

Bland Shire Council

Minutes

Ordinary Council Meeting

12 December 2017



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

12 December 2017

commencing at 7:30PM

1.0 INTRODUCTION

The meeting was opened by the Deputy Mayor with the introduction and welcome at 7.30pm.

2.0 ATTENDANCE

2.1 Councillors

Cr Bruce Baker
Cr Rodney Crowe
Cr Kerry Keatley
Cr Liz McGlynn
Cr Brian Monaghan
Cr Murray Thomas
Cr Jan Wyse

2.2 Staff

General Manager – Ray Smith
Director Corporate, Community, Development & Regulatory Services – Adele Casey
Executive Assistant – Julie Sharpe

2.3 Apologies

Cr Tony Lord
Cr Penny English (leave of absence granted)
Director Asset & Engineering Services – Will Marsh

Recommendation:

01122017 RESOLVED on the motion of Cr Monaghan seconded Cr Baker that the apologies submitted by Mayor Lord and Mr Marsh be accepted. CARRIED

3.0 CONFIRMATION OF THE MINUTES

3.1 Ordinary Meeting held on 21 November 2017

- **Confirmation**

That the minutes of the Ordinary Council meeting held on 21 November 2017 be confirmed as a correct record of proceedings.

Recommendation:

02122017 RESOLVED on the motion of Cr Baker seconded Cr Monaghan that the minutes of the Ordinary Council meeting held on 21 November 2017 be confirmed as a correct record of proceedings. CARRIED

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

4.0 DECLARATIONS OF INTEREST

Nil

5.0 PUBLIC FORUM

5.1 Mrs Loretta Sams

Mrs Sams addressed Council as a past business owner and expressed concern at the cleanliness of the Main Street and the appearance of the frontages of McCann and Barnado parks.

5.2 Mr Colin Spencer

Mr Spencer addressed Council in relation to South Yalgogrin Road and the seal product currently being utilised by Narrandera Shire in the area. Mr Spencer offered to supply the water and freight for the materials to a trial site within the Bland Shire.

6.0 MAYORAL MINUTE

Nil

7.0 NOTICES OF MOTION

Nil

8.0 DELEGATES & COMMITTEE REPORTS

SECTION 1 – DELEGATES & COMMITTEE REPORTS

Recommendation:

03122017 RESOLVED on the motion of Cr Baker seconded Cr Monaghan that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented. **CARRIED**

8.1 Community Reference Group

The Deputy Mayor noted the minutes are included and provided an overview.

8.2 Goldenfields Water County Council

Cr McGlynn advised that the GWCC General Manager has resigned and an interim appointment to the position has been made. It was also noted that delegates have been provided with information on their board member obligations. In relation to the membership and number of voting delegates it was confirmed that any changes will require the approval of the Minister.

9.0 STAFF REPORTS

SECTION 2 – OFFICE OF THE GENERAL MANAGER

9.1 Request from the NSW Rural Fire Service Association for 40kmh Speed Zones Around Emergency Sites

Recommendation:

04122017 RESOLVED on the motion of Cr Crowe seconded Cr McGlynn that Council supports the NSW Rural Fire Service Association in advocating for a legislated 40km per hour speed limit at emergency sites by writing to the NSW Premier, the NSW Minister for Roads and the Member for Cootamundra. **CARRIED**

9.2 Recognition of the Daniher Brothers – Progress Report – December 2017

Recommendation:

05122017 RESOLVED on the motion of Cr Monaghan seconded Cr McGlynn that council is kept informed by the general manager of the progress of this project in recognition of the Daniher Brothers. **CARRIED**

9.3 Fit for the Future – Access to T.Corp Funds and the 2018/19 Rate Pegging Limit

Recommendation:

06122017 RESOLVED on the motion of Cr Monaghan seconded Cr Thomas that the information relating to Bland Shire Council now having access to the T.Corp State Borrowing Facility and the Rate Pegging Limit of 2.3% for the 2018/2019 financial period is received and noted. **CARRIED**

SECTION 3 – CORPORATE, COMMUNITY, DEVELOPMENT & REGULATORY SERVICES

9.4 Financial Statements – November 2017

Cr Thomas requested that his dissatisfaction with the information presented be recorded in the minutes.

