



BLAND SHIRE COUNCIL
west wyalong

Bland Shire Council

Minutes

Ordinary Council Meeting

16 February 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

- 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

16 February 2021

commencing at 6:30PM

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 6.30pm.

1.1 Representatives from the Ministers Association lead Council in the annual Prayer session.

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
Cr Jan Wyse

Staff

General Manager – Ray Smith
Director Technical Services – Will Marsh
Director Corporate & Community Services – Alison Balind
Executive Assistant – Julie Sharpe

2.2 Apologies

Nil

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 15 December 2020

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

Recommendation:

01022021 RESOLVED on the motion of Cr Baker seconded Cr Crowe that the minutes of the Ordinary Council meeting held on 15 December 2020 be confirmed as a correct record of proceedings.

CARRIED Unanimously

4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
Mayor Monaghan	8.9 – DA2021/0034 – Extractive Industry	Pecuniary	Left meeting
Cr Thomas	8.6 – Taxi Parking Spots Barnado Street	Pecuniary	Verbal Disclosure

5.0 PRESENTATION(S) AND PUBLIC FORUM

5.1 Ms Louise Cauchi

Ms Cauchi addressed Council on behalf of Rixa Quarries in relation to their Development Application. She thanked Council for the opportunity and stated that they have not been afforded procedural fairness. She expressed concerns that the notification and any opportunity to address the areas of concern and refusal recommendation for the application had not been communicated. Ms Cauchi acknowledged the company's previous operational errors and improvements to prevent any repeat. She urged Council to undertake their own research in respect to the professional record of quarry operators. Ms Cauchi stated that approval of the quarry application will provide a competitive product to the community and urged Council to consider their decision as the issues identified for refusal can be addressed.

5.2 Ms Michelle Wheatley

Ms Wheatley addressed Council and thanked them for the opportunity. She stated that Regal Estate is a licenced boutique vineyard and wholesale producer and that further growth and expansion of the business is restricted due to the current property zoning. Ms Wheatley advised that the report presented incorrectly states that a function centre currently operates unlawfully. To clarify, she advised that the use of the property is not promoted and on occasion the property has been shared with friends, these activities have not been conducted in a business manner. Ms Wheatley acknowledged that rezoning takes time and requested consideration to a conditional amendment in the interim.

6.0 MAYORAL MINUTE(S)

The Mayor acknowledged and congratulated Mr Ray Smith on his achievements and 50 year service milestone to local government.

7.0 REPORTS OF COMMITTEES

Recommendation:

02022021 RESOLVED on the motion of Cr Baker seconded Cr Thomas that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED Unanimously

7.1 Newell Highway Taskforce

Cr Lord advised that improvement works including overtaking lanes, safety upgrades and centreline markings are underway. Ongoing consultation in relation to the flood mitigation and with landholders affected by the proposed overtaking lanes due to implications for property access.

7.2 RIVJO

The General Manager advised that the OLG is conducting a review into the operations of Joint Organisations and further information will be provided to Councillors at the March Workshop.

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 Strengthening Communities – Wyalong Historical Society

Recommendation:

03022021 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that Council approve a Strengthening Communities grant of \$1950 to the Wyalong Historical Society for the design and printing of promotional brochures.

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.2 Finance and Investment Report for December 2020

Recommendation:

04022021 RESOLVED on the motion of Cr Baker seconded Cr Thomas:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of December 2020
2. That Council confirms the payment of accounts, for the period 01 December to 31 December 2020, summarised in the accounts summary totalling \$3,605,798.98.

CARRIED Unanimously

8.3 Finance and Investment Report for January 2021

Recommendation:

05022021 RESOLVED on the motion of Cr Thomas seconded Cr Crowe:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of January 2021
2. That Council confirms the payment of accounts, for the period 01 January to 31 January 2021, summarised in the accounts summary totalling \$2,661,993.07.

CARRIED Unanimously

8.4 Progress Report On The Combined Delivery Program And Operational Plan 2019-2023

Recommendation:

06022021 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that Council receive and note the report on the progress of the Combined Delivery Program and Operational Plan for the period 1 July 2020 to 31 December 2020.

CARRIED Unanimously

8.5 Budget Review – December 2020

Recommendation:

07022021 RESOLVED on the motion of Cr Wyse seconded Cr Keatley:

1. That the Officers Report be received and noted.
- 2 That the Council endorses the Statement acknowledging the financial position is considered satisfactory.

