

**Bland Shire Council**

**Minutes**

**Ordinary Council Meeting**

**24 August 2021**

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**

- 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:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.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

**24 August 2021**

**commencing at 6:30PM**

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Council advises that an audio recording of the proceedings of this meeting were taken and are publicly available on the website.

## **1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY**

The meeting was opened by the Mayor with the welcome and introduction at 6.31pm.

## **2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

### **2.1 Attendance**

#### **Councillors**

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

#### **Staff**

General Manager – Ray Smith  
Director Technical Services – Will Marsh (zoom)  
Director Corporate & Community Services – Alison Balind (zoom)  
Administration Officer – Marina Uys

### **2.2 Apologies**

Executive Officer – Julie Sharpe

### **2.3 Applications for a leave of absence by Councillors**

Nil

### 3.0 CONFIRMATION OF MINUTES

#### 3.1 Ordinary Meeting held on 20 July 2021

- Corrections - Nil
- Business Arising - Nil
- Confirmation

**Recommendation:**

**01082021 RESOLVED** on the motion of Cr Baker seconded Cr Thomas that the minutes of the Ordinary Council meeting held on 20 July 2021 be confirmed as a correct record of proceedings.

**CARRIED** Unanimously

### 4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
Cr Crowe	8.5 - DA2021/0114 –Workers Accommodation Village	Pecuniary	Verbal Disclosure and left meeting

### 5.0 PRESENTATION(S) AND PUBLIC FORUM

Nil

### 6.0 MAYORAL MINUTE(S)

Nil

### 7.0 REPORTS OF COMMITTEES

**Recommendation:**

**02082021 RESOLVED** on the motion of Cr Thomas seconded Cr Baker that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

**CARRIED** Unanimously

### 8.0 REPORTS TO COUNCIL

## **Section 1 - Office of the General Manager**

### **8.1 Strengthening Communities Grant – West Wyalong Campdraft Association**

**Recommendation:**

**03082021 RESOLVED** on the motion of Cr McGlynn seconded Cr Lord:

That Council approve a Strengthening Communities Grant of \$4000 for the West Wyalong Camp Draft Association to assist with the cost of transporting stock for their upcoming two-day Campdraft event, which will be held in West Wyalong mid-September.

**CARRIED** Unanimously

## **Section 2 – Corporate & Community Services**

### **8.2 Finance and Investment Report for July 2021**

**Recommendation:**

**04082021 RESOLVED** on the motion of Cr Thomas seconded Cr Baker:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of July 2021
2. That Council confirms the payment of accounts, for the period 01 July to 31 July 2021, summarised in the accounts summary totalling \$2,584,971.98

**CARRIED** Unanimously

## 8.3 Appointment of Designated Persons

### Recommendation

**05082021 RESOLVED** on the motion of Cr Lord seconded Cr Thomas that Bland Shire Council:

1. Note that pursuant to clauses 4.8(a) and (b) of the Code of Conduct, the General Manager, Director Corporate and Community Services and Director Technical Services are designated persons.
2. Pursuant to clause 4.8(c) of the Code of Conduct, identify the following positions in Council's organisational structure as designated persons:
  - Manager Customer and Financial Services
  - Manager Engineer Services
  - Manager Development & Regulatory Services
  - Building & Environmental Health Surveyor

**CARRIED** Unanimously

## Section 3 – Technical Services

### 8.4 Local Heritage Assistance Funding – 112-114 Main Street, West Wyalong

#### Recommendation:

**06082021 RESOLVED** on the motion of Cr Thomas seconded Cr Lord that Council approve funding of \$3,500.00 to Wayne and Narelle Brooks towards the external painting of their business premises at 112 – 114 Main Street, West Wyalong

**CARRIED** Unanimously

## 8.5 DA2021/0114 –Workers Accommodation Village

At this stage, 6.48pm Cr Crowe left the meeting

### **Recommendation:**

**PROPOSED** on the motion of Cr Thomas seconded Cr Lord that application DA2021/00114 for the worker's accommodation village on Lot 7044/DP1115128 and Lot 2 DP1239669 be approved subject to the conditions in Attachment 1

**AMENDMENT** proposed on the motion of Cr Lord seconded Cr Thomas that the following additional condition of consent be included:

2. Payment of a decommissioning bond of \$200 000 to be paid prior to the issue of the Final Occupation Certificate.

On being put to the vote the amendment became the motion and was carried.

**07082021 RESOLVED** on the motion of Cr Lord seconded Cr Thomas that:

1. The application DA2021/00114 for the worker's accommodation village on Lot 7044/DP1115128 and Lot 2 DP1239669 be approved subject to the conditions in Attachment 1 and,
2. A payment of a decommissioning bond of \$200 000 to be paid prior to the issue of the Final Occupation Certificate.

**CARRIED** Unanimously



## Section 4 – Reports for Information

At this stage, 7.02pm, Cr Crowe returned to the meeting.

### Recommendation:

**08082021 RESOLVED** on the motion of Cr Thomas seconded Cr Keatley that the following reports, provided for information only, be received and noted.

- **8.6 - Economic Development & Tourism Report**
- **8.7 - Community Services Report**
- **8.8 - Bland Shire Library Monthly Update**
- **8.9 - Children Services July Update**
- **8.10 - Technical Services Report**
- **8.11 - Development Services Activity Report**

**CARRIED** Unanimously

### 9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

## 10.0 CONFIDENTIAL MATTERS

### Recommendation:

**09082021 RESOLVED** on the motion of Cr Wyse 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** Unanimously

The meeting then closed at 7:27pm.

### Recommendation:

**10082021 RESOLVED** on the motion of Cr Wyse seconded Cr Thomas that Council move out of closed Council and into open Council.

**CARRIED** Unanimously

The meeting then resumed at 7.39pm.

## 10.1 Proposed Sale - 186 Main Street West Wyalong

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

*The matters and information are the following:*

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

### Recommendation:

**11082021 RESOLVED** on the motion of Cr Thomas seconded Cr Wyse:

- 1. That Council accepts the offer of \$325,000 for the sale of 186 Main Street West Wyalong.**
- 2. That the Mayor and General Manager be delegated authority to execute the contract for sale and any other associated documentation.**
- 3. That the General Manager liaise directly with the individuals in respect to the proposed commercial/business opportunities identified through the EOI and proposed sale of 186 Main Street West Wyalong.**

**CARRIED** 7/2 (Crs Baker, Crowe, English, McGlynn, Monaghan, Thomas, and Wyse voting for and Cr Lord and Cr Keatley voting against)

## 10.2 Voluntary Planning Agreement – Evolution Mining

*Local Government Act 1993 (Section 10A (2))*

*The matters and information are the following:*

*(c) Information that would, if disclosed, confer a commercial advantage on a person with whom council is conducting (or proposes to conduct) business.*

### **Recommendation:**

**12082021 RESOLVED** on the motion of Cr McGlynn seconded Cr Thomas:

1. That Council accept, in principle, the current offer from Evolution Mining in relation to the Voluntary Planning Agreement for the underground development of the Lake Cowal Gold Mine;
2. That the Mayor and General Manager now engage in direct discussions with Evolution Mining to finalise these negotiations, including a written partnership agreement for any funding that sits outside of the Voluntary Planning Agreement but which will be included in the Development Conditions of Consent: and
3. That Mr. Warwick Giblin be engaged to prepare the Voluntary Planning Agreement Document at the conclusion of all negotiations

**CARRIED** Unanimously

## 11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7.41pm.

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Chairperson  
Mayor Brian Monaghan