

Bland Shire Council

Minutes

Ordinary Council Meeting

27 September 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

27 September 2016

commencing at 6:30PM

1. INTRODUCTION

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

At this stage Cameron Webber and Helen Huskinson from the Ministers Association were invited to lead Council in prayer.

2. ATTENDANCE

2.1 Councillors

Cr Bruce Baker
Cr Rodney Crowe
Cr Penny English
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Cr Brian Monaghan
Cr Murray Thomas
Cr Jan Wyse

2.2 Staff

General Manager – Ray Smith
Director Asset & Engineering Services – Will Marsh
Executive Assistant – Julie Sharpe

2.3 Apologies

Director Corporate, Community & Development Services – Adele Casey

3. STAFF REPORTS – PART A

STAFF REPORTS – PART A

3.1 Oath or Affirmation of Office for New Councillors

The General Manager invited all Councillors to publicly take the Oath or Affirmation of Office in accordance with S.233A of the Local Government Act 1993.

Each individual Councillor then undertook the Oath of Office.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 27 SEPTEMBER 2016

Cr Bruce Baker - Oath of Office.
Cr Rodney Crowe - Oath of Office.
Cr Penny English - Oath of Office.
Cr Kerry Keatley - Oath of Office.
Cr Tony Lord - Oath of Office.
Cr Liz McGlynn - Oath of Office.
Cr Brian Monaghan - Oath of Office.
Cr Murray Thomas - Oath of Office.
Cr Jan Wyse - Oath of Office.

3.2 Election of Mayor – September 2016

Council Recommendation:

01092016 RESOLVED on the motion of Cr Keatley seconded Cr Baker:

- i) That the Council note the report on the procedure for the election of Mayor.**
 - ii) That the election of Mayor be held at this meeting.**
 - iii) That in the event of a contested election that the Council determine whether voting is to be Open Voting, Ordinary Ballot or Preferential Ballot.**
 - iv) That the General Manager be appointed Returning Officer for the purpose of this election.**
 - v) That at the conclusion of the election any ballot papers be destroyed.**
- CARRIED**

The General Manager advised that two nominations had been received for the position of Mayor and called for any further nominations. There were no further nominations received therefore Cr Lord and Cr McGlynn were considered for the position.

Council Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Keatley that the voting for the election of Mayor be conducted by Ordinary Ballot.

AMENDMENT proposed on the motion of Cr Thomas that the voting for the election of Mayor be conducted by Open Voting (show of hands).

The motion LAPSED for the want of a seconder.

02092016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the voting for the election of Mayor be conducted by Ordinary Ballot. CARRIED

At the completion of the vote the General Manager advised that Cr T Lord had received the majority of the votes (5/4) and was therefore declared as elected as Mayor of Bland Shire Council for the ensuing two year term.

Mayor Lord then took the Chair.

Council Recommendation:

03092016 RESOLVED on the motion of Cr Wyse seconded Cr English that the ballot papers be destroyed. CARRIED

3.3 Election of Deputy Mayor – September 2016

Council Recommendation:

04092016 RESOLVED on the motion of Cr Keatley seconded Cr Baker:

- i) That a Deputy Mayor be elected at this meeting.**
- ii) That the Deputy Mayor be elected for the Mayoral term.**
- iii) That in the event of a contested election that the Council determine whether voting is to be Open Voting, Ordinary Ballot or Preferential Ballot.**
- iii) That the General Manager be appointed Returning Officer for the purpose of this election.**
- iv) That at the conclusion of the election any ballot papers be destroyed.**
CARRIED

The General Manager advised that one nomination had been received for the position of Deputy Mayor and called for any further nominations. There were no further nominations received therefore the General Manager declared Cr Jan Wyse elected as Deputy Mayor of Bland Shire Council for the ensuing two year term.

The Mayor welcomed Cr Wyse to the Deputy role, thanked fellow Councillors for their support and conveyed congratulations on their election to office. He stated his desire for an open, honest and cooperative Council that brings the community along with firm decision making. Cr Lord advised Councillors that his door is always open and he will work honestly and diligently.

