



BLAND SHIRE COUNCIL
west wyalong

Bland Shire Council

Minutes

Ordinary Council Meeting

20 July 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

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.

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
Mayor Brian Monaghan
Cr Murray Thomas

Staff

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

2.2 Apologies

Director Technical Services – Will Marsh
Cr Jan Wyse

Recommendation:

01072021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that the apologies submitted by Cr Wyse be accepted and leave of absence granted.

CARRIED Unanimously

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 15 June 2021

- Corrections - Nil
- Business Arising - Nil
- Confirmation

Recommendation:

02072021 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that the minutes of the Ordinary Council meeting held on 15 June 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	8.4 – Evolution Mining – DA2020/0114 Boundary Street Preliminary Assessment	Pecuniary	Written Disclosure
Cr McGlynn	8.5 – West Wyalong Tennis Club – Request for Support	Non Pecuniary	Verbal Disclosure
Cr English	8.5 – West Wyalong Tennis Club – Request for Support	Non Pecuniary	Verbal Disclosure
Mayor Monaghan	8.5 – West Wyalong Tennis Club – Request for Support	Non Pecuniary	Verbal Disclosure

5.0 PRESENTATION(S) AND PUBLIC FORUM

Nil

6.0 MAYORAL MINUTE(S)

6.1 End of Term Report 2016-2021

Recommendation:

03072021 RESOLVED on the motion of Cr English seconded Cr Crowe that the Bland Shire Council End of Term Report for the period 2016 to 2021 as tabled at this meeting be noted and published in the Annual Report due 30 November 2021.

CARRIED Unanimously

7.0 REPORTS OF COMMITTEES

Recommendation:

04072021 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 Meeting Arrangements: July to October 2021

Recommendation:

05072021 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that:

1. The information in respect to the scheduled meeting dates between July and October 2021 is received and noted acknowledging the caretaker period for the local government elections.
2. The Council Workshop and Ordinary Council meeting for August be held as normally scheduled.

CARRIED Unanimously

8.2 West Wyalong Ambulance Station - Lease Renewal

Recommendation:

06072021 RESOLVED on the motion of Cr Thomas seconded Cr Lord:

1. That Council resolves to agree to the request from NSW Health for the renewal of the lease of the premises housing the West Wyalong Ambulance Station for a further five (5) year period from 1 July 2022 followed by two(2) further 5 year periods;
2. That the lease fee is reviewed every five (5) years and prior to the anniversary renewal date;
3. That the lease fee is adjusted annually, in accordance with the CPI; and
4. The Mayor and General Manager are delegated authority to execute the legal documents in relation to this agreement.

CARRIED Unanimously

8.3 Bland-Temora Rural Fire Service – Update July 2021

Recommendation:

PROPOSED on the motion of Cr Thomas seconded Cr Lord:

1. That the information provided in this report regarding the Bland – Temora RFS Zone is received and noted;
2. That Council endorse the Grant Application under the NSW RFS Brigade Donation Fund in the amount of \$400,000.00 representing \$315,000.00 for the Bland Shire and \$85,000.00 for the Temora Shire;
3. That the advice from the NSW RFS confirming that the West Wyalong RFS Centre is to be utilised as the District Training Centre for all emergency personnel is received and noted.

AMENDMENT proposed on the motion of Cr Baker seconded Cr McGlynn that Council not consider the information and recommendations within the Bland-Temora Rural Fire Service – Update July 2021.

On being put to the vote the motion was LOST 6/2.

AMENDMENT proposed on the motion of Cr McGlynn that the recommendations within the Bland-Temora Rural Fire Service – Update July 2021 report be considered separately.

The motion was LOST for the want of a seconder.

07072021 RESOLVED on the motion of Cr Thomas seconded Cr Lord:

1. That the information provided in this report regarding the Bland – Temora RFS Zone is received and noted;
2. That Council endorse the Grant Application under the NSW RFS Brigade Donation Fund in the amount of \$400,000.00 representing \$315,000.00 for the Bland Shire and \$85,000.00 for the Temora Shire;
3. That the advice from the NSW RFS confirming that the West Wyalong RFS Centre is to be utilised as the District Training Centre for all emergency personnel is received and noted.

