



BLAND SHIRE COUNCIL
west wyalong

Bland Shire Council

Minutes

Ordinary Council Meeting

22 October 2019

CONFIRMED



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	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

22 October 2019

commencing at 6:30PM

1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

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

2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2.1 Attendance

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

Staff

Director Asset & Engineering Services – Will Marsh
Executive Assistant – Julie Sharpe

2.2 Apologies

General Manager – Ray Smith
Cr Jan Wyse

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 17 September 2019

- Corrections - Nil
- Business Arising - Nil
- Confirmation

Recommendation:

01102019 RESOLVED on the motion of Cr Baker seconded Cr English that the minutes of the Ordinary Council meeting held on 17 September 2019 be confirmed as a correct record of proceedings.

CARRIED (Unanimously)

4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
Cr Keatley	9.3 – Letter to MLHD	Non-Pecuniary	Verbal Disclosure

5.0 PRESENTATION(S) AND PUBLIC FORUM

Nil

6.0 MAYORAL MINUTE(S)

Nil

7.0 REPORTS OF COMMITTEES

Recommendation:

02102019 RESOLVED on the motion of Cr Keatley seconded Cr English that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED (Unanimously)

7.1 CEMCC

The Mayor tabled the draft minutes from the meeting held on 28th August 2019 noting that the Wamboyne Fire Brigade have raised fire hazard concerns and the matters are being addressed.

7.2 REROC

Cr Lord noted that minutes of the meeting held on 1st August 2019 have not yet been provided for information.

The Mayor advised that a letter will be sent to REROC requesting the prompt circulation of meeting minutes for input from member councils.

7.3 NSW Rural Fire Service

Cr Baker expressed concerns with the financial reporting of the Bland/Temora Rural Fire Service and requested information on the contributions and expenditure for Bland and Temora shires.

AGM advised that the request is taken on notice and a report will be provided.

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 Annual Community Forums – 2019-2020

Recommendation:

03102019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the annual community forums be conducted as follows:

- **Naradhan – Ungarie on Thursday 28 November 2019 (5.30pm and 7.30pm)**
- **Mirrool – Barmedman on Thursday 5 December 2019 (5.30pm and 7.30pm)**
- **Weethalle – Tallimba on Thursday 27 February 2020 (5.30pm and 7.30pm)**
- **Quandialla – Thursday 26 March 2020 (5.30pm)**

CARRIED (Unanimously)

8.2 Constitutional Referendums and Council Polls

Recommendation:

04102019 RESOLVED on the motion of Cr Crowe seconded Cr Baker that the information from the NSW Office of Local Government relating to constitutional referendums and council polls is received and noted confirming no changes to the existing local government area of the Bland Shire, no changes to the number of councillors and no change to the method of election of the mayor.

CARRIED (Unanimously)

8.3 Release of Information and Privacy Commission (IPC) Guidelines – Returns of Interest

Recommendation:

05102019 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that council determine if the content of the 'returns of interest' completed by councillors and other designated persons should not be made publicly available on council's website.

CARRIED (Unanimously)

Recommendation:

06102019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that the content of the 'returns of interest' completed by councillors and other designated persons not be made publicly available on council's website.

CARRIED 6/2 (Crs Crowe, English, Keatley, Lord, McGlynn, Monaghan voting for and Crs Thomas, Baker voting against)

8.4 NSW Local Government General Elections – 2020 Confirmation of Election Costs

Recommendation:

07102019 RESOLVED on the motion of Cr Keatley seconded Cr Thomas:

1. That the information regarding the estimated cost to the Bland Shire for the conduct of the September 2020 general local government elections is received and noted: and
2. That a letter be written to the NSW Minister for Local Government expressing council's strong objection at the increase in the election costs despite the NSW Governments subsidy and request a detailed cost explanation.

CARRIED (Unanimously)

8.5 Southern Lights Project – Progress Update – October 2019

Recommendation:

08102019 RESOLVED on the motion of Cr Lord seconded Cr Thomas that the progress report on the Southern Lights Project is received and noted and that the General Manager continue to provide council with progress reports as and when further details become available.

CARRIED (Unanimously)

8.6 West Wyalong Community Theatre – Progress Update – October 2019

The Mayor foreshadowed an amendment.

Cr Lord raised a point of order which was upheld.

Recommendation:

09102019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the progress report, as at October 2019, on the Community Theatre project is received and noted.

CARRIED (Unanimously)

Recommendation:

10102019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council seek an independent review on the cost estimate process for the cinema.