4. CONFIRMATION OF THE MINUTES

4.1 Ordinary Meeting held on 16 August 2016

▪ Confirmation

That the minutes of the Ordinary Council meeting held on 16 August 2016 be confirmed as a correct record of proceedings.

Council Recommendation:

05092016 RESOLVED on the motion of Cr Keatley seconded Cr McGlynn that the minutes of the Ordinary Council meeting held on 16 August 2016 be confirmed as a correct record of proceedings. CARRIED

- Corrections - Nil
- Business Arising - Nil

5. DECLARATIONS OF INTEREST

Councillor/ Officer	Item	Nature of Interest
Cr Crowe	Item 10.13 – Grain Harvest Management Scheme	Non-Pecuniary
Cr Keatley	Item 10.19 – Strengthening Communities – Crooked Mile Show & Shine	Non-Pecuniary

6. PUBLIC FORUM

6.1 SES Presentation to Council

Mr Ken Peterson and Mr Terry Lemon addressed Council and presented a certificate of appreciation on behalf of the SES for Council's assistance in Ungarie with the June flood event. Mr Peterson also conveyed thanks and acknowledged the ongoing efforts with current flood emergencies in Ungarie and throughout the Shire.

The Mayor reiterated thanks to Council's staff for their efforts.

6.2 Charles Kingston – Connecting CCs

Mr Kingston addressed Council in relation to tourism matters, signage, communication, public toilet facilities and opportunities. A copy of the presentation will be distributed to Councillors.

7. MAYORAL MINUTE

Nil

8. NOTICES OF MOTION

Nil

9. DELEGATES & ADVISORY COMMITTEE REPORTS

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

SECTION 1 – DELEGATES & ADVISORY COMMITTEE REPORTS

Council Recommendation:

06092016 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

10. STAFF REPORTS – PART B

That the Council receive the staff reports.

STAFF REPORTS – PART B

10.1 Local Government Amendment (Governance and Planning) Act 2016

Council Recommendation:

07092016 RESOLVED on the motion Cr McGlynn seconded Cr Monaghan that the information concerning the new amendments to the Local Government Act 1993 is received and noted and that further reports are submitted to council when the amendments come into practice for Bland Shire Council. CARRIED

10.2 Appointment to Various Council and External Committees

Council Recommendation:

08092016 RESOLVED on the motion of Cr McGlynn seconded Cr English:

1. That the Council make the appointments of delegates and representatives to the external committees as detailed in the table for the ensuing Council term.
2. That the reformation of the advisory committees be deferred until the beginning of 2017. CARRIED

Organisation	Indicative Meeting Cycle and Location	BSC Representation	Approved Councillor Representative/s
NSW Association of Mining Related Councils	Quarterly in various NSW locations	<ul style="list-style-type: none">• 2 Councillors• General Manager	<ul style="list-style-type: none">• Cr McGlynn• Cr Thomas

