



Bland Shire Council

Minutes

Ordinary Council Meeting

16 February 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	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



Council Meeting Minutes

16 February 2016

commencing at 6:30PM

1.0 INTRODUCTION

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

1.1 Prayer

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

1.2 Town Crier

Mr Kyle Sturgess was invited to conduct a Cry welcoming Council back for the new year.

2.0 ATTENDANCE

2.1 Councillors

Cr P Grellman
Cr L Hampton
Cr K Keatley
Cr T Lord
Cr L McGlynn
Cr L Pike (arrived 6.42pm)
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 B Monaghan

Council Recommendation:

01022016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the apologies submitted by Cr Monaghan be accepted. CARRIED

3.0 CONFIRMATION OF THE MINUTES

3.1 Ordinary Meeting held on 15 December 2015

- **Confirmation**

That the minutes of the Ordinary Council meeting held on 15 December 2015 be confirmed as a correct record of proceedings.

Council Recommendation:

02022016 RESOLVED on the motion of Cr Grellman seconded Cr Hampton that the minutes of the Ordinary Council meeting held on 15 December 2015 be amended as follows and confirmed as a correct record of proceedings:

- **Item 9.7 Refurbishment of the Perseverance Street Sports Complex Stadium – Consideration of Expressions of Interest for Construction Services, dot point 3 to read “That a report be submitted to the March 2016 meeting with details of the tenders received for the construction services phase of this project.” CARRIED**

- **Corrections** - removal of “noting that works are not to commence prior to 1 June 2016” be removed from Item 9.7 Refurbishment of the Perseverance Street Sports Complex Stadium – Consideration of Expressions of Interest for Construction Services, dot point 3.

At this stage, 6.42pm, Cr Pike arrived.

- **Business Arising** - Nil

4.0 DECLARATIONS OF INTEREST

Nil

5.0 PUBLIC FORUM

5.1 Phil Kimber and Paul Flagg, Golf Pro-Am

Mr Kimber addressed Council in relation to their request for assistance with the golf pro-am stating that the event was a success in 2015 and provides benefits to the whole town.

Mr Flagg spoke on behalf of the Sports Club and thanked Council for considering the request. He stated that the event promotes a healthy lifestyle and brings visitors to town. Mr Flagg advised that the Sports Club spend approximately \$150,000 per year to maintain the golf and bowls areas and made an investment of \$300,000 to install the watering system a few years ago. He stated that the facilities are satisfactory and thanked Council for their previous support stating that the Club will assist with the pro-am where possible.

5.2 Evolution Mining Address

The General Manager invited representatives from Evolution Mining to address Council – Jason Greive (General Manager), Elliot Willemsen-Bell (Senior Community Relations Advisor), Anika McManus (Group Manager of External and Indigenous Relations) and Alanna Beardsley (Group Community Relations Advisor).

Mr Greive introduced the community relations team and advised that information will be provided on their community initiatives grants and programs, in particular the Shared Value Project offered through all seven (7) sites.

Ms McManus provided an overview of the Shared Value Project for community driven, self sustaining, long term projects and urged Council and the community to consider ideas and commence discussions to identify potential projects that may be eligible for consideration under their Shared Value Project.

6.0 MAYORAL MINUTE

Nil

7.0 NOTICES OF MOTION

7.1 Donation – Rose Garden Group (Cr McGlynn)

Council Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Keatley that Council make a donation of \$4,000.00 to Rose Garden ladies for their many years of volunteer work.

AMENDMENT proposed on the motion of Cr Hampton seconded Cr Lord that upon receipt of an application under the Strengthening Communities Grant Program, Council make a donation of \$4,000.00 to Rose Garden ladies for their many years of volunteer work.

On being put to the vote the amendment became the motion and was carried.

03022016 RESOLVED on the motion of Cr Hampton seconded Cr Lord that upon receipt of an application under the Strengthening Communities Grant Program, Council make a donation of \$4,000.00 to Rose Garden ladies for their many years of volunteer work. **CARRIED**

Council Recommendation:

04022016 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that discussions for the establishment of a Section 355 Committee be held with the Garden Group. **CARRIED**

7.2 Repairs – Cooinda Park (Cr McGlynn)

Council Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Grellman that urgent repairs to Miners Hut at Cooinda Park and plaques on Poppet Head and Hut describing what they are and all put in context on an interpretative panel.

AMENDMENT proposed on the motion of Cr Lord seconded Cr Grellman that:

1. A report be provided to the March 2016 meeting detailing the repairs required to the Miners Hut in Cooinda Park.
2. An interpretative panel be prepared for the Cooinda Park structures and funded from the Heritage Panels capital budget allocation.

On being put to the vote the amendment became the motion and was carried.

