



**BLAND SHIRE COUNCIL**  
*west wyalong*

# **Bland Shire Council**

## **Minutes**

### **Ordinary Council Meeting**

**17 May 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 Bruce Baker

Cr Monica Clark

Cr Rodney Crowe

Cr Jill Funnell

Cr Kerry Keatley

Cr Tony Lord

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

### **2.2 Apologies**

Executive Assistant – Julie Sharpe

#### **Recommendation:**

**01052022 RESOLVED** on the motion of Cr. Clark seconded Cr. Crowe that the apologies submitted by Executive Assistant – Julie Sharpe be accepted.

**CARRIED** Unanimously

## 2.3 Applications for a leave of absence by Councillors

Nil

## 3.0 CONFIRMATION OF MINUTES

### 3.1 Ordinary Meeting held on 19 April 2022

- Corrections - Nil
- Business Arising - Nil
- Confirmation

#### Recommendation:

**02052022 RESOLVED** on the motion of Cr, Clark seconded Cr. Funnell that the minutes of the Ordinary Council meeting held on 19 April 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	8.2 - Contractual Arrangements of Senior Staff as at 30.6.22	Pecuniary	Left Meeting
Ms. Balind	9.1 - Review of Council Policies	Pecuniary	Left Meeting

## 5.0 PRESENTATION(S) AND PUBLIC FORUM

### 5.1 Carmen Quade

Carmen addressed council regarding the road network in the Tallimba area and firstly thanked Council and their staff for the recent culvert constructions which have been well received by local residents.

Carmen then made reference to the poor condition of Gunn Road which she believed falls well short of the standard quality of road for a double bus run.

Carmen suggested that the residents were prepared to wait until a grader and crew were assigned to this particular road for a proper upgrade rather than take a grader from another job for just a 'patch up job' on Gunn Road.

### 5.2 Howard Mangelsdorf

Howard addressed council regarding the road network and in particular Young's Lane which he said was currently impassable. Howard showed a number of photos of the road to support his request for works to be carried out as soon as possible.

Howard indicated that there had been no work on this road for several years and it could not be used during this harvest.

Howard also referred to the condition of both Bland's Lane and Bodell's Lane, which, as a result of the construction of a solar farm, were in very poor condition.

Howard emphasised the need for good transport infrastructure which was critical in a farming region and while he acknowledged the lack of State and Federal funding for roads implored council to include each of the roads he had mentioned in Council's upcoming Road Program.

### 5.3 Murray Thomas

Murray addressed council on the following issues:

- The possibility of installing larger than life statues in the main street and also at Wyalong (Topsy). Murray referred to the work by Andrew Whitehead.
- The proposed \$8.9M water project and requested a 'block flow' diagram to ensure that it was more than just 'water pressure' that was being addressed in this project.
- The recent Housing Strategy undertaken by Council and enquired when this document would be placed on public exhibition.
- Enquired about the status of the upgrade of street lighting to LED as per the Southern Lights project.

### 6.0 MAYORAL MINUTE(S)

Nil

### 7.0 REPORTS OF COMMITTEES

**Recommendation:**

**03052022 RESOLVED on the motion of Cr. Keatley seconded Cr. Lord that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.**

**CARRIED** Unanimously

#### 7.1 Lachlan Regional Transport Committee

Cr. Lord advised that the meeting of this Committee, scheduled for 1 May 2022 had been cancelled.

#### 7.2 Newell Highway Taskforce

Cr. Lord reported on the flood proofing of the Newell Highway between West Wyalong and Forbes advising that the estimated cost had now risen from \$200M to \$340M. Cr. Lord also advised that up to 23 of the planned 40 overtaking lanes along the highway were now completed. Cr. Lord also advised that the next meeting of the Taskforce would be held in West Wyalong on 9 August 2022.

#### 7.3 Riverina Eastern Regional Organisation of Councils

Cr. Lord enquired as to the status of the discussion on one organisation and the Mayor advised that a meeting on this subject was scheduled for 30 May 2022.

### 8.0 REPORTS TO COUNCIL

## Section 1 - Office of the General Manager

## 8.1 Revised Meeting Dates for June 2022

**Recommendation:**

**04052022 RESOLVED** on the motion of Cr. Lord seconded Cr. McGlynn:

That the June 2022 Council Workshop be held on Tuesday 7 June commencing at 6.30pm and the June 2022 Ordinary Council Meeting be held on Tuesday 28 June 2022 commencing at 6.30pm.

**CARRIED** Unanimously

## 8.2 Contractual Arrangements of Senior Staff as at 30.6.22

Mrs. Alison Balind left the meeting during consideration of this matter at 7.04pm and returned at 7.06pm.