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 27 SEPTEMBER 2016

Bland Rural Fire District Zone Liaison Committee	Quarterly in West Wyalong/Temora	<ul style="list-style-type: none"> • 1 Councillor • General Manager 	<ul style="list-style-type: none"> • Cr Keatley
Bland District Bushfire Management Committee	Quarterly in West Wyalong/Temora	<ul style="list-style-type: none"> • 1 Councillor • Director Asset & Engineering Services 	<ul style="list-style-type: none"> • Cr Baker
New South Wales Public Libraries Association	Quarterly in various NSW locations	<ul style="list-style-type: none"> • 1 Councillor • Director Corporate, Community & Development Services 	<ul style="list-style-type: none"> • Cr Wyse
Riverina Regional Tourism		<ul style="list-style-type: none"> • 1 Councillor • Senior Economic Development & Tourism Advisor 	<ul style="list-style-type: none"> • Cr English
Cowal Gold Project Community Environmental Monitoring & Consultative Committee	1st Wednesday in March, June, September, December	<ul style="list-style-type: none"> • 1 Councillor (Mayor) 	<ul style="list-style-type: none"> • Mayor Lord
Riverina Eastern Regional Organisation of Councils (REROC)	Monthly in Wagga	<ul style="list-style-type: none"> • 1 Councillor (Mayor) • General Manager 	<ul style="list-style-type: none"> • Mayor Lord
Newell Highway Taskforce		<ul style="list-style-type: none"> • 1 Councillor 	<ul style="list-style-type: none"> • Mayor Lord
Goldenfields Water County Council Board	Bi-monthly, fourth Thursday at 1pm in Temora	<ul style="list-style-type: none"> • 1 Councillor 	<ul style="list-style-type: none"> • Cr McGlynn
Murrumbidgee Primary Health Network Board	Bi-annually	<ul style="list-style-type: none"> • 1 Councillor 	<ul style="list-style-type: none"> • Cr Monaghan
Lachlan Valley Noxious Plants Advisory Committee		<ul style="list-style-type: none"> • 1 Councillor • Foreman - Environmental Services 	<ul style="list-style-type: none"> • Cr Crowe
Australian Rural Roads Group	Annually in NSW/ACT location	<ul style="list-style-type: none"> • 2 Councillors (Mayor + 1) 	<ul style="list-style-type: none"> • Mayor Lord • Cr McGlynn • Cr Thomas (alternate)
Riverina Regional Library Advisory Committee	Bi-annually during March and October in Wagga	<ul style="list-style-type: none"> • 1 Councillor • Director Corporate, Community & Development Services 	<ul style="list-style-type: none"> • Cr Wyse
Country Mayors Association of NSW	Quarterly in Sydney	<ul style="list-style-type: none"> • 1 Councillor (Mayor) • General Manager 	<ul style="list-style-type: none"> • Mayor Lord

10.3 NSW Office of Local Government – Workshops for Newly Elected or Re- Elected Councillors

Council Recommendation:

09092016 RESOLVED on the motion of Cr Thomas seconded Cr Baker that any new or re-elected councillors interested in attending the Office of Local Government workshops contact the general manager no later than Friday 7th October 2016 in order for the necessary arrangements to be made. **CARRIED**

It was agreed that Cr Thomas would attend the Parkes session and Crs Crowe, McGlynn, Baker and Monaghan attend the Wagga session.

10.4 Murrumbidgee Primary Health Network – Notice of AGM

Council Recommendation:

10092016 RESOLVED on the motion of Cr Keatley seconded Cr English that Cr Monaghan attend the Murrumbidgee Primary Health Network's AGM on 13th October 2016. **CARRIED**

10.5 Membership of the Western Joint Regional Planning Panel

Council Recommendation:

11092016 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that the advice from the NSW Minister for Planning regarding the appointments to the Western Joint Regional Planning Panel of Mr. Gordon Kirby, Mrs Ruth Fagan and Mr Mark Grayson be received and noted. **CARRIED**

10.6 Community Forums 2016

Council Recommendation:

12092016 RESOLVED on the motion of Cr McGlynn seconded Cr Monaghan that the annual community forums be deferred until February 2017 and held during the early evening. **CARRIED**

Council Recommendation:

13092016 RESOLVED on the motion of Cr Baker seconded Cr Thomas that a tour throughout the Shire for Councillors and relevant staff be organised at an appropriate time in the near future. CARRIED

10.7 LGNSW Annual Conference 2016

Council Recommendation:

14092016 RESOLVED on the motion of Cr Thomas seconded Cr English that Crs Wyse and Baker attend the LGNSW Annual Conference being held in Wollongong from 16-18 October 2016 in conjunction with Mayor Lord and the general manager. CARRIED

10.8 October Ordinary Council Meeting Date - 2016

Council Recommendation:

15092016 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that the 2016 October Ordinary meeting of council be rescheduled and held on Tuesday October 25. CARRIED

