

Bland Shire Council

Minutes

Ordinary Council Meeting

16 December 2014



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

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

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

3rd - 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	council@blandshire.nsw.gov.au	www.blandshire.nsw.gov.au
ICAC	8281 5999 Toll Free: 1800 463 909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 16 DECEMBER 2014

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MAYOR



Council Meeting Minutes

16 December 2014

1.0 INTRODUCTION

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

2.0 ATTENDANCE

2.1 Councillors

Cr P Grellman
Cr L Hampton
Cr K Keatley
Cr T Lord
Cr L McGlynn
Cr B Monaghan
Cr L Pike
Cr N Pokoney
Cr P Templeton

2.2 Staff

General Manager – Ray Smith
Director Asset & Engineering Services – Will Marsh
Director Corporate, Community & Development Services – Adele Casey
Executive Assistant – Julie Sharpe

2.3 Apologies

Nil

3.0 CONFIRMATION OF THE MINUTES

3.1 Ordinary Meeting held on 18 November 2014

▪ Confirmation

That the minutes of the Ordinary Council meeting held on 18 November 2014 be confirmed as a correct record of proceedings.

Council Recommendation:

01122014 RESOLVED on the motion of Cr Grellman seconded Cr Hampton that the minutes of the Ordinary Council meeting held on 18 November 2014 be confirmed as a correct record of proceedings. CARRIED

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

4.0 DECLARATIONS OF INTEREST

Nil

5.0 PUBLIC FORUM

5.1 Staff Presentation – D. Fitzgerald

Mr Fitzgerald was presented with a gift from the General Manager and Mayor in recognition of his 40 years of continuous service. The Council thanked Mr Fitzgerald for his efforts.

5.2 Audit Presentation

The General Manager introduced Mr Jeff Shanks from the Luka Group to provide the annual audit presentation. The presentation concluded at 7.23pm and the Mayor conveyed congratulations to the Director Corporate, Community and Development Services and staff for the satisfactory outcome.

5.3 Mr Andrew Buttenshaw

Mr Buttenshaw addressed Council and stated that the recent meeting of the Visitor Economy & Tourism Advisory Committee of the Whole (VETACW) was well attended with good discussion and knowledge shared from all sides. Mr Buttenshaw expressed concern and voiced community frustration at the apparent division within Council's elected representatives. It was suggested that the public forum be removed from the Terms of Reference for the VETACW and that the Committee of the Whole structure is too restrictive.

5.4 Mr Charles Kingston

Mr Kingston addressed Council in relation to visitor economy and tourism issues. It was noted that the information he submitted at the recent VETACW meeting was circulated to all Councillors for review and he provided an overview of that information.

5.5 Mr Gordan Hall

Mr Hall addressed Council in relation to the poor condition of rural roads on the fringe of the Bland Shire in the Ardlethan area and the allocation of funding in response to the recent visitor economy and tourism community survey. It was noted that Mr Hall had also provided this address at the recent VETACW meeting however all Councillors were unable to attend.

5.6 Mr Darryl Kitto

Mr Kitto addressed Council in relation to the state of disrepair of rural roads on the fringe of the Bland Shire in the Ardlethan area and the allocation of funding in response to the recent visitor economy and tourism community survey. It was noted that Mr Kitto had also provided this address at the recent VETACW meeting however all Councillors were unable to attend. Apologies were submitted from other residents of the area and Council urged to keep costs down and provide fair access for all ratepayers.

5.7 Mrs Julie Thompson

Mrs Thompson addressed Council and supported the comments from Mr Hall and Mr Kitto in relation to the poor condition of rural roads on the fringe of the Bland Shire in the Beckom/Ardlethan area and the allocation of funding in response to the recent visitor economy and tourism community survey. Mrs Thompson sought for Council to be more accountable as to where rural funds are being diverted.

6.0 MAYORAL MINUTE

Nil

7.0 NOTICES OF MOTION

Nil

8.0 DELEGATES & ADVISORY COMMITTEE REPORTS

Section 1 – Delegates & Advisory Committee Reports & Minutes *(for information)*

SECTION 1 – DELEGATES & ADVISORY COMMITTEE REPORTS

Council Recommendation:

02122014 RESOLVED on the motion of Cr Grellman seconded Cr McGlynn that the Council receive and note the delegate and advisory committee reports from Councillors and Advisory Committee meeting minutes as presented. CARRIED

8.1 Access Advisory Committee

Cr Grellman advised that the recent Access Awards Ceremony was successful and well organised and conveyed congratulations to all involved.