**Recommendation:**

**05052022 RESOLVED** on the motion of Cr. Clark seconded Cr. Lord that the information relating to the current contractual arrangements for senior staff, as at 30 June 2022, is received and noted.

**CARRIED** Unanimously

## 8.3 Residential Development Opportunity

**Recommendation:**

**06052022 RESOLVED** on the motion of Cr. Funnell seconded Cr. McGlynn that in respect to the proposed residential development at 82 Ungarie Road that Council agrees to the waiver of all council associated fees in respect to the development of the subject site but not extending to DA fees for the individual dwellings;

**CARRIED** Unanimously

**Recommendation:**

**07052022 RESOLVED** on the motion of Cr. McGlynn seconded Cr. Baker that in respect to the proposed residential development at 82 Ungarie Road that Council agrees to the deferment of rates on all blocks until they have been privately sold;

**CARRIED** Unanimously

**Recommendation:**

**08052022 RESOLVED** on the motion of Cr. Lord seconded Cr. McGlynn that in respect to the proposed residential development at 82 Ungarie Road that Council agrees to provide in principle support of the commitment of up to \$1M in infrastructure costs where that infrastructure can be identified as having a wider community benefit than just to this particular site subject to Council approval;

**Carried 8/1** (Crs. Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for and Cr. Crowe voting against)

**Recommendation:**

**09052022 RESOLVED** on the motion of Cr. Lord seconded Cr. Moore that in respect to the proposed residential development at 82 Ungarie Road that Council agrees to the preparation of a planning proposal to reduce the size of a number of the existing lots to create an additional 10 lots within the same subdivision.

**CARRIED** Unanimously

## **8.4 Rixa Quarries Pty Ltd – Development Application**

**Recommendation:**

**10052022 RESOLVED** on the motion of Cr. McGlynn seconded Cr. Keatley that the information regarding the Rixa Quarries matter be received and noted.

**CARRIED** Unanimously

## **8.5 Free Tip Day 2022**

**Recommendation:**

**11052022 RESOLVED** on the motion of Cr. McGlynn seconded Cr. Lord that the Council open its landfill sites to Bland Shire residents for free on Sunday 5 June with a limit of one sorted cubic metre per load.

**CARRIED** Unanimously



## **8.6 Strengthening Communities – Bellarwi CWA**

**Recommendation:**

**12052022 RESOLVED** on the motion of Cr. Crowe seconded Cr. Funnell that Council approves a Strengthening Communities grant of \$4000 to the Bellarwi CWA towards the construction and installation of a bench seat to commemorate the 100<sup>th</sup> anniversary of the Country Women's Association.

**CARRIED** Unanimously

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

### **8.7 Finance and Investment Report for March 2022**

**Recommendation:**

**13052022 RESOLVED** on the motion of Cr. Baker seconded Cr. Moore:

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of April 2022**
- 2. That Council confirms the payment of accounts, for the period 01 April to 30 April 2022, summarised in the accounts summary totalling \$1,587,479.65.**

**CARRIED** Unanimously

### **8.8 Budget Review – March 2022**

**Recommendation:**

**14052022 RESOLVED** on the motion of Cr. Keatley seconded Cr. Crowe:

- 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

## **8.9 Adoption of the Revised Community Strategic Plan 2017-2027**

It was noted that the word 'health' should be amended to 'healthy'.

### **Recommendation:**

**15052022 RESOLVED** on the motion of Cr. Moore seconded Cr. Funnell that Bland Shire Council adopt the revised Your Vision, Our Future Community Strategic Plan 2017-2027.

**CARRIED** Unanimously

## **8.10 Adoption of Draft Delivery Program, Annual Operational Plan and Resourcing Strategy**

### **Recommendation:**

**16052022 RESOLVED** on the motion of Cr. Lord seconded Cr. Crowe:

- 1. That the Draft Delivery Program 2022-2026, Annual Operational Plan 2022-2023 and Resourcing Strategy documentation be endorsed and placed on public exhibition for a period of 28 days, commencing 18 May 2022, in accordance with the legislative requirements of the Local Government Act 1993.**
- 2. That the revised Delivery Program 2022-2026, Annual Operational Plan 2022-2023 and Resourcing Strategy incorporating all public comments, submissions and input from staff and Councillors to the DRAFT documents be provided to the Ordinary Council meeting to be held on 28 June 2022 for final adoption.**

**CARRIED** Unanimously

## **8.11 Adoption of Payment of Expenses and Provision of Facilities to Councillors Policy**

### **Recommendation:**

**17052022 RESOLVED** on the motion of Cr McGlynn seconded Cr Keatley that Bland Shire Council formally adopts the Payment of Expenses and Provision of Facilities to Councillors Policy.