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

Recommendation:

08072021 RESOLVED on the motion of Cr Baker seconded Cr Thomas that Council write to the NSW RFS expressing its displeasure that West Wyalong is not the headquarters centre for the Bland-Temora zone.

CARRIED Unanimously

8.4 Evolution Mining –DA2020/0114 Boundary Street Preliminary Assessment

Recommendation:

PROPOSED on the motion of Cr Thomas seconded Cr Keatley that Councillors convey to Council staff any concerns they may have with the proposed DA for workers accommodation in Boundary Street, West Wyalong.

AMENDMENT proposed on the motion of Cr Lord seconded Cr McGlynn that the proposed DA for workers accommodation in Boundary Street, West Wyalong be included on the agenda for the August Council Workshop and deferred to the August Council meeting for consideration.

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

09072021 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that the proposed DA for workers accommodation in Boundary Street, West Wyalong be included on the agenda for the August Council Workshop and deferred to the August Council meeting for consideration.

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

8.5 West Wyalong Tennis Club – Request for Support

Recommendation:

10072021 RESOLVED on the motion of Cr Keatley seconded Cr McGlynn that Council resolves to provide in-principle support to the West Wyalong Tennis Club Inc. for a financial contribution of up to \$65,000.00, towards completion of Stage 2 of the Club's facilities upgrade, if the Club's grant application under Round 4 of the Stronger Country Communities Fund is unsuccessful.

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

8.6 Strengthening Communities – West Wyalong Yard Dog Club

Recommendation:

11072021 RESOLVED on the motion of Cr Crowe seconded Cr McGlynn that Council approve a Strengthening Communities grant of \$1000 to the West Wyalong Yard Dog Club to assist with the running costs of the South West Yard Dog Championships on 7-8 August 2021.

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.7 Finance and Investment Report for June 2021

Recommendation:

12072021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that:

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of June 2021**
- 2. That Council confirms the payment of accounts, for the period 01 June to 30 June 2021, summarised in the accounts summary totalling \$7,494,637.08**

CARRIED Unanimously

8.8 Draft Council Financial Statements 2020/21 – Referral for Audit

Recommendation

13072021 RESOLVED on the motion of Cr Lord seconded Cr Baker that the report on the Draft Council Financial Statements 2020/21 – Referral for Audit be deferred to the August Council meeting.

CARRIED Unanimously

8.9 2020/21 Progress Report Combined Delivery Program & Operational Plan

Recommendation:

14072021 RESOLVED on the motion of Cr Baker seconded Cr Thomas that Council notes the progress in relation to the Bland Shire Council Delivery Program (2017-2022) and Operational Plan (2020/2021) for the period from 1 January 2021 to 30 June 2021.

CARRIED Unanimously

8.10 Audit, Risk and Improvement Committee

Recommendation:

15072021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that the Minutes of the Bland Shire Audit, Risk and Improvement Committee from 8 July, 2021 be endorsed and the following actions be undertaken:

- 1. Draft Audit, Risk and Improvement Committee Charter** be placed on public exhibition for a period of 28 days for community feedback and that, following the consultation period, a further report be brought back to Council.
- 2. Actions relating to the NSW Rural Fire Service Assets accounting treatment** be undertaken as outlined in the recommendation from the Audit, Risk and Improvement Committee.

CARRIED Unanimously

8.11 Adoption of Council Policies

Recommendation:

16072021 RESOLVED on the motion of Cr Baker seconded Cr Thomas that Bland Shire Council formally adopts the Enterprise Risk Management Framework and the Privacy Management Plan.

CARRIED Unanimously

8.12 Endorsement of Draft Council Policies

Recommendation:

17072021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that:

- 1. Council endorses the Draft Information Guide, Draft Access to Information and Draft Internal Reporting Policies and places both on public exhibition for a period of 28 days from Friday 23 July, 2021 for community comment.**
- 2. The Draft Information Guide be forwarded to the Information and Privacy Commissioner for comment.**
- 3. A further report be prepared and presented to Council following the exhibition period.**

CARRIED Unanimously

8.13 Appointment of Designated Persons

Recommendation:

18072021 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that the report on the Appointment of Designated Persons be deferred to the August Council meeting.

