



**Bland Shire Council**

**Minutes**

**Ordinary Council Meeting**

**16 May 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**

1<sup>st</sup> - Do I have private interest affected by a matter I am officially involved in?

2<sup>nd</sup> - Is my official role one of influence or perceived influence over the matter?

3<sup>rd</sup> - 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	<a href="mailto:council@blandshire.nsw.gov.au">council@blandshire.nsw.gov.au</a>	<a href="http://www.blandshire.nsw.gov.au">www.blandshire.nsw.gov.au</a>
ICAC	8281 5999 Toll Free: 1800 463 909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	4428 4100	<a href="mailto:dlq@dlq.nsw.gov.au">dlq@dlq.nsw.gov.au</a>	<a href="http://www.dlg.nsw.gov.au">www.dlg.nsw.gov.au</a>
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>



## Council Meeting Minutes

16 May 2017

commencing at 6:30PM

### 1.0 ATTENDANCE

#### 1.1 Councillors

Cr Bruce Baker  
Cr Rodney Crowe  
Cr Penny English  
Cr Kerry Keatley  
Cr Tony Lord  
Cr Liz McGlynn  
Cr Brian Monaghan (arrived 6.40pm)  
Cr Murray Thomas  
Cr Jan Wyse

#### 1.2 Staff

General Manager – Ray Smith  
Director Asset & Engineering Services – Will Marsh  
Director Corporate, Community & Development Services – Adele Casey  
Executive Assistant – Julie Sharpe

#### 1.3 Apologies

Nil

### 2.0 CONFIRMATION OF THE MINUTES

#### 2.1 Ordinary Meeting held on 18 April 2017

- Confirmation

#### Recommendation:

**01052017 RESOLVED on the motion of Cr Keatley seconded Cr Wyse that the minutes of the Ordinary Council meeting held on 18 April 2017 be confirmed as a correct record of proceedings. CARRIED**

- **Corrections** - Nil
- **Business Arising**
  - **Ron Crowe Oval Closure** - The matter was investigated and, as explained, all occurrences of closures were justified. However, the Parks and Gardens area will be, from now on, implementing a different system for the closure of sports grounds where the request for closure has to be ratified prior to closure occurring.

### 3.0 DECLARATIONS OF INTEREST

Councillor/Officer	Item	Nature of Interest
Cr Keatley	8.13 Ungarie Flood Study	Non Pecuniary

### 4.0 PUBLIC FORUM

#### 4.1 Mr Mark Bryant

Mr Bryant thanked Councillors for the opportunity to speak and stated he is President of the Ungarie Showground Committee. Mr Bryant expressed concern and disappointment that the draft 2017/18 budget does not include an allocation for the lighting upgrade at the ground as committed approximately 4-5 years ago. He requested Council consider the allocation of funds and stated that there are 40 junior, 20 senior football users and 45 junior, 28 senior netball users and the posts are old home made ones that are in need of replacement.

#### 4.2 REROC Presentation – Cr Rick Firman and Mrs Julie Briggs

Mayor Lord introduced the REROC chairperson, Cr Rick Firman and invited him to address council. Cr Firman thanked Council for the opportunity and introduced REROC Executive Officer, Mrs Julie Briggs. He stated that REROC are an extended family and are proud of the work they do to improve our communities.

At this stage, 6.40pm, Cr Monaghan arrived.

The purpose of the presentation is to engage with member councillors, staff and communities to inform them of the role and projects undertaken by REROC. Cr Firman advised that Mayor Lord is a member of the REROC board and then invited Mrs Briggs to address Council. Mrs Briggs provided the presentation and an overview of the formation, role, projects and activities of REROC. In closing Cr Firman invited all councillors and executive staff to attend and observe any REROC meetings.

### 5.0 MAYORAL MINUTE

Can I remind all councillors that we have been placed in this position by the community. The people of the Bland shire expect us to make decisions that are informed and in the best interests of the community. They expect us to have our own ideas and views and to discuss and debate vigorously to obtain the best outcomes.

They also expect us to have respect for others views and opinions and treat our fellow councillors civilly and courteously, that is a standard of behaviour we would all expect from others, and others from us.

We as councillors are leaders in the community and it is the expectation of the people that we are courteous and civil and respectful in all we do and say, be it at a public gathering or in this Chamber.

The Code of Conduct and Code of Meeting Practice are documents we are obliged to abide by. We have all experienced the issues of the past, it is now time to put all this behind us and work to develop this Shire and build for the future, as we state in our vision, mission and values.

Mayor Tony Lord

6.0 NOTICES OF MOTION  
Nil

7.0 DELEGATES & ADVISORY COMMITTEE REPORTS

## SECTION 1 – DELEGATES & ADVISORY COMMITTEE REPORTS

**Recommendation:**

**02052017 RESOLVED** on the motion of Cr Monaghan seconded Cr Baker that the Council receive and note the delegate and advisory committee reports from Councillors and Advisory Committee meeting minutes as presented. **CARRIED**

**7.1 Goldenfields Water County Council**

Cr McGlynn advised that the Mandamah Scheme is to be progressed and conveyed congratulations to GWCC.