10.9 IPART Review into NSW Local Government Rating System

Council Recommendation:

16092016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley:

- 1. That the contents of this report be received and noted and that further consideration of the IPART recommendations be undertaken at the 4th October 2016 council workshop;**
- 2. That the general manager be delegated authority to lodge a submission on behalf of council by the closing date of 14th October 2016. CARRIED**

10.10 Advice from the NSW Department of Planning and Environment - Consent for a Rural Dwelling Quandialla Road Wyalong (DA2015/1071)

Council Recommendation:

17092016 RESOLVED on the motion of Cr Monaghan seconded Cr McGlynn that the advice from the NSW Department of Planning and Environment expressing concern at the recent decision by council to grant development consent for the construction of a dwelling at Lot 218 DP750615, Quandialla Road be received and noted. **CARRIED**

10.11 Application to Modify Development Consent - Rural Dwelling Quandialla Road Wyalong

Council Recommendation:

18092016 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council endorse the actions of the general manager, based on advice from the NSW Office of Local Government, in approving, under delegated authority, the application lodged under Section 96(1A) of the Environmental Planning and Assessment Act 1979, seeking modification of Condition 9(a)(i) of Development Consent (DA2015/1071) for a rural dwelling at Lot 281, DP750615, Quandialla Road Wyalong (subject property). (The modification seeks to reduce the required setback to the southern boundary from 200m to 50m). **CARRIED**

10.12 Crown Reserve 95826 – Sale to Royal Freemasons’ Benevolent Institution (Lot 7305 DP1141795)

Council Recommendation:

19092016 RESOLVED on the motion of Cr Monaghan seconded Cr Thomas:

- 1. That Council raises no objection to the proposed sale of Lot 7305 DP1141795, in the ownership of the Crown, to the Royal Freemasons’ Benevolent Institution;**
- 2. That Council agrees to be removed as Corporate Manager of the Waratah Retirement Village R.95826 Reserve Trust conditional on Council remaining the Corporate Manager of the Trust until the date of sale, being the date of contract exchange. CARRIED**

10.13 Grain Harvest Management Scheme – Road Network Conditions

Council Recommendation:

200920416 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas:

- 1. That Council confirm its participation in the Grain Harvest Management Scheme from 1st July 2016 to 30th June 2021;**
- 2. That the Scheme only operates in the Bland Shire from 1st October to 1st March each year under the following conditions:**
 - a. A maximum speed of 80 kilometres per hour applies to all unsealed roads;**
 - b. Travel is prohibited in wet weather and until the road is dry on all unsealed roads;**
 - c. Operators must ensure the proposed route is safe prior to the use of the route;**
 - d. Vehicles must only use those roads that are approved for that class of vehicle**

CARRIED

SECTION 3 – CORPORATE, COMMUNITY & DEVELOPMENT SERVICES

10.14 Financial Statements – August 2016

Council Recommendation:

21092016 RESOLVED on the motion of Cr Monaghan seconded Cr Baker:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of August, 2016**
 - 2. That Council confirms the payment of accounts, for the period 01 August to 31 August 2016, summarised in the accounts summary totalling \$4,945,932.86.**
- CARRIED**

10.15 Payment of Expenses and Provision of Facilities to Councillors Policy

Council Recommendation:

22092016 RESOLVED on the motion of Cr McGlynn seconded Cr Monaghan:

- 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.**
- 3. That the Policy be presented to the October Council Workshop prior to consideration by Council. CARRIED**

10.16 Carry Forward Works from 2015/16

Council Recommendation:

23092016 RESOLVED on the motion of Cr Thomas seconded Cr Wyse that the requested budget balances, as detailed in the Carry Forward document, for the total amount of \$579,556.00, is carried to the 2016-17 financial period. **CARRIED**

10.17 Financial Statements 2015/16

Council Recommendation:

24092016 RESOLVED on the motion of Cr Monaghan seconded Cr Keatley:

- 1. That the Financial Statements for 2015/16 be referred for Audit**
- 2. That the Council authorise the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer to sign the statement by Councillors and Management. CARRIED**

10.18 Children Services Unit – Enrolment and Orientation Policy

Council Recommendation:

25092016 RESOLVED on the motion of Cr Monaghan seconded Cr McGlynn that the Children Services Unit Enrolment and Orientation Policy be presented to the October Council Workshop prior to consideration by Council. **CARRIED**

10.19 Strengthening Communities – Crooked Mile Show & Shine

Council Recommendation:

26092016 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council approve a Strengthening Communities grant of \$680 to support the Western Wheelers Crooked Mile Show and Shine on Sunday 13 November 2016. **CARRIED**

SECTION 4 – REPORTS FOR INFORMATION

Council Recommendation:

27092016 RESOLVED on the motion of Cr Keatley seconded Cr Wyse that the following reports, provided for information only, be received and noted:

- **10.20 - Asset & Engineering Services Report**
- **10.21 - Community Services Report**
- **10.22 - Bland Shire Library Monthly Update**
- **10.23 - Children Services Monthly Update**
- **10.24 - Bland HACC Services Update**
- **10.25 - Development Services Activity Report**
- **10.26 - Economic Development & Tourism Report – August. CARRIED**

11. URGENT BUSINESS WITHOUT NOTICE

11.1 Saleyard Fees and Charges

Cr Keatley advised that the Council's fees and charges for sheep sales is considered to be high in comparison to others in the region and requested a review.

It was agreed that a full report be provided to the next meeting for further consideration.

12. QUESTIONS AND STATEMENTS

Cr Thomas

- Stated that he would like to see the VIC back on the agenda and a focus on tourism
- Requested consideration of a parking bay and footpath to the Reg Rattey Memorial

Cr Keatley

- Welcomed the new Councillors and stated that he looks forward to working together
- Thanked Ken Peterson for his efforts and presentation
- Conveyed congratulations to Council staff for their efforts in Ungarie

Cr McGlynn

- Thanked the SES for their efforts
- Conveyed congratulations to Kyle Sturgess for his efforts at the Town Crier Championships and welcomed the opportunity for Council to host the 2017 event
- Stated that she looks forward to working with the new Councillors

Cr Monaghan

- Conveyed congratulations to the Mayor and fellow Councillors
- Stated that this has been the best meeting in 3 years
- Advised of recent trips and incidents with the parking stoppers in the supermarket car park

Cr Baker

- Conveyed congratulations to fellow Councillors, Mayor and Deputy Mayor
- Requested a shire wide bus trip for Councillors

Cr Crowe

- Conveyed congratulations to the Mayor, Deputy Mayor and Councillors
- Noted the pleasing presentation of the West Wyalong Cemetery
- Queried the expenditure on Ron Crowe Oval and the reasons for the closures
DAES advised that the matter is taken on notice

Cr English

- Conveyed congratulations to Mayor, Deputy Mayor and Councillors
- Stated that she intends to try her best and will learn a lot, hopes to make West Wyalong fun again

Cr Wyse

- Conveyed congratulations to fellow Councillors
- Stated her desire to work cooperatively to get things done

Cr Lord

- Acknowledged the positive meeting and stated that he believes Councillors will work cooperatively as they share the passion and commitment to do so.
- Conveyed thanks for the mayoral endorsement

The General Manager advised as follows:

- Evolution has offered assistance to Council in response to flooding and damage to roads
- Declaration of a Natural Disaster has been received for the current flood events and that the damage is still being assessed
- Information is being circulated within the community advising that the NBN will be provided to West Wyalong

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

14. RESUMPTION OF THE MEETING AND CONSIDERATION OF RECOMMENDATIONS OF THE CLOSED SECTION OF THE MEETING
Nil

15. CLOSE OF THE MEETING
There being no further business the meeting then closed at 8.28pm.

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Chairperson