CARRIED Unanimously

Section 3 – Technical Services

8.6 Taxi Parking Spots Barnado Street

Recommendation:

08022021 RESOLVED on the motion of Cr Lord seconded Cr English that Council support the Local Traffic Committee’s decision to convert one of the Taxi spots in Barnado Street into a general parking space.

CARRIED Unanimously

8.7 Asset Management Policy

Recommendation:

09022021 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that Council adopt the changes to the current Asset Management Policy

CARRIED Unanimously

8.8 Request for rezoning

Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Thomas that Council staff investigate the application of the RU4 Primary Production Small Lots zone to land south of West Wyalong and Wyalong that is currently zoned R5 Large Lot Residential and liaise with NSW Department of Planning prior to the preparation of a planning proposal.

AMENDMENT proposed on the motion of Cr Lord seconded Cr English that Council staff carry out a spot rezoning on the subject property (Lots 683 & 684 DP753135) followed by the application of the RU4 Primary Production Small Lots zone to land south of West Wyalong and Wyalong that is currently zoned R5 Large Lot Residential.

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

10022021 RESOLVED on the motion of Cr Lord seconded Cr English that Council staff carry out a spot rezoning on the subject property (Lots 683 & 684 DP753135) followed by the application of the RU4 Primary Production Small Lots zone to land south of West Wyalong and Wyalong that is currently zoned R5 Large Lot Residential.

CARRIED Unanimously

8.9 DA2021/0034 – Extractive Industry

At this stage, 7.14pm, having declared an interest in the matter the Mayor vacated the Chair and left the meeting. Deputy Mayor Crowe took the Chair.

Recommendation:

11022021 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that Council consider the application DA2021/0034 for an Extractive Industry at this meeting.

CARRIED Unanimously

Recommendation:

12022021 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that application DA2021/0034 for an Extractive Industry be refused for the following reasons:

1. The proposed access road (Gordons Lane) is not suitable for use as heavy vehicle ingress/egress.
2. The proposed purpose of this development as stated in item 4.2.2 of the Statement of Environmental Effects to provide aggregate for the West Wyalong Solar Farm project. However, the proposed transport route from the quarry to the solar farm access on Blands Lane will result in the West Wyalong Solar Farm breaching conditions 3 and 4 in Schedule 3 – Environmental Conditions of the development consent issued by the Minister of Planning and Public Spaces on 28 November 2020.

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

At this stage, 7.32pm the Deputy Mayor vacated the Chair and Mayor Monaghan returned.

Section 4 – Reports for Information

Recommendation:

13022021 RESOLVED on the motion of Cr Wyse seconded Cr Baker that the following reports, provided for information only, be received and noted.

- 8.10 - Economic Development & Tourism Report – February 2021
- 8.11 - Community Services Report
- 8.12 - Bland Shire Library Monthly Update
- 8.13 - Children’s Services January Update
- 8.14 - Bland Community Care Services Update
- 8.15 - Technical Services Report
- 8.16 - Development Services Activity Report – December 2020
- 8.17 - Development Services Activity Report – January 2021

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

10.0 CONFIDENTIAL MATTERS

Recommendation:

14022021 RESOLVED on the motion of Cr Baker seconded Cr Crowe 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 7.46pm.

Recommendation:

19022021 RESOLVED on the motion of Cr Thomas seconded Cr English that Council move out of closed Council and into open Council.

CARRIED Unanimously

The meeting then resumed at 7.54pm.

10.1 Proposed Sale of the Former Museum Property

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:

15022021 RESOLVED on the motion of Cr Thomas seconded Cr McGlynn that Council agrees in principle to the advancement of funds to the Bland District Historical Society for the purchase of a property in Wyalong for the purpose of storage of museum items.

CARRIED Unanimously

Recommendation:

16022021 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that the General Manager be delegated authority to liaise with council's solicitors to confirm ownership of the former museum property prior to entering into any arrangements with the Bland District Historical Society.

CARRIED Unanimously

Recommendation:

17022021 RESOLVED on the motion of Cr Thomas seconded Cr Lord that a current market appraisal be obtained on the former museum property.

CARRIED Unanimously

Recommendation:

18022021 RESOLVED on the motion of Cr Thomas seconded Cr McGlynn that a further report be submitted to Council when the further details being sought are confirmed.

CARRIED Unanimously

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7.56pm.

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Chairperson

CONFIRMED