**7.2 Riverina Regional Library**

Cr Wyse advised that a meeting was held on 29<sup>th</sup> March.

8.0 STAFF REPORTS

## SECTION 2 – OFFICE OF THE GENERAL MANAGER

### 8.1 North Sydney Council – Withdrawal of Membership of LGNSW

**Recommendation:**

**PROPOSED** on the motion of Cr Monaghan seconded Cr Wyse that North Sydney Council is advised that Bland Shire Council does not support their reasons for withdrawal of membership of LGNSW given the valuable services and support provided to Bland Shire council by LGNSW over many years.

**AMENDMENT** proposed on the motion of Cr McGlynn seconded Cr Thomas that North Sydney Council is advised that Bland Shire Council supports their reasons for withdrawal of membership of LGNSW.

On being put to the vote the motion was **LOST**

**03052017 RESOLVED** on the motion of Cr Monaghan seconded Cr Wyse that North Sydney Council is advised that Bland Shire Council does not support their reasons for withdrawal of membership of LGNSW given the valuable services and support provided to Bland Shire council by LGNSW over many years. **CARRIED**

## **8.2 Local Government Innovation Fund – Round 2**

**Recommendation:**

**04052017 RESOLVED on the motion of Cr McGlynn seconded Cr Monaghan:**

- 1. That Council supports the submission of an application under the Local Government Innovation Fund, Round 2; and**
- 2. That the subject and purpose of the application be determined by the general manager in consultation with both Directors. CARRIED**

## **8.3 Code of Conduct Investigation – Councillor Thomas**

**Recommendation:**

**05052017 RESOLVED on the motion of Cr Wyse seconded Cr Keatley:**

- 1. That the report regarding the breach of the Code of Conduct by Councillor Thomas and the resultant outcomes following the independent assessment be received and noted;**
- 2. That appropriate training in Bullying and Harassment and/or Anti Discriminatory behaviour is coordinated for Councillor Thomas and any other interested councillors. CARRIED**

## **8.4 Expressions of Interest for the Provision of Canteen, Cleaning and/or Centre Management Services at West Wyalong Stadium**

**Recommendation:**

**06052017 RESOLVED on the motion of Cr Monaghan seconded Cr Crowe:**

- 1. That the Council note the report on the Expressions of Interest EOI 2016/09 for the provision of canteen, cleaning and/or centre management services at the West Wyalong Stadium.**
- 2. That Council not accept either of the two (2) submissions received for EOI 2016/09.**
- 3. That the General Manager be delegated authority to allocate staff resources for the cleaning and centre liaison required for use of the West Wyalong Stadium. CARRIED**

## **8.5 Review of Council's Organisation Structure – May 2017**

**Recommendation:**

**07052017 RESOLVED on the motion of Cr Keatley seconded Cr Crowe that the current Organisation Structure of three (3) Directorates be retained. CARRIED**

**Recommendation:**

**08052017 RESOLVED on the motion of Cr McGlynn seconded Cr English that Council endorses the action of the general manager in the renewal of a performance based contract for the position of Director Assets and Engineering Services with Mr. Will Marsh for a period of five (5) years, commencing 8<sup>th</sup> July 2017, subject to similar conditions to the existing contract. CARRIED**

**Recommendation:**

**09052017 RESOLVED on the motion of Cr Monaghan seconded Cr Crowe that the information contained in the report on the review of council's Organisation Structure, as at May 2017, is received and noted. CARRIED**

## **8.6 Review of Council's Delegations Register – May 2017**

**Recommendation:**

**10052017 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that Council adopts the Delegations Register as shown as Appendix A and endorses the delegations of authority contained within that register. CARRIED**



## **SECTION 3 – CORPORATE, COMMUNITY & DEVELOPMENT SERVICES**

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### **8.7 Financial Statements – April 2017**

**Recommendation:**

**11052017 RESOLVED on the motion of Cr Monaghan seconded Cr Thomas:**

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of April, 2017**
- 2. That Council confirms the payment of accounts, for the period 01 April to 30 April 2017, summarised in the accounts summary totalling \$2,731,225.90. CARRIED**

### **8.8 Budget Review – March 2017**

**Recommendation:**

**12052017 RESOLVED on the motion of Cr Thomas 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**

### **8.9 Local Government Remuneration Tribunal**

**Recommendation:**

**13052017 RESOLVED on the motion of Cr Baker seconded Cr McGlynn that Council does not accept the 2.5% increase in Mayor and Councillor fees for the 2017/18 financial period and that fees remain at the 2016/17 rate. CARRIED**

### **8.10 Fire and Emergency Services Levy**

**Recommendation:**

**14052017 RESOLVED on the motion of Cr Crowe seconded Cr Wyse:**

- 1. That the report concerning the introduction of the Fire and Emergency Services Levy be received and noted.**
- 2. That all staff involved in the planning and implementation of the Fire and Emergency Services Levy be congratulated for a job “well done”. CARRIED**

