

Bland Shire Council

Minutes

Ordinary Council Meeting

19 April 2016



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	dlq@dlq.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



Council Meeting Minutes

19 April 2016

commencing at 6:32PM

1.0 INTRODUCTION

The meeting was opened by the Mayor with the introduction and welcome at 6.32pm.

2.0 ATTENDANCE

2.1 Councillors

Cr P Grellman
Cr K Keatley
Cr T Lord
Cr L McGlynn
Cr B Monaghan (arrived 6.34pm)
Cr L Pike (arrived 6.41pm)
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

Cr L Hampton

Council Recommendation:

10042016 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman that the apologies submitted by Cr Hampton be accepted. CARRIED

3.0 CONFIRMATION OF THE MINUTES

3.1 Ordinary Meeting held on 15 March 2016

▪ Confirmation

That the minutes of the Ordinary Council meeting held on 15 March 2016 be confirmed as a correct record of proceedings.

Council Recommendation:

11042016 RESOLVED on the motion of Cr Grellman seconded Cr Lord that the minutes of the Ordinary Council meeting held on 15 March 2016 be confirmed as a correct record of proceedings. CARRIED

- **Corrections - Nil**
- **Business Arising**
Cr McGlynn queried the process for recording voting

At this stage, 6.34pm, Cr Monaghan arrived.

The Mayor advised that under the Code of Meeting Practice specific voting information is not required to be recorded in the minutes.

3.2 Extra Ordinary Meeting held on 5 April 2016

- **Confirmation**
That the minutes of the Extra Ordinary Council meeting held on 5 April 2016 be confirmed as a correct record of proceedings.

Council Recommendation:

12042016 RESOLVED on the motion of Cr Grellman seconded Cr Keatley that the minutes of the Ordinary Council meeting held on 5 April 2016 be confirmed as a correct record of proceedings. CARRIED

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

4.0 DECLARATIONS OF INTEREST

Councillor/Officer	Item	Nature of Interest
Cr McGlynn	7.5 – Art Prize	Non-Pecuniary

5.0 PUBLIC FORUM

5.1 Mr Alex Maitland

Mr Maitland addressed Council in relation to his development application DA2015/0171. He requested that documentation be tabled to see anomalies and advised that he will be seeking legal advice on the matter. Mr Maitland stated that he believed the development was in the best interest of the community.

At this stage, 6.41pm, Cr Pike arrived.

5.2 Mr Kieran Nuthall

Mr Nuthall addressed Council in relation to development application DA2015/0171. He thanked Council for the opportunity to speak and expressed concern at an incident involving his employee and a member of Council staff when dealing with the application.

6.0 MAYORAL MINUTE

The Mayor advised that upon further review of the Code of Meeting Practice and other supporting documents the determination in relation to the right for each Councillor to speak at the last meeting was not correct.

He apologised to Cr Lord for the error in determination.

7.0 NOTICES OF MOTION

7.1 Business Incentive Policy (Cr McGlynn)

Council Recommendation:

13042016 RESOLVED on the motion of Cr McGlynn seconded Cr Pike that the Business Incentive Policy be reviewed. CARRIED

7.2 Donation Policy (Cr McGlynn)

Cr McGlynn withdrew this motion.

7.3 Donation – Australasian Yard Dog Championships (Cr McGlynn)

Council Recommendation:

14042016 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman that upon receipt of an application, a donation of \$2,000.00 from tourism goes to support the Australasian Yard Dog Championships on the 5th, 6th and 7th August. CARRIED

7.4 Banner (Cr McGlynn)

Council Recommendation:

15042016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that:

- 1. A banner be purchased and erected periodically to celebrate the fact that the gold for the manufacture of the Melbourne Cup will be Australian gold for the first time - mined at Cowal Evolution Mine - a totally Australian owned operation.**
- 2. Council hold discussions with Evolution Mining regarding opportunities for a permanent fixture. CARRIED**

- 7.5 Art Prize (Cr McGlynn)**
Cr McGlynn withdrew this motion.

7.6 Lights – Ungarie Recreation Ground (Cr McGlynn)

Council Recommendation:

16042016 RESOVLED on the motion of Cr McGlynn seconded Cr Keatley that a report be prepared on the scope of works and associated costs for the installation of lights to the Ungarie Recreation Ground. CARRIED

8.0 DELEGATES & ADVISORY COMMITTEE REPORTS

SECTION 1 – DELEGATES & ADVISORY COMMITTEE REPORTS

Council Recommendation:

17042016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the Council receive and note the delegate and advisory committee reports from Councillors and Advisory Committee meeting minutes as presented. CARRIED

8.1 Country Mayors Association

The Mayor advised that he attended the recent meeting in Sydney with discussions continuing on the Fit for the Future reforms. In addition, it was noted that the recent Government gazettal notice lists 74 NSW Councils impacted by possible merger proposals.