CARRIED Unanimously

8.14 Local Government Remuneration Tribunal

At this stage 7.47pm, Cr Baker left the meeting room.

Recommendation:

19072021 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that in accordance with Section 248 of the Local Government Act 1993, Council fix the annual fee for Councillors at the maximum amount allowable, being \$12,400 per Councillor for the period 1 July 2021 to 30 June 2022 and in accordance with Section 249 of the Local Government Act 1993, Council fix the annual fee for the Mayor at the maximum amount allowable, being \$27,060 for the period 1 July 2021 to 30 June 2022.

CARRIED 6/1 Crs Crowe, English, Keatley, Lord, McGlynn and Monaghan voting for and Cr Thomas voting against

At this stage 7.49pm, Cr Baker returned to the meeting.

8.15 Bland/Temora Family Day Care Assessment & Rating

Recommendation:

20072021 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that Council notes the information contained within the Family Day Care Rating Outcome Summary document and congratulates those staff involved in delivering this service to the community.

CARRIED Unanimously

8.16 Children Services Unit – Amendment to Mobile Resource Unit Operational Hours

Recommendation:

21072021 RESOLVED on the motion of Cr Lord seconded Cr English that Bland Shire Council

- a) **Adopt the altered hours of operation for Ungarie Preschool of 09:00 to 15:00 and Ungarie Preschool classroom staff be rostered to accommodate these new hours which will commence in Term 1 2022.**
- b) **Adopt the altered hours of operation for Mobile Resource Unit Friday Preschool Class of 08:30 to 15:00 and classroom staff be rostered to accommodate these new hours which will commence in Term 1 2022.**

CARRIED Unanimously

8.17 S355 Committees - Meeting Minutes

Recommendation:

22072021 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas:

- 1. That the Council receive and note the Section 355 committee meeting minutes:**
 - **Mirrool Silo Kick Committee – 23 May 2021**
 - **Ungarie Advancement Group – 20th January 2021**
 - **Ungarie Advancement Group – 21st April 2021**
 - **Ungarie Showground Racecourse Recreation Reserve Committee – 15th March 2021**
 - **Wyalong School of Arts Hall Committee – 24th February 2021**
- 2. That the Section 355 Committees and future meeting minutes be included in the Reports of Committees section of the Council business papers.**

CARRIED Unanimously

Section 3 – Technical Services

8.18 Roads Program 2021 - 2022

Recommendation:

23072021 RESOLVED on the motion of Cr Keatley seconded Cr Lord that Bland Shire Council adopt the attached 2021 – 2022 roads program with the understanding that the works may be changed by the Director Technical Services due to factors such as changing priorities; changing income and costs; and the weather.

CARRIED Unanimously

8.19 Plant Replacement Program 2021-2022

Recommendation:

24072021 RESOLVED on the motion of Cr Keatley seconded Cr Baker that Bland Shire Council note and adopt the replacement of the major plant as outlined in the report.

CARRIED Unanimously

8.20 Operator and Main Street Intersection

Recommendation:

25072021 RESOLVED on the motion of Cr Thomas seconded Cr Lord that Council adopt the Local Traffic Committee's decision to erect "No Stopping" signs in Operator Street (south), at Main Street, to reinforce the statutory No Stopping area at the intersection.

CARRIED Unanimously

8.21 Bus Zone Monash Street Adjacent to the West Wyalong Services & Citizens' Club

Recommendation:

26072021 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council adopt the Local Traffic Committee's decision to:

- a) create a bus zone between the two driveway openings (entry/exit) of the West Wyalong Services and Citizens' Club in Monash Street;
- b) a sign be placed at the exit driveway to alert motorists to enter the road with caution; and
- c) the area be monitored.

CARRIED Unanimously

8.22 Local Heritage Assistance Funding – Mallee Street, Wyalong – Lot 1 DP 908096

Recommendation:

27072021 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council approve funding of \$2735.00 to the Bland District Historical Society towards the electrical upgrades of the former Wyalong Masonic Hall at Mallee Street, Wyalong – Lot 1 DP 908096.