## **8.11 Bland Shire Council Disability Inclusion Action Plan**

**Recommendation:**

**15052017 RESOLVED** on the motion of Cr McGlynn seconded Cr Monaghan that Council adopt the DRAFT Bland Shire Disability Inclusion Action Plan 2017 – 2021 (DIAP) and place on public exhibition for a period of 28 days commencing Friday 19 May. **CARRIED**

## **8.12 Local Orders Policy**

**Recommendation:**

**16052017 RESOLVED** on the motion of Cr Monaghan seconded Cr English that Council adopt the draft Local Orders Policy – Order No. 21. **CARRIED**

## **SECTION 4 – ASSET & ENGINEERING SERVICES**

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### **8.13 Ungarie Flood Study**

**Recommendation:**

**17052017 RESOLVED** on the motion of Cr Baker seconded Cr English that Bland Shire Council adopt the Ungarie Flood Study. **CARRIED**

## **SECTION 5 – REPORTS FOR INFORMATION**

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**Recommendation:**

**18052017 RESOLVED** on the motion of Cr McGlynn seconded Cr Baker that the following reports, provided for information only, be received and noted:

- **8.14 - Asset & Engineering Services Report**
- **8.15 - Community Services Report**
- **8.16 - Bland Shire Library Monthly Update**
- **8.17 - Development Services Activity Report**
- **8.18 - Economic Development & Tourism Report – April 2017. CARRIED**

## 9.0 URGENT BUSINESS WITHOUT NOTICE

Nil

## 10.0 QUESTIONS AND STATEMENTS

### Cr Crowe

- Advised that the concrete at the skate park may be slippery as there have been a number of incidents recently
- Queried the number of occasions McAlister Oval has been closed  
*GM advised that the matter is taken on notice*
- Queried the provision of additional seating along the Eastern wall at the Stadium  
*GM advised that the matter was discussed with users at a recent meeting and is being progressed by the committee*
- Queried progress with the zoning of land on Ungarie Road  
*DCCDS advised that a meeting has been held with the owner*
- Noted recent media coverage regarding fines imposed on metropolitan councils in relation to zoning matters  
*GM advised that there has been some criticisms recently and the State Government can and do, take planning powers away from councils*

### Cr McGlynn

- Conveyed congratulations to Rebecca McDonnell for her efforts in developing the DIAP
- Conveyed congratulations to Anthony Dunstan for the Seek Fitness gym in Main Street
- Requested the GM to contact Graham Reid in relation to the stables at Weethalle Showground
- Queried progress with discussions with Mrs Overall in relation to the silo art project  
*GM advised that the matter is now complete*
- Queried progress with the tourism signs  
*GM advised that progress is awaiting the completion of the panels*
- Conveyed congratulations to the Library staff for their efforts with the VIC services

### Cr English

- Advised that she has attended the REROC councillor development workshop and found it informative and worthwhile
- Conveyed congratulations to Cr Thomas for his efforts in the Ride for Robyn charity day
- Advised of a request for the provision of a cool room at the Stadium  
*GM advised that the request has not been raised in any discussions, to be further investigated*

### Cr Keatley

- Noted the delays with the installation of the tourism signs  
*GM advised that the delays are due to a number of factors and parties*
- Queried the recent request for recognition of the world record wheat load  
*GM advised that the matter will be presented to the June Council Workshop*

- Queried a recent proposal from Bendigo Bank  
*GM advised that there has been an informal approach to staff, a written proposal has recently been received for further investigation of options then presentation to Council for consideration*

#### **Cr Thomas**

- Suggested consideration and planning for disabled playground equipment items
- Advised of statistics in relation to free camping and caravan parks and suggested the information be provided to the public
- Requested any grant opportunities for the removal of under ground fuel tanks be made available to affected parties
- Requested the provision of motorcycle friendly town signs  
*GM advised that the matter will be followed up*
- Queried progress with the Reg Rattey memorial lighting  
*GM advised that the matter is being progressed and is in the hands of the electrical contractor*

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

##### **Recommendation:**

**19052017 RESOLVED on the motion of Cr Wyse seconded Cr English 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 8.43pm.

#### **12.0 RESUMPTION OF THE MEETING AND CONSIDERATION OF RECOMMENDATIONS OF THE CLOSED SECTION OF THE MEETING**

##### **Recommendation:**

**22052017 RESOLVED on the motion of Cr Baker seconded Cr Thomas that Council move out of closed Council and into open Council. CARRIED**

The meeting then resumed at 9.04pm.

#### **11.1 Request To Waive Legal Fees On Rates**

##### **Recommendation:**

**20052017 RESOLVED on the motion of Cr Monaghan seconded Cr English that Council does not accede to the request to waive the legal fees for the property identified as Property ID 127880 – 87 Queen Street, Barmedman. CARRIED**

**11.2 Lease of Council Property – Legal Issues**

**Recommendation:**

**21052017 RESOLVED on the motion of Cr Thomas seconded Cr Monaghan that Council proceed with the matter in relation to the lease of Council property. CARRIED**

**13.0 CLOSE OF THE MEETING**

There being no further business the meeting then closed at 9.04pm.

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Chairperson