8.2 CEMCC

Mayor Pokoney advised that the Committee met recently with no outstanding issues identified.

Cr Lord queried the number of representatives noting that Forbes Shire have 2 delegates.

The Mayor advised that the matter was taken on notice and that the meeting operates on a consensus basis.

8.3 Heritage Advisory Committee

Cr Lord queried the provision of a Heritage Advisor's report.

The Mayor advised that the Committee makes recommendations to Council in the form of a report for consideration.

9.0 STAFF REPORTS

That the Council receive the staff reports.

SECTION 2 – OFFICE OF THE GENERAL MANAGER

9.1 Monthly Status Report

Council Recommendation:

03122014 RESOLVED on the motion of Cr Grellman seconded Cr Keatley that the information contained in the December 2014 monthly status report be received and noted. **CARRIED**

9.2 Fit for the Future – A Review of Local Government in NSW

Council Recommendation:

04122014 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman that Council:

1. reaffirms its commitment to working with neighbouring Councils to achieve positive regional outcomes
2. note the importance of establishing agreed goals and governance structures to ensure a meaningful trial of the Joint Regional Organisation
3. note the limited time allocated in the State Government's timeframe to establish shared goals and structures
4. note the apparent contradicting expectations from State Government and State Agencies in relation to what a Joint Organisation will do and how it will be funded
5. directs the Mayor and General Manager to recommend that REROC develop a comprehensive plan for consultation and that it seeks an alteration to the timeline from the State Government that would allow proper planning for the Joint Organisation trial and inclusion of Councillors in the process
6. directs the Mayor to write to the Local Government Minister, outlining our commitment to working with other regional councils to establish a regional framework, the importance of the trial in establishing enhanced outcomes for regional NSW, and our concerns that the tight timeframe may result in lack of clarity in shared goals and governance structures leading to confusion and poor outcomes in the trial. **CARRIED**

Council Recommendation:

05122014 RESOLVED on the motion of Cr McGlynn seconded Cr Pike that Council:

- 1. Write to the Minister, Local Member and possible local member expressing its discontent and dissatisfaction with the Fit for the Future Programs limited timeframes, lack of information on the proposed 'rural council' model and Bland Shire Council's inability to meet any of the template options.**
- 2. Write to all NSW rural and regional councils expressing Council's dissatisfaction with the Fit for the Future Program and urging them to make representations to The Minister and their local member. CARRIED**

9.3 Refurbishment of the Perseverance Street Sports Complex Stadium – Consideration of Expressions of Interest

Council Recommendation:

06122014 RESOLVED on the motion of Cr Lord seconded Cr Grellman:

- 1. That council endorse the actions of the general manager in inviting tenders from suitably qualified applicants to undertake the design and project management of the sports stadium upgrade.**
- 2. That a report be submitted to the February 2015 meeting with details of the tenders received for this project. CARRIED**

SECTION 3 – CORPORATE, COMMUNITY & DEVELOPMENT SERVICES

9.4 Financial Statements – November 2014

Council Recommendation:

07122014 RESOLVED on the motion of Cr Keatley seconded Cr Templeton:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of November, 2014.**
- 2. That Council confirms the payment of accounts, for the period 01 November 2014 to 30 November 2014, summarised in the accounts summary totalling \$1,835,549.43. CARRIED**

9.5 Riverina Regional Library Advisory Committee Delegates

Council Recommendation:

08122014 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council appoint an elected representative, an alternative delegate and the Director Corporate, Community and Development Services to the Riverina Regional Library Advisory Committee as required by the Deed of Agreement. CARRIED

Council Recommendation:

09122014 RESOLVED on the motion of Cr McGlynn seconded Cr Hampton that Council determine Cr Lord as the elected representative and Cr Monaghan as alternative delegate to the Riverina Regional Library Advisory Committee as required by the Deed of Agreement. CARRIED

9.6 Strengthening Communities Grant - Weethalle Showground

Council Recommendation:

10122014 RESOLVED on the motion of Cr Grellman seconded Cr Templeton that Council contribute half the cost of the maintenance and repair works at the Weethalle Showground to the value of \$6665 from its Strengthening Communities budget. CARRIED

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9.7 Payment of Expenses and Provision of Facilities to Councillor Policy

Council Recommendation:

11122014 RESOLVED on the motion of Cr Grellman seconded Cr Templeton:

1. That the Council place the *Payment of Expenses and Provision of Facilities to Councillor Policy* on public exhibition for a period of 28 days.
2. That if no submissions are received, the Council give delegated authority to the General Manager to adopt the Policy. CARRIED

SECTION 4 – ASSET & ENGINEERING SERVICES

9.8 Bland Shire And Heavy Vehicles

Council Recommendation:

12122014 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman:

1. That Council adopt the following maximum road limits on its roads:
 - a) West of the Newell Highway where only B-Doubles are approved – 62.5 tonnes
 - b) West of the Newell Highway where AA-Double Road trains are approved – 82.5 tonnes.
 - c) East of the Newell Highway where only B-Doubles are approved – 62.5 tonnes
2. That previous delegation resolutions be consolidated and that the Director Asset and Engineering Services be given delegated authority to process and approve/reject all applications regarding use of Council roads by heavy vehicles, including approvals of higher than maximum limits if the roads are upgraded and deemed suitable for short term usage.
3. That the previous resolution regarding support for the Grain Harvest Scheme during its extended trial period still stand. CARRIED

9.9 West Wyalong Main Street

Council Recommendation:

13122014 RESOLVED on the motion of Cr Monaghan seconded Cr Lord that the report on the West Wyalong Main Street be deferred to the February 2015 Council Workshop for further discussions. CARRIED

9.10 Land At The Corner Of Crompton Road And Railway Street

Council Recommendation:

14122014 RESOLVED on the motion of Cr Grellman seconded Cr Lord:

1. That Bland Shire Council inform the Road and Maritime Services that it agrees to take over the surplus land of Lot 1 DP 80008 as Public Road provided it is at no cost to Council and the land is appropriately remediated prior to handover.

**2. That is the acquisition proceeds the land be categorised as 'operational'.
CARRIED**

9.11 Natural Waterway At 4 Welsh Lane West Wyalong

Council Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Hampton that Bland Shire Council fund 100% of the cost for works on the watercourse adjacent to numbers 2 and 4 Welsh Lane.

On being put to the vote the motion was LOST.

15122014 RESOLVED on the motion of Cr Keatley seconded Cr Templeton that the matter be listed on the February 2015 Council Workshop Agenda and a site inspection carried out. CARRIED

SECTION 5 – REPORTS FOR INFORMATION

Council Recommendation:

16122014 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the following reports, provided for information only, be received and noted:

- **9.12 - Engineering Services Report**
- **9.13 - Community Services Report**
- **9.14 - Bland Shire Library Monthly Update**
- **9.15 - Children Services Monthly Update**
- **9.16 - Development Services Activities/Statistics For November 2014**
- **9.17 - Economic Development & Tourism Report - December. CARRIED**

LATE REPORT

9.18 Commercial Radio Services to the Bland Shire

Council Recommendation:

17122014 RESOLVED on the motion of Cr Monaghan seconded Cr Pike that Bland Shire Council provide a letter of support to Flow FM in their appeal against the decision of the Australian Communications and Media Authority to not grant a commercial radio licence for the Bland Shire area. **CARRIED**

10.0 URGENT BUSINESS WITHOUT NOTICE

Nil

11.0 QUESTIONS AND STATEMENTS

Cr Grellman

- Stated the importance of roads and ongoing monitoring
The Mayor advised that 2015 will be an opportunity for engagement, specifically for road to better inform our community regarding finances, impacts and the hierarchy. It was requested that the matter be included on the February 2015 Council Workshop agenda.

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Cr McGlynn

- Requested a letter of thanks be provided to the Ardlethan community for the invitation to the recent public meeting and a letter of support be provided in relation to Ambulance Services
- Stated that investigations into the allocation of the Barrick fund could be made following comments in relation to the condition of roads
- Stated that the comments from Mr Buttenshaw in relation to the apparent divide within Council were not fair
- Advised that she proposes to provide a Main Street display on the 4th Friday of each month to engage with the community and invited all councillors to participate
- Wished staff and Councillors a happy Christmas and prosperous New Year

Cr Hampton

- Expressed concern and stated that as Councillors they are all democratically elected to represent the community and urged Councillors to put their differences aside and move forward as a team.