Recommendation:

07122017 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 November, 2017**
- 2. That Council confirms the payment of accounts, for the period 01 November to 30 November 2017, summarised in the accounts summary totalling \$2,065,454.77. CARRIED**

9.5 Planning Proposal – Minor Amendments

Recommendation:

08122017 RESOLVED on the motion of Cr Baker seconded Cr Crowe:

- 1. That Council resolve to forward the amended planning proposal, submissions and Section 59 Planning Report to the Department of Planning and Environment, and**
- 2. That Council resolve to proceed to requesting the Department of Planning to draft and make an amending Local Environmental Plan for the housekeeping planning proposal (PP_2017_BLAND_001) to amend the Bland Local Environmental Plan 2011. CARRIED**

9.6 Local Heritage Assistance Funding – 83 Neeld Street, Wyalong

Recommendation:

09122017 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council approve \$26,890.00 heritage assistance funding to Terence Cronin towards the replacement of the roof of the front section of the premises, restoration of verandah and painting, at 83 Neeld Street, Wyalong – Wyalong House. **CARRIED**

SECTION 4 – REPORTS FOR INFORMATION

Recommendation:

10122017 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that the following reports, provided for information only, be received and noted:

- **9.7 - Economic Development & Tourism Report – November 2017**
- **9.8 - Community Services Report**
- **9.9 - Bland Shire Library Monthly Update**
- **9.10 - Children’s Services Monthly Update**
- **9.11 - Bland HACCC Services Update**
- **9.12 - Development Services Activity Report**
- **9.13 - Asset & Engineering Services Report. CARRIED**

10.0 URGENT BUSINESS WITHOUT NOTICE
Nil

11.0 QUESTIONS AND STATEMENTS

Cr Thomas

- Wished everyone a merry Christmas and stated his thoughts are with the Mayor and anyone else with sick or missing relatives at this time
- Referred to email sent and requested the DA notification process be included for discussion on a Workshop Agenda
GM advised that the item is proposed to be included on the agenda for the February 2018 Workshop
- Stated his comments in relation to the tree lopper demonstration have been provided via email

Cr Keatley

- Queried the container deposit scheme and noted that the publican is installing a machine in Ungarie
GM advised that Council resolved not to participate under the current proposal however private businesses may choose to do so

Cr McGlynn

- Conveyed best wishes to the Mayor
- Conveyed thanks to the General Manager and staff for their commitment and assistance throughout the year
- Conveyed thanks to fellow councillors for their input and friendship, wished all a happy Christmas and prosperous new year
- Conveyed congratulations to Business West Wyalong for their Christmas carnival

Cr Baker

- Noted the recent significant rain events and further impacts on roads
- Conveyed congratulations on the AR Bluett Award to the previous councillors and staff
- Conveyed congratulations to the Library staff on their recent award
- Stated that the roads program is a far better and organised arrangement since its commencement in July
- Queried the response from meetings with Section 355 committees
DCCDRS advised that responses have been positive and a number of further meetings are still to be held, information will be provided back to Council following all meetings
- Conveyed best wishes to the Mayor and Deputy Mayor
- Wished everyone a happy Christmas and new year

Cr Monaghan

- Conveyed thanks and wished everyone a merry Christmas
- Stated that the AR Bluett Award was well deserved
- Wished the Mayor a speedy recovery
- Stated that he believes Council is functioning well

Cr Crowe

- Endorsed the comments made in relation to the AR Bluett Award and email to all staff on the fantastic result
- Noted the quick response from staff following the recent flash flooding
- Noted the concerns and condition of nature strips and footpaths. Requested costings for synthetic grass
- Queried any benefits or burdens at the conclusion of the Fit for the Future program
GM advised that Council will now have access to TCorp funds should they be required and there will be less burden on staff resources
- Requested consideration of additional Christmas lighting in Main Street
- Wished everyone a merry Christmas and thanks for an enjoyable year

Cr Wyse

- Wished everyone a happy Christmas shared with family and friends
- Wished Mayor Lord well and a restful recovery

The General Manager wished Councillors a merry Christmas and new year.

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

Recommendation:

11122017 RESOLVED on the motion of Cr Monaghan seconded Cr Baker 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 8.20pm.

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

Recommendation:

14122017 RESOLVED on the motion of Cr Baker seconded Cr Monaghan that Council move out of closed Council and into open Council. **CARRIED**

The meeting then resumed at 8.36pm.

12.1 Charles West Estate – Sewer Pump Station Proposal

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.

Recommendation:

12122017 RESOLVED on the motion of Cr McGlynn seconded Cr Monaghan that council endorses the proposal detailed in this report for the construction of a new sewer pump station associated with the Charles West Estate development and that the General Manager be delegated authority to finalise the financial negotiations. **CARRIED**

12.2 Sale Of Land For Unpaid Rates

Local Government Act 1993 (section 10A (2) (c)

The matters and information are information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Recommendation:

13122017 RESOLVED on the motion of Cr Thomas seconded Cr McGlynn that Council agrees to:

1. **Sell the 52 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 10am on Thursday 12th April 2018 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 February 2018 Council meeting.**
6. **Authorise the General Manager or the Director of Corporate, Community, Development and Regulatory Services delegation to accept any offer on the day of the auction that is within 10% of the reserve price set and to complete the contract of sale on behalf of Council. CARRIED**

Cr Baker abstained from voting.

14.0 CLOSE OF THE MEETING

There being no further business the meeting then closed at 8.37pm.

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Chairperson