



BLAND SHIRE COUNCIL
west wyalong

Bland Shire Council

Minutes

Ordinary Council Meeting

21 May 2019



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

21 May 2019

commencing at 6:30PM

1.0 INTRODUCTION

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

2.0 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 & Regulatory Services – Adele Casey

3.0 CONFIRMATION OF THE MINUTES

3.1 Ordinary Meeting held on 16 April 2019

▪ Confirmation

Recommendation:

01052019 RESOLVED on the motion of Cr Keatley seconded Cr Thomas that the minutes of the Ordinary Council meeting held on 16 April 2019 be confirmed as a correct record of proceedings. CARRIED

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

4.0 DECLARATIONS OF INTEREST

Nil

5.0 PUBLIC FORUM

Nil

6.0 MAYORAL MINUTE

6.1 Annual Performance Review of the General Manager

Recommendation:

02052019 RESOLVED on the motion of Cr English seconded Cr Baker that the General Manager, Mr. Ray Smith is congratulated on his successful and positive annual performance review and that a 2.5% increase in his Total Remuneration Package is approved, effective from the 17 May 2019, being the anniversary of his commencement date with Council. **CARRIED**

6.2 Emergency Services Levy Increase

Recommendation:

03052019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn:

1. That Council notes:

a. That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers

b. That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers' compensation scheme

c. That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation

d. That the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets

e. That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
CARRIED

Recommendation:

04052019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn:

2. That Council supports LGNSW in advocating that:

a. The NSW Government to cover the initial additional \$19m increase to local governments for the first year and

b. The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future. CARRIED

Recommendation:

05052019 RESOLVED on the motion of Cr McGlynn seconded Cr Lord:

3. That the General Manager liaises with LGNSW to provide the following:

a. The impact on council budget and

b. Council advocacy actions undertaken. CARRIED

Recommendation:

06052019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn:

4. That the Mayor undertakes the following:

a. Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and the local state member to:

i. call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated;

ii. explain how this sudden increase will impact council services / the local community;

iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018;

iv. explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector; and

v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.

b. Provide a copy the above letter to Local Government NSW. CARRIED

7.0 NOTICES OF MOTION

Nil

8.0 DELEGATES & COMMITTEE REPORTS

SECTION 1 – DELEGATES & COMMITTEE REPORTS

Recommendation:

07052019 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented. **CARRIED**

9.0 STAFF REPORTS

SECTION 2 – OFFICE OF THE GENERAL MANAGER

9.1 Draft Bland Shire Council Model Code of Meeting Practice for Local Councils in NSW

Recommendation:

08052019 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council adopts the draft Bland Shire Council Model Code of Meeting Practice for Local Councils in NSW including the non mandatory provisions highlighted within by red print and the additional Council provisions as indicated within by green print. **CARRIED**

9.2 Drought Communities Program – Progress Report for May 2019

Recommendation:

09052019 RESOLVED on the motion of Cr Baker seconded Cr Thomas that the General Manager provide monthly reports to Council on the progress of each of the individual projects approved under the 2019 Drought Communities Funding Program. **CARRIED**

9.3 Stronger Country Communities Program Round 1 Progress Report - May 2019

Recommendation:

10052019 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that the information regarding the progress of the projects under Round 1 of the Stronger Country Communities Fund is received and noted. **CARRIED**

9.4 Stronger Country Communities Program Round 2 Progress Report - May 2019

Recommendation:

11052019 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that the information regarding the progress of the projects under Round 2 of the Stronger Country Communities Fund is received and noted. **CARRIED**

9.5 30th National Town Crier Championships

Recommendation:

12052019 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that the attendance of the Bland Shire Town Crier at the National Town Crier Championships to be held on 12-13 October 2019 in Echuca and Moama be approved. **CARRIED**

SECTION 3 – CORPORATE, COMMUNITY, DEVELOPMENT & REGULATORY SERVICES

9.6 Financial Statements – April 2019

Recommendation:

03052019 RESOLVED on the motion of Cr Baker seconded Cr Thomas:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of April, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 April to 30 April 2019, summarised in the accounts summary totalling \$7,557,678.97.
CARRIED**

9.7 Local Government Remuneration Tribunal

Recommendation:

14052019 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that Council adopt the 2.5% increase in Mayor and Councillor fees for the 2019/20 financial period. **CARRIED**

9.8 Budget Review – March 2019

Recommendation:

15052019 RESOLVED on the motion of Cr Lord seconded Cr Baker 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 Funding for NSW Public Libraries Update

Recommendation:

16052019 RESOLVED on the motion of Cr Wyse seconded Cr McGlynn that Council note the Funding for NSW Public Libraries Update report. **CARRIED**

SECTION 4 – REPORTS FOR INFORMATION

Recommendation:

17052019 RESOLVED on the motion of Cr Thomas seconded Cr Baker that the following reports, provided for information only, be received and noted:

- **9.10 - Economic Development & Tourism Report – April 2019**
- **9.11 - Community Services Report**
- **9.12 - Bland Shire Library Monthly Update**
- **9.13 - Children’s Services Monthly Update**
- **9.14 - Development Services Activity Report – April 2018**
- **9.15 - Assets & Engineering Services Report. CARRIED**

10.0 URGENT BUSINESS WITHOUT NOTICE

Nil

11.0 QUESTIONS AND STATEMENTS

Cr McGlynn

- Expressed concerns with progress of the LEP following representations from ratepayers proposing to subdivide land on the Mid Western Highway and requested a report on the matter
GM advised that the matter is taken on notice for a report to be provided

Cr English

- Noted the road markings for turning on the intersection of Main and Church Streets
- Queried any program for the installation of pram ramps and agreed to lodge a service request for areas identified

Cr Thomas

- Noted the access ramp installation in Bernardi's carpark
- Advised that a petition has been lodged of behalf of concerned residents in relation to speeding in Pine Street and Boltes Road areas for consideration at the next Traffic Committee meeting
DAES advised that the Traffic Committee matters may be processed electronically
- Queried progress with additional coloured lighting in Main Street
DAES advised that the matter is under ongoing investigation for suitable options
- Stated his support for Cr McGlynn in the matter regarding to the property on the Mid Western Highway

Cr Keatley

- Conveyed thanks for the project and attendance of the Mayor, Deputy Mayor and General Manager at the recent Ungarie Tennis Court opening

Cr Lord

- Requested a report on progress of the LEP review
GM advised that a report will be provided to the June Workshop
- Expressed concerns with motor vehicles parking across walkways
DAES advised that a passive campaign will be implemented

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

Recommendation:

18052019 RESOLVED on the motion of Cr Thomas seconded Cr McGlynn 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 7.36pm.

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

Recommendation:

21052019 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that Council move out of closed Council and into open Council. CARRIED

The meeting then resumed at 8.07pm.

12.1 Extension of West Wyalong Landfill

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:

19052019 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that Bland Shire Council purchase the adjacent block of land to the West Wyalong landfill and that the General Manager be given delegated authority to organise and execute the purchase of the land on behalf of Bland Shire Council. CARRIED

12.2 Proposed Community Theatre – West Wyalong – Tender Process

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:

20052019 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council decline all tenders for the proposed Community Theatre and a further report be submitted to the June Council Workshop. CARRIED

14.0 CLOSE OF THE MEETING

There being no further business the meeting then closed at 8.09pm.

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Chairperson