05022016 RESOLVED on the motion of Cr Lord seconded Cr Grellman that:

1. A report be provided to the March 2016 meeting detailing the repairs required to the Miners Hut in Cooinda Park.
2. An interpretative panel be prepared for the Cooinda Park structures and funded from the Heritage Panels capital budget allocation. **CARRIED**

8.0 DELEGATES & ADVISORY COMMITTEE REPORTS

SECTION 1 – DELEGATES & ADVISORY COMMITTEE REPORTS

Council Recommendation:

06022016 RESOLVED on the motion of Cr Hampton 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**

Mayor Pokoney advised that improvements to the sound system for Australia Day celebrations in McCann Park will be required and thanked staff for their efforts.

8.1 CEMCC

Cr Lord queried the appointment of another representative to the vacant position. Mayor advised that there is no statutory requirement however will raise the matter at the next meeting. He further advised that the current exploration activities by Evolution Mining appear to be promising.

8.2 Goldenfields Water County Council

Council Recommendation:

07022016 RESOLVED on the motion of Cr McGlynn seconded Cr Templeton that a letter be sent to former Goldenfields Water General Manager, Mr Andrew Grant, thanking him for his liaison and support. **CARRIED**

9.0 STAFF REPORTS

That the Council receive the staff reports.

SECTION 2 – OFFICE OF THE GENERAL MANAGER

9.1 Fit for the Future – Bland Shire Council to Be Reassessed During 2016

Council Recommendation:

08022016 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that:

- 1 That the information relating to the recent announcement of council mergers and the Fit for the Future framework be received and noted;**
- 2 That the general manager obtain all available information relating to ‘rural councils’ under the Fit for the Future Framework; and**
- 3 That the general manager provide councillors with regular updates through council reports and workshop agenda items on the future options for Bland Shire Council. CARRIED**

9.2 Development of a New Local Government Act

Council Recommendation:

09022016 RESOLVED on the motion of Cr Grellman seconded Cr Templeton that the information concerning proposed amendments to the NSW Local Government Act 1993 be received and noted. **CARRIED**

9.3 Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015

Council Recommendation:

10022016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that:

- 1 That the information relating to the commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015 effective from 13 November 2015 be received and noted; and**
- 2 That council's Code of Conduct is updated to incorporate the amendment to clause 4.29 as detailed in the amended legislation. CARRIED**

9.4 IPART – Review Of Reporting and Compliance Burdens On Local Government

Council Recommendation:

11022016 RESOLVED on the motion of Cr Grellman seconded Cr Templeton that the information relating to the release of the draft IPART Report on reporting and compliance burdens on local government be received and noted and that any concerns arising from the Report's recommendations be referred to the general manager no later than Friday 19 February 2016. CARRIED

9.5 Review of the Nine Day Fortnight Procedure

Council Recommendation:

12022016 RESOLVED on the motion of Cr Lord seconded Cr Grellman that the Nine Day Fortnight procedure be implemented on a permanent basis. CARRIED

SECTION 3 – CORPORATE, COMMUNITY & DEVELOPMENT SERVICES

9.6 Financial Statements – December 2015

Council Recommendation:

13022016 RESOLVED on the motion of Cr Templeton seconded Cr Hampton that:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of December, 2015**
- 2. That Council confirms the payment of accounts, for the period 01 December to 31 December 2015, summarised in the accounts summary totalling \$1,802,010.37. CARRIED**

9.7 Financial Statements – January 2016

Council Recommendation:

14022016 RESOLVED on the motion of Cr Lord seconded Cr Keatley that:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of January, 2016**
- 2. That Council confirms the payment of accounts, for the period 01 January to 31 January 2016, summarised in the accounts summary totalling \$1,243,489.37. CARRIED**

9.8 Budget Review – December 2015

Council Recommendation:

15022016 RESOLVED on the motion of Cr Keatley seconded Cr Grellman that the Officers Report be received and noted and that the Council endorses the Statement acknowledging the financial position is considered satisfactory. CARRIED

9.9 Clean Up Australia Day

Council Recommendation:

16022016 RESOLVED on the motion of Cr Grellman seconded Cr Keatley that Council open its landfill sites to Bland Shire residents for free to celebrate Clean Up Australia Day on Sunday 6 March with a limit of one sorted cubic metre per load. CARRIED

9.10 Strengthening Communities – West Wyalong Golf Pro-Am

Council Recommendation:

17022016 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman that Council approves a Strengthening Communities grant of \$7000 to the West Wyalong Services and Citizens Club in support of the Golfing Legends Pro-Am tournament. **CARRIED**

9.11 Strengthening Communities – Weethalle Country Club

Council Recommendation:

18022016 RESOLVED on the motion of Cr Grellman seconded Cr Templeton that Council approves a Strengthening Communities grant to the Weethalle Country Club of \$5950 for the purchase of a solar pump and associated hoses, sprinklers and fittings to provide a supply of water to the surrounding sports ground and golf course. **CARRIED**