Cr Monaghan

- Advised of reports that wood on the bridge in McCann Park is unstable.

Cr Keatley

- Stated that he is willing to participate in any proposal to improve Councillor interaction.

Mayor Pokoney

- Sought confirmation of Councillor contact details provided to the public

Cr Templeton

- Conveyed thanks to Mr Buttenshaw for stating what the public are thinking and stated that the GWCC experience is positive and all delegates may not always agree but are working for a common cause.

Cr Pike

- Stated that it is crucial to start functioning as a team and that public opinion is currently very vocal
- Referred to the recent newspaper article stating it was a personal attack and Council needs leadership he implored the Mayor to show decency and respect to all members.

Mayor Pokoney

- Stated that he agreed with some comments from Mr Buttenshaw however denied a block within Council
- Stated that incorrect statements in the newspaper will be corrected
- Advised that efforts have been made to mould the Councillor group however some members don't want to fulfil the role and work together, some attendance is also not attributing to harmony. The 2014 Council Workshop attendance statistics were provided
- Conveyed apologies to those community members present however stated they now have a greater insight and despite the issues Council is a well functioning organisation run by excellent staff who share the frustrations
- Wished everyone a merry Christmas

12.0 CLOSURE OF THE MEETING TO DISCUSS CONFIDENTIAL BUSINESS UNDER THE PROVISIONS OF SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT

Council Recommendation:

18122014 RESOLVED on the motion of Cr Hampton seconded Cr Grellman 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**

The meeting then closed at 9.34pm.

12.1 Strategic Property Purchase

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

12.2 Dis & Dat Ungarie - Business Assistance Funding

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

12.3 Provision Of Banking Services Tender

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

12.4 Sale of Land – 35 Conway Street Wyalong

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

12.5 Australia Day 2015 Awards

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

The receipt or discussion of any of the information so listed.

13.0 RESUMPTION OF THE MEETING AND CONSIDERATION OF RECOMMENDATIONS OF THE CLOSED SECTION OF THE MEETING

Council Recommendation:

24122014 RESOLVED on the motion of Cr Grellman seconded Cr Pike that Council move out of closed Council and into open Council. **CARRIED**

12.1 Strategic Property Purchase

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Recommendation:

19122014 RESOLVED on the motion of Cr Monaghan seconded Cr Lord that the General Manager be authorised to continue negotiations in respect to another strategic property purchase. CARRIED

12.2 Dis & Dat Ungarie - Business Assistance Funding

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Recommendation:

20122014 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council approve \$5,000 in Business Assistance Funding to Sue Plummer and John Truscott, owners of Dis & Dat for the establishment of a gift shop at 37 Wollongough Street Ungarie with \$2,500 to be paid upfront and the remaining \$2,500 to be paid in 12 months. CARRIED

12.3 Provision Of Banking Services Tender

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Recommendation:

21122014 RESOLVED on the motion of Cr Keatley seconded Cr Grellman that the Commonwealth Bank of Australia be appointed as provider of banking services for a period of 4 Years and that the General Manager be authorised to execute the necessary documents. CARRIED

12.4 Sale of Land – 35 Conway Street Wyalong

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Recommendation:

22122014 RESOLVED on the motion of Cr Lord seconded Cr Monaghan that the Council authorise for the Mayor and General Manager to sign the relevant documents under Council Seal to dispose of Lot 18 Section 31 DP 759123 at 35 Conway Street Wyalong for the price of \$30,000 (GST inclusive). CARRIED

12.5 Australia Day 2015 Awards

*Local Government Act 1993 (Section 10A (2) (b))
The receipt or discussion of any of the information so listed.*

Council Recommendation:

23122014 RESOLVED on the motion of Cr Hampton seconded Cr Grellman that the selected nominees for the 2015 Australia Day Awards be endorsed. CARRIED

14.0 CLOSE OF THE MEETING

The Mayor wished everyone a merry Christmas and there being no further business the meeting then closed at 9.59pm.

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Chairperson