**CARRIED** Unanimously

## 8.12 Adoption of Code of Meeting Practice

**Recommendation:**

**18052022 RESOLVED** on the motion of Cr Keatley seconded Cr Crowe that Bland Shire Council adopts the Bland Shire Council Code of Meeting Practice as amended.

**CARRIED** Unanimously

## Section 3 – Technical Services

### 8.13 Neeld Street 80Km/Hr Speed Zone

**Recommendation:**

**PROPOSED** on the motion of Cr. Lord seconded by Cr. McGlynn that Bland Shire Council write to Transport for NSW and request them, on safety grounds, to reduce the current 80km/hr speed limit in this section of road down to 60km/hr.

**AMENDMENT** proposed by Cr. Crowe seconded Cr. Moore that Bland Shire Council write to Transport for NSW and request them, on safety grounds, to reduce the current 80km/hr speed limit in this section of road down to 50km/hr to match the speed limits on either end of this section of road.

The amendment became the motion and was carried.

**19052022 RESOLVED** on the motion of Cr. Crowe seconded Cr. Moore that Bland Shire Council write to Transport for NSW and request them, on safety grounds, to reduce the current 80km/hr speed limit in this section of road down to 50km/hr to match the speed limits on either end of this section of road.

**CARRIED** 7/2 (Crs. Baker, Clark, Crowe, Funnell, Lord, Monaghan and Moore voting for and Crs. Keatley and McGlynn voting against)

## **8.14 Closure of Lake Cowal Road to the South of Evolution Mine**

**Recommendation:**

**20052022 RESOLVED** on the motion of Cr. Keatley seconded Cr. Lord:

- 1. That Council close that section of Lake Cowal Road shown in red on the attached plan;**
- 2. That Council sell this section of road to Evolution mine at a mutually agreed price between the two parties once it is acquired by Council;**
- 3. That Council, while waiting for the closure process to finalise, lease this section of Lake Cowal road shown in red on the attached plan to Evolution Mining as per the current adopted Council Revenue Policy.**

**CARRIED Unanimously**

## **Section 4 – Reports for Information**

**Recommendation:**

**21052022 RESOLVED** on the motion of Cr Funnell seconded Cr Moore that the following reports, provided for information only, be received and noted.

- 8.15 - Economic Development & Tourism – May 2022**
- 8.16 - Community Services Report**
- 8.17 - Bland Shire Library Monthly Update**
- 8.18 - Children Services April Update**
- 8.19 - Bland Community Care Services Update**
- 8.20 – Technical Services Report**
- 8.21 – Development Services Activity Report – April 2022**

**CARRIED Unanimously**

## 9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

### 9.1 Review of Council Policies (Cr McGlynn)

**Recommendation:**

**22052022 RESOLVED** on the motion of Cr. McGlynn seconded Cr. Clark that Council review the following policy at the June Council Workshop:

- a) **Terms of Reference for Community Reference Group Meetings:**
- Heritage
  - Culture
  - Access
  - Tourism

Mrs. Alison Balind left the meeting during discussion of the following matter at 8.26pm and returned at 8.30pm.

- b) **And that the review of the Shire Car Ownership/Use Policy be referred to the new General Manager**

**CARRIED** Unanimously

## 10.0 CONFIDENTIAL MATTERS

**Recommendation:**

**23052022 RESOLVED** on the motion of Cr. McGlynn seconded Cr. Keatley 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 8.30pm

**Recommendation:**

**25052022 RESOLVED** on the motion of Cr. McGlynn seconded Cr. Moore that Council move out of closed Council and into open Council.

**CARRIED** Unanimously

The meeting resumed at 8.36pm

### **10.1 Sale of Land for Unpaid Rates**

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

The matters and information are the following:

(b) the personal hardship of any resident or ratepayer.

#### **Recommendation:**

**24052022 Resolved on the motion of Cr. McGlynn seconded Cr. Funnell that Council agrees to:**

- 1. Sell the 18 properties as listed and detailed in the General Manager's certificates for the sale of land for unpaid rates in accordance with Section 713 of the Local Government Act 1993.**
- 2. Authorise the public auction to be held, at a date to be decided, in the Council Chambers.**
- 3. Authorise the General Manager to determine and appoint an auctioneer in line with Council's procurement policy.**
- 4. Utilise the services of GP Evans & Englert for the provision of contracts for the sale.**
- 5. The preparation of a schedule nominating a reserve price for each parcel (having regard to each parcel's valuation, the amount of debt outstanding to Council and the prevailing market prices) in committee at the June 28 Council meeting.**
- 6. Authorise the General Manager, or the Director Corporate & Community Services, delegation to accept any offer on the day that is within 10% of the reserve price set and to complete the contract of sale on behalf of Council.**

**CARRIED** Unanimously

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

There being no further business the meeting then closed at 8.38pm

.....  
Chairperson  
Mayor Brian Monaghan