CARRIED 6/2 (Crs Baker, English, Keatley, McGlynn, Monaghan, Thomas voting for and Crs Crowe, Lord voting against)

8.7 Access Incentive Grant – Masonic Lodge Bland 337

Recommendation:

11102019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council approve an Access Incentive Scheme Grant application from Masonic Lodge Bland 337 for \$4000 towards the purchase and installation of a 3 stage stair lift to facilitate easier access to the upper floor of the Masonic Hall.

CARRIED (Unanimously)

Section 2 – Corporate, Community, Development & Regulatory Services

8.8 Financial Statements – September 2019

Recommendation:

12102019 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 September, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 September to 30 September 2019, summarised in the accounts summary totalling \$2,546,046.47.**

CARRIED (Unanimously)

Section 3 – Asset & Engineering Services

8.9 Draft Community Participation Plan

Recommendation:

13102019 RESOLVED on the motion of Cr Lord seconded Cr Keatley that:

- 1. That Council place the draft Community Participation Plan on public exhibition for a period of 28 days: and**
- 2. That if no submissions are received, Council delegate authority to the General Manager to adopt the Community Participation Plan.**

CARRIED (Unanimously)

Section 4 – Reports for Information

Recommendation:

14102019 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that the following reports, provided for information only, be received and noted:

- **8.10 - Economic Development & Tourism Report – September 2019**
- **8.11 - Community Services Report**
- **8.12 - Bland Shire Library Monthly Update**
- **8.13 - Children's Services Monthly Update**
- **8.14 - Development Services Activity Report September 2019**
- **8.15 - Assets & Engineering Services Report**

CARRIED (Unanimously)

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

9.1 Cinema Contract – Independent Audit (Cr Thomas)

Recommendation:

PROPOSED on the motion of Cr Thomas seconded Cr English that Council determine if it wishes to conduct an independent audit of the Cinema project upon its Completion as per the motion from Councillor Thomas.

LOST 2/6 (Crs Thomas, McGlynn voting for and Crs Baker, Crowe, English, Keatley, Lord, Monaghan voting against)

9.2 Increasing the Height of fencing at Mirrool Landfill (Cr Baker)

Recommendation:

15102019 RESOLVED on the motion of Cr Baker seconded Cr McGlynn that Council staff investigate increasing the height of the fencing on the northern side of the Mirrool landfill site to prevent the escape of rubbish during strong winds.

CARRIED (Unanimously)

9.3 Letter to MLHD (Cr McGlynn)

Recommendation:

16102019 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council seek an explanation from Murrumbidgee Health why they failed to fulfil the conditions on the re-location that they promised the community e.g.

1. Open day at the Hospital,
2. Survey with rate notices,
3. Consulting the community,
4. Discussions with Bland Shire Council the cost of refurbishment

CARRIED 7/1 (Crs Baker, Crowe, English, Keatley, McGlynn, Monaghan, Thomas voting for and Cr Lord voting against)

ITEM OF URGENT BUSINESS IN ACCORDANCE WITH 9.3 OF THE MODEL CODE OF MEETING PRACTICE

Recommendation:

17102019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the following report on the Meeting Arrangements – Council Closure – Christmas and New Year Period 2019/20 be deemed as urgent and therefore dealt with at this meeting.

CARRIED (Unanimously)

Meeting Arrangements – Council Closure - Christmas and New Year Period 2019/2020

Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Keatley that the December 2019 Ordinary meeting of council be brought forward to Tuesday 10th December.

LOST 2/6 (Crs McGlynn, Keatley voting for and Crs Baker, Crowe, English, Lord, Monaghan, Thomas voting against)

Recommendation:

18102019 RESOLVED on the motion of Cr Thomas seconded Cr English that the December Council workshop, incorporating the Australia Day Committee meeting remain unchanged as Tuesday 3rd December 2019.

CARRIED (Unanimously)

Recommendation:

19102019 RESOLVED on the motion of Cr Keatley seconded Cr Baker that the Mayor and General Manager is delegated authority to deal with any urgent matters during the Christmas and New Year period for 2019 – 2020.

CARRIED (Unanimously)

Recommendation:

20102019 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council note the closure of council services, with the exception of a skeleton staff, from Monday 23 December 2019 to Friday 3 January 2020 Inclusive.

CARRIED (Unanimously)

10.0 CONFIDENTIAL MATTERS

Nil

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7.34pm.

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Chairperson

CONFIRMED