update**
- **8.12 - Children Services February Update**
- **8.13 - Bland Community Care Services Update**
- **8.14 - Bland Shire Museum Advisor Report - March 2022**
- **8.15 - Technical Services Report**
- **8.16 - Development Services Activity Report – February 2022**

**CARRIED** Unanimously



## 9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

## 10.0 CONFIDENTIAL MATTERS

### Recommendation:

**14032022 RESOLVED** on the motion of Cr Moore seconded Cr Funnell 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

Ms Balind left and the meeting then closed at 7.35pm.

### Recommendation:

**18032022 RESOLVED** on the motion of Cr Funnell seconded Cr Moore that Council move out of closed Council and into open Council.

**CARRIED** Unanimously

The meeting then resumed at 7.45pm.

## 10.1 Expressions of Interest – Recruitment of General Manager

*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:

**15032022 RESOLVED** on the motion of Cr McGlynn seconded Cr Clark that Council accepts the Expression of Interest submission from Blackadder Associates for the provision of recruitment services.

**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:

**16032022 RESOLVED on the motion of Cr McGlynn seconded Cr Funnell that Council approves of the Business Assistance Application from Mr and Mrs Brooks of Panache Lifestyle and Living and that the financial package, detailed in the report, be paid by two (2) equal instalments over a 12 month period.**

**CARRIED Unanimously**

## 10.3 Electricity Procurement

*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:

**17032022 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council:**

- 1. note the report on electricity procurement;**
- 2. note that a reduced tender period has been considered;**
- 3. 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;**
- 4. note that the reasons for the decision of the Council in resolution 3 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.**

5. delegate the authority to execute the contracts for the supply of electricity for large market sites and streetlighting to the General Manager; and
6. advise Central NSW Joint Organisation of Council's decision.

**CARRIED** Unanimously

#### **11.0 CONCLUSION OF THE MEETING**

There being no further business the meeting then closed at 7.47pm.

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Chairperson  
Mayor Brian Monaghan