SECTION 4 – REPORTS FOR INFORMATION

Council Recommendation:

19022016 RESOLVED on the motion of Cr Grellman seconded Cr Hampton that the following reports, provided for information only, be received and noted:

- **9.12 - Asset & Engineering Services Report**
- **9.13 - Community Services Report**
- **9.14 - Bland Shire Library Monthly Update**
- **9.15 - Children Services Monthly Update**
- **9.16 - Bland HACC Services Update**
- **9.17 - Development Services Activity Report – December**
- **9.18 - Development Services Activity Report – January**
- **9.19 - Economic Development & Tourism Report – January. CARRIED**

10.0 URGENT BUSINESS WITHOUT NOTICE

10.1 Container Deposit Scheme

Cr Lord noted that submissions close prior to the next Council meeting and it was agreed to consider the matter as urgent business.

Council Recommendation:

20022016 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council make a submission fully supporting the South Australian model of the proposed container deposit scheme. CARRIED

10.2 Future of TAFE

Cr Lord requested a submission to the Government prior to consideration in the Upper House expressing Council's concern at the closure and sale of a number of TAFE campuses.

Council Recommendation:

21022016 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council express concerns to the NSW Government and Opposition regarding changes in TAFE resourcing and presences, particularly in rural NSW. CARRIED

11.0 QUESTIONS AND STATEMENTS

Cr McGlynn

- Apologised for her behaviour during the meeting
- Conveyed positive feedback on the facilities at the pool, parks and playgrounds provided for families and the shopping opportunities
- Requested the report on the revised organisation structure be presented to the March Workshop
GM advised that the draft report will be provided
- Requested that an invitation be extended to Local Member, Katrina Hodgkinson, to address Council in relation to the closure and sale of TAFE campuses
GM to extend invitation
- Queried progress with the tourism shelters for Ungarie and Barmedman
GM advised that progress is pending local input

Cr Lord

- Requested that congratulations be conveyed to the pool contractors following feedback from visitors on the facility

Cr Templeton

- Advised that the Kikoira Hotel is collapsing
DCCDS to investigate
- Apologised for missing the February Workshop and requested an update on the next local government elections
GM advised that Council's submission indicated a preference for September 2016 and that the NSW Electoral Commission is planning for that period also
- Queried the maintenance schedule for Kikoira as the roadside has recently been attended to however not the village areas
DEAS to investigate

Cr Pike

- Noted the Advocate article in relation to Major's Mulch and their award, requested Council's encouragement be passed on

Cr Keatley

- Advised that the Ungarie community is expecting a new police officer, possible in June and a public event is being planned to welcome them
- Expressed disappointment in the recent complaint regarding noise from the planes involved with the gliders

Cr Hampton

- Queried progress with the indigenous history signage at the wetlands
GM advised that Wiradjuri Nation information has been compiled and is to be localised. It was also noted that TASAC signage is being prepared. Mayor requested signage for The Wetlands similar to other park signs
- Queried progress with the Economic Development Plan and Tourism Strategy
GM advised that drafts were provided to Councillors for feedback with none received These documents are to be listed on the March Council Workshop agenda
- Conveyed congratulations to the local nursing staff of the fantastic job they do

Cr Grellman

- Noted the works undertaken by the Weethalle village maintenance staff

Cr Pokoney

- Advised that the ABC radio is running a positive news feature on Mondays

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

Council Recommendation:

22022016 RESOLVED on the motion of Cr Keatley seconded Cr Hampton 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 9.04pm.

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

Council Recommendation:

26022016 RESOLVED on the motion of Cr Hampton seconded Cr Grellman that Council move out of closed Council and into open Council. **CARRIED**

The meeting then resumed at 9.37pm.

12.1 Expressions of Interest – Purchase 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:

23022016 RESOLVED on the motion of Cr Pike seconded Cr McGlynn that the General Manager negotiate with the applicant for a commercial lease or the sale of the property at 184 Main Street West Wyalong in accordance with the agreed terms. **CARRIED**

12.2 New West Wyalong Medical Centre – Business Assistance Application

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:

24022016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that based on the significant expansion of the West Wyalong Medical Centre and taking into account the many benefits that will accrue to the Bland Shire community, as well as the capital injection into the local economy, that Council approves of a total cash contribution of \$40,000.00 towards this project. **CARRIED**

12.3 RMS Works Goldfields Way

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:

25022016 RESOLVED on the motion of Cr Lord seconded Cr Templeton:

- 1. That the matters in this report be noted and actions be adopted.**
- 2. That the Director of Assets and Engineering Services be delegated the authority to take the appropriate actions at the appropriate time in line with the sentiments outlined in this report. CARRIED**

14.0 CLOSE OF THE MEETING

There being no further business the meeting then closed at 9.38pm.

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Chairperson