8.2 Cultural Advisory Committee

Cr McGlynn urged Councillors to review the Committee meeting minutes and attend the meetings as there are great things happening. The recent Fred Smith concert was poorly attended however thoroughly enjoyable. She conveyed thanks to the staff involved in the event.

8.3 Goldenfields Water County Council

Cr Lord queried the provision of a water station from Goldenfields.
Cr Templeton advised that the matter will be raised at the next meeting.

9.0 STAFF REPORTS

That the Council receive the staff reports.

SECTION 2 – OFFICE OF THE GENERAL MANAGER

9.1 Integrated Planning & Reporting (IPR) Framework – Adoption Of Draft Documents 2016/17

Council Recommendation:

18042016 RESOLVED on the motion of Cr Lord seconded Cr Keatley that the following DRAFT documentation be placed on public exhibition for a period of 28 days, commencing 20 April 2016, in accordance with the legislative requirements of the Local Government Act 1993:

- **Delivery Program 2013 - 2016**
- **Operational Plan 2016/17, including Budget & Revenue Policy 2016/17**
- **Long Term Financial Plan 2016-2026**
- **Workforce Assessment Plan & Strategy 2016-2020**
- **Asset Management Plan 2016. CARRIED**

Council Recommendation:

PROPOSED on the motion of Cr Lord that the remaining funds set aside for Ron Crowe Oval, amounting to \$144,972.00, be transferred to a Perseverance Street Sporting Complex reserve account.

The motion LAPSED for the want of a seconder.

19042016 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman that the remaining funds set aside for Ron Crowe Oval, amounting to \$144,972.00, be transferred to a reserve account for the purpose of improvements to the sporting fields. **CARRIED**

Council Recommendation:

20042016 RESOLVED on the motion of Cr Lord seconded Cr Keatley that the position of Indigenous Cultural Officer not be refilled and that any remaining grant funds provided by Evolution Mining (Barrick) under the agreement be refunded accordingly. **CARRIED**

Council Recommendation:

21042016 RESOLVED on the motion of Cr Lord seconded Cr Templeton that all public comments, submissions and input from staff and councillors to the Draft IPR documents for the 2016/17 year be provided to the Ordinary Council meeting to be held on 21 June 2016 commencing at 6.30pm. **CARRIED**

Council Recommendation:

22042016 RESOLVED on the motion of Cr Monaghan seconded Cr McGlynn that all staff involved in the preparation of the IPR documents be congratulated for a job “well done”. **CARRIED**

9.2 Revised Model Code of Conduct for Local Councils

Council Recommendation:

23042016 RESOLVED on the motion of Cr Pike seconded Cr Keatley that the revised Model Code of Conduct (November 2015), released by the NSW Office of Local Government is formally adopted by Council. **CARRIED**

9.3 NSW Country Mayor’s Association – Letter to the NSW Premier on Council Mergers

Council Recommendation:

24042016 RESOLVED on the motion of Cr Grellman seconded Cr Templeton that the contents of the letter from the NSW Country Mayor’s Association to the Premier of NSW be received and noted and that a copy of the letter be forwarded to our local member, the Hon. Katrina Hodgkinson as requested. **CARRIED**

9.4 Capital Expenditure Works & Projects Progress Update

Council Recommendation:

25042016 RESOLVED on the motion of Cr Lord seconded Cr Grellman that the information detailing the progress of Council’s 2015/16 capital expenditure projects, as at 15 March 2016 be received and noted. **CARRIED**

9.5 Local Government Grants Commission – Visit to West Wyalong – 3 May 2016

Council Recommendation:

26042016 RESOLVED on the motion of Cr McGlynn seconded Cr Lord:

1 That the information concerning the Local Government Grants Commission's visit to West Wyalong on 3 May 2016 be received and noted;

2 That the presentation is advertised as a 'public' meeting in accordance with the request from the Commission: and

3 That the general manager and directors prepare a suitable presentation to make to the Commission highlighting the particular needs of the Bland Shire, especially in relation to the Shires extensive road network. CARRIED

9.6 LGNSW Board Elections 2015

Council Recommendation:

27042016 RESOLVED on the motion of Cr Grellman seconded Cr Keatley that the information regarding the irregularity in the LGNSW Board elections in 2015 be received and noted. CARRIED

9.7 Road Network Forums – March 2016

Council Recommendation:

28042016 RESOLVED on the motion of Cr Grellman seconded Cr McGlynn:

1 That the information relating to the recent Shire wide road network forums be received and noted; and

2 That the matters raised at each of the forums be reviewed by the General Manager and Director of Assets and Engineering and any improvements in operations and work practices be implemented as part of the ongoing review of service levels. CARRIED

9.8 Refurbishment of the Perseverance Street Sports Complex Stadium – Progress Report (April 2016)

Council Recommendation:

29042016 RESOLVED on the motion of Cr Monaghan seconded Cr Lord that the information regarding the progress of the West Wyalong Sports Stadium refurbishment project be received and noted. **CARRIED**

SECTION 3 – CORPORATE, COMMUNITY & DEVELOPMENT SERVICES

9.9 Financial Statements – March 2016

Council Recommendation:

30042016 RESOLVED on the motion of Cr Monaghan seconded Cr McGlynn:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of March, 2016**
- 2. That Council confirms the payment of accounts, for the period 01 March to 31 March 2016, summarised in the accounts summary totalling \$8,646,104.60.**
CARRIED

9.10 Making Of Waste Management Charges 2016/17

Council Recommendation:

31042016 RESOLVED on the motion of Cr Keatley seconded Cr Templeton that the Council makes the Waste Management charges for the year 2016/2017 for inclusion in the 2016/2017 budget preparation.

DOMESTIC WASTE MANGEMENT CHARGE

THAT a Domestic Waste Management Charge be now made in respect of Residential premises within the area of the Council of Bland where a domestic waste management services is available, as follows:

(a) Land, which is occupied and/or built upon-

Standard 240L domestic service:

Barmedman	\$344.00
Ungarie	\$344.00
West Wyalong/Wyalong	\$344.00
Weethalle	\$344.00

plus \$344 per extra collection.

Standard 120L Domestic Service

West Wyalong/Wyalong	\$280.00
Ungarie	\$280.00
Barmedman	\$280.00
Weethalle	\$280.00

plus \$280 per extra collection.

(b) Vacant Land able to be built upon \$28.00

TRADE WASTE SERVICE CHARGE

THAT an annual charge be made on land categorised as Business Land within the area of the Council of Bland and which is provided by Council with a trade waste removal service as follows:

Standard 240L Collections:

West Wyalong/Wyalong	\$350.00
Ungarie	\$350.00
Barmedman	\$350.00
Weethalle	\$350.00

plus \$350.00 per extra collection

Standard 120L Collections:

West Wyalong/Wyalong	\$286.00
Ungarie	\$286.00
Barmedman	\$286.00
Weethalle	\$286.00

plus \$286.00 per extra collection.

Annual Waste Management Charge

A charge of \$28.00 per property will apply to all properties not within a serviced area for the DWMS, under Section 501 of the Local Government Act. **CARRIED**

9.11 Making Of Sewer Special Rate Charges 2016/17

Council Recommendation:

32042016 RESOLVED on the motion of Cr Keatley seconded Cr Lord that the Council makes the Sewer Special Rate charges for the year 2016/2017 for inclusion in the 2016/2017 budget preparation.

SEWER SPECIAL RATE

It is hereby RECOMMENDED that a Sewerage Special Rate be now made for the year commencing on 1 July 2016 subject to a minimum amount of seven hundred and eighteen dollars (\$718.00) excepting any assessment in respect of the land not built upon nor connected to sewer mains in which case the minimum amount shall be, one hundred and seventy dollars (\$170.00) and that the charge to be made for non-rateable land provided with sewerage services shall be:

- (a) Land defined in Clause 184(1) of former Ordinance 46 under the Local Government Act 1919- \$145.00 for each water closet on the premises and \$75.00 per annum for each cistern serving any urinal on the premises.
 - (b) Land defined in Clause 184(2) of former Ordinance 46 under the Local Government Act 1919- \$145.00 for each water closet on the premises and \$75.00 per annum for each cistern serving any urinal on the premises.
- CARRIED

9.12 Procurement Policy

Council Recommendation:

33042016 RESOLVED on the motion of Cr Keatley seconded Cr Grellman that the Council adopts the *Procurement Policy* as presented. CARRIED

9.13 Complaint Handling Policy

Council Recommendation:

34042016 RESOLVED on the motion of Cr Pike seconded Cr Keatley that the Council adopts the *Complaint Handling Policy* as presented. CARRIED

9.14 Internal Reporting Policy

Council Recommendation:

35042016 RESOLVED on the motion of Cr Grellman seconded Cr Keatley that the Council adopts the *Internal Reporting Policy* as presented. CARRIED

9.15 Application for Part Day Public Holiday - West Wyalong Show Day 2016-2017

Council Recommendation:

36042016 RESOLVED on the motion of Cr Lord seconded Cr Grellman that the Council make application for a local part day public holiday between the hours of 12noon and 6.00pm for the purpose of the West Wyalong Show on Wednesday 7 September 2016 and Wednesday 6 September 2017 covering the West Wyalong/Wyalong and Tallimba Town Improvement Districts within the Bland Shire area. **CARRIED**

SECTION 4 – REPORTS FOR INFORMATION

Council Recommendation:

37042016 RESOLVED on the motion of Cr Grellman seconded Cr Templeton that the following reports, provided for information only, be received and noted:

- **9.16 - Asset & Engineering Services Report**
- **9.17 - Community Services Report**
- **9.18 - Bland Shire Library Monthly Update**
- **9.19 - Bland HACCC Services Update**
- **9.20 - Development Services Activity Report**
- **9.21 - Economic Development & Tourism Report – March. CARRIED**

LATE REPORT

9.22 Development Application DA2015/0171 – Rural Dwelling

Council Recommendation:

PROPOSED on the motion of Cr Grellman seconded Cr Keatley that Council refuse DA2015/0171 for the following reason:

1. The proposed development does not meet the minimum lot size requirement of 200 hectares for the erection of a dwelling on land zoned RU1 primary production.

The motion was withdrawn

PROPOSED on the motion of Cr Lord seconded Cr Keatley that Council refuse DA2015/0171 for the following reason:

1. The proposed development does not meet the minimum lot size requirement of 200 hectares for the erection of a dwelling on land zoned RU1 primary production.

Council Recommendation:

38042016 RESOLVED on the motion of Cr Lord seconded Cr Pike 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 7.59pm.

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

Council Recommendation:

39042016 RESOLVED on the motion of Cr Templeton seconded Cr Lord that Council move out of closed Council and into open Council. **CARRIED**

The meeting then resumed at 8.09pm.

Council Recommendation:

40042016 RESOLVED on the motion of Cr Lord seconded Cr Keatley that Council refuse DA2015/0171 for the following reason:

- 2. The proposed development does not meet the minimum lot size requirement of 200 hectares for the erection of a dwelling on land zoned RU1 primary production. CARRIED (6/2 with Crs McGlynn and Grellman against)**

10.0 URGENT BUSINESS WITHOUT NOTICE

Nil

11.0 QUESTIONS AND STATEMENTS

Cr McGlynn

- Stated the Reg Rattey Memorial ceremony was a success
- Conveyed congratulations to C. Sutton and R. McDonell for their efforts in organising the recent community events
- Requested a letter be sent to the Attorney General's Department expressing Council's grave concerns at the downsizing of services at the West Wyalong Courthouse
GM advised that the matter has been raised with the Local Member
- Requested a letter of concern be sent to NSW Rural Fire Service and the Local Member regarding the downgrading of the Bland Fire Control Centre

Cr Monaghan

- Advised that the walls of the amenities within Barnado Park are stained from the sprinkler system

Cr Lord

- Conveyed congratulations for the Reg Rattey ceremony
- Expressed concern at water staining the Reg Rattey sandstone plinth
DCCDS advised that efforts are underway to determine a suitable treatment
- Queried the provision of lighting for the Reg Rattey memorial
DCCDS advised that lighting may be considered once accounts for the project have been finalised

Cr Pike

- Advised that some people view the VIC located in a better position would deliver improved results

Cr Templeton

- Advised that the Narrandera VIC has similar results
- Advised that the provision of water stations may not have been a high priority for Goldenfields Water County Council due to a number of staff vacancies

Cr Keatley

- Advised that a Police Officer has been appointed to Ungarie and is expected in early May

Cr Grellman

- Stated that the downgrading of the RFS would be resisted
- Advised that previous attempts for a VIC have failed

Cr Pokoney

- Advised that Councillors should obtain all necessary information available in relation to visitor information centres to make an informed decision

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

Council Recommendation:

41042016 RESOLVED on the motion of Cr Monaghan seconded Cr Pike 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 8.33pm.

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

Council Recommendation:

43042016 RESOLVED on the motion of Cr Templeton seconded Cr Keatley that Council move out of closed Council and into open Council. CARRIED

The meeting then resumed at 8.49pm.

12.1 Future of 184 Main Street West 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:

42042016 RESOLVED on the motion of Cr Keatley seconded Cr Lord:

- 1. That Council enter into a commercial lease of 184 Main Street, West Wyalong to Majors Mulch subject to the following:**
 - **The term of the lease to be 5 years with an option for a further 5 years or an option to purchase at the end of the first five years subject to council approval;**
 - **The annual lease fee be set at \$11,440.00 (\$220.00 per week) for the first year and then subject to market review;**
 - **The lessee to be responsible for the payment of all utilities;**
 - **Council to repair or replace the roof as required and to prevent any leaks and to replace the air conditioner if found to be faulty;**
 - **All other standard terms and conditions applicable to a commercial lease.**
- 2. There is to be no consideration of any Business Assistance Funding in lieu of the reduced rent:**
- 3. That the mayor and general manager be authorised to execute the lease documents under the common seal of council. CARRIED**

(Crs McGlynn, Monaghan and Grellman recorded a dissenting vote)

14.0 CLOSE OF THE MEETING

There being no further business the meeting then closed at 8.50pm.

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Chairperson