CARRIED Unanimously

Section 4 – Reports for Information

Recommendation:

28072021 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that the following reports, provided for information only, be received and noted.

- **8.23 - Economic Development & Tourism Report – July 2021**
- **8.24 - Community Services Report**
- **8.25 - Bland Shire Library Monthly Update**
- **8.26 - Children Services June Update**
- **8.27 - Bland Community Care Services Update**
- **8.28 - Technical Services Report**
- **8.29 - Development Services Activity Report – June 2021**

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

9.1 Cinema Contract – Independent Audit (Cr Thomas)

Recommendation:

29072021 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that the motion in relation to an independent audit of the Cinema Project be considered in conjunction with the West Wyalong Community Theatre – Contract Details report in the Closed session.

CARRIED Unanimously

9.2 Project Status Reports (Councillor Thomas)

Recommendation:

PROPOSED on the motion of Cr Thomas:

1. A monthly report be prepared and included in the Monthly Business Paper on Project Status, for all projects not included in the Community Strategic Plan.
2. The report to include (but not limited to) the following:
 - a) Relevant Grants Available: Originator Name: Application Start & Closing Dates: Value:
 - b) Project List: Projects ready for grant application: Name: Budget Estimate:
 - c) Grant Status: Date Applications Submitted: Date Approved/Rejected: Start Date, or reason for rejection.
 - d) Project Status: Project Estimate: Project Start Date: Contract Value: Percent Completion: Cost to Date: Contract Variations (reasons).

LAPSED for the want of a seconder.

9.3 Emergency Services Levy (Councillor Lord)

Recommendation:

30072021 RESOLVED on the motion of Cr Lord seconded Cr McGlynn:

1. That Bland Shire Council not pay the ESL for 2021-2022 until further clarification is obtained following the passing of Legislation in the NSW Parliament that, these amounts be shown separately an all rate notices;
2. That this situation be reviewed following receipt of that advice.

CARRIED Unanimously

9.4 Covid-19 Grant Program (Councillor Lord)

Following the Grants for Covid-19 by Bland Shire Council have all acquittals been reviewed to ensure grant funds were expended according to the policy determined.

Comment from General Manager

Each applicant was sent an acquittal form and advised of their requirements when accepting their COVID-19 grants. A large number of them have been returned and while the remaining acquittals have not been followed up as yet a check is made if a group has any outstanding acquittal forms before considering any requests for further funding.

Late Item – Strengthening Communities Grant Application – West Wyalong Campdraft

The General Manager advised that an application for funding through Council's Strengthening Community Program is expected from the Campdraft Committee seeking financial assistance of \$4,000 towards the costs in transporting stock for the annual campdraft event in September. However the application may not be received prior to the caretaker period commencing.

Recommendation:

31072021 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that Council delegate authority to the General Manager to determine the West Wyalong Campdraft Strengthening Communities funding application should it be received during the caretaker period.

CARRIED Unanimously

10.0 CONFIDENTIAL MATTERS

Recommendation:

32072021 RESOLVED on the motion of Cr English seconded Cr Thomas 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 8.37pm.

Recommendation:

35072021 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 9.12pm.

10.1 West Wyalong Community Theatre – Contract Details - July

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

The matters and information are the following:

(e) information that would, if disclosed, prejudice the maintenance of law,

Recommendation:

33072021 RESOLVED on the motion of Cr Keatley seconded Cr English:

1. That the Architect for the West Wyalong Community Theatre project be requested to explain, in detail, the need for the variations submitted by the contractor for the Stage 2 works.
2. That Council seek legal advice in relation to the West Wyalong Community Theatre project.
3. That an invitation be extended to the project manager for the Stage 2 works to attend the August Council Workshop and provide information on the project variations.

CARRIED Unanimously

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 the council is conducting (or proposes to conduct) business,

Recommendation:

34072021 RESOLVED on the motion of Cr Baker seconded Cr Thomas the matter in relation to negotiations with Evolution Mining in relation to a Voluntary Planning Agreement be deferred to the August Council Meeting pending advice from DPIE.

CARRIED Unanimously

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 9.14pm.

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Chairperson
Mayor Brian Monaghan