



Bland Shire Council

Minutes

Ordinary Council Meeting

19 October 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 |

19 October 2021

commencing at 6:33PM

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 6.33pm.

2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2.1 Attendance

Councillors

Cr Bruce Baker
Cr Rodney Crowe
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Mayor Brian Monaghan
Cr Murray Thomas
Cr Jan Wyse

Staff

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

2.2 Apologies

Cr Penny English

Recommendation:

01102021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that the apologies submitted by Cr English be accepted.

CARRIED Unanimously

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 21 September 2021

- Corrections - Nil
- Business Arising - Nil
- Confirmation

Recommendation:

02102021 RESOLVED on the motion of Cr Baker seconded Cr Thomas that the minutes of the Ordinary Council meeting held on 21 September 2021 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 | 9.1 – DA2021/0034 – Extractive Industry – Opinion Sought from EPA regarding Development Application – Clear Ridge Quarry | Non-Pecuniary | Left meeting |

5.0 PRESENTATION(S) AND PUBLIC FORUM

5.1 Mrs Gayle Byrnes

Mrs Byrnes addressed Council in support of the application for modification of the DA for the waste disposal facility and to address concerns and misconceptions. Mrs Byrnes advised of the EPA approval and scrutiny processes for the private waste sector. She provided an overview of the site operations and rehabilitation process for the land for farming purposes. It was further noted that there have been no complaints since operations commenced or previously during operation as a sand mine.

5.2 Mrs Janette Dickson

Mrs Dickson addressed Council in support of the application for modification of the DA for the waste disposal facility. She stated that they own two properties in the Bland Shire and the land adjoining the waste disposal site has successfully been used for stock and crop over many years. There have been no concerns from soil and water monitoring during this time. In closing Mrs Dickson advised that their neighbours have always been accommodating and do all they can to operate above board and exceed standards.

5.3 Ms Georgia Hill & Mr Noah Harris

Ms Hill and Mr Harris addressed Council in support of the youth space proposal. It was advised that the West Wyalong High School Youth Council was established 7 months ago and identified the need for a dedicated safe space for those aged 12-18 years. The youth are seeking a supervised, multi purpose venue to provide a range of events and support opportunities. The Youth Council have developed a petition with 120 signatures to demonstrate youth support for the initiative.

5.4 Mr Bradley Staniforth

Mr Staniforth addressed Council on behalf of the West Wyalong Lions Club in support of a youth space. He advised that the Lions Club operate a youth program titled Leos and urged the youth to liaise with Lions to learn more about the program and its benefits.

6.0 MAYORAL MINUTE(S)

Nil

7.0 REPORTS OF COMMITTEES

Recommendation:

03102021 RESOLVED on the motion of Cr Thomas seconded Cr Crowe 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 IPART Review of the NSW Local Government Rate Pegging Methodology

Recommendation:

04102021 RESOLVED on the motion of Cr Wyse seconded Cr Keatley that the information relating to the new rate pegging methodology, incorporating a factor for population growth, be received and noted.

CARRIED Unanimously

8.2 Environmental Planning and Assessment (Infrastructure Contributions) Bill

Recommendation:

05102021 RESOLVED on the motion of Cr Wyse seconded Cr Keatley that the information relating to the proposed Environmental Planning and Assessment (Infrastructure Contributions) Bill be received and noted and that the General Manager continue to keep Council informed of progress on this matter.

CARRIED Unanimously

Recommendation:

06102021 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council express a strong objection to the proposed Environmental Planning and Assessment (Infrastructure Contributions) Bill in writing to the Local Member, Minister for Planning and the Cross Benchers.

CARRIED Unanimously

8.3 Voluntary Planning Agreement: Council and Evolution Mining for the Cowal Gold Operations Underground Development

Recommendations:

07102021 RESOLVED on the motion of Cr Thomas seconded Cr Baker:

- 1. That Council endorse the Voluntary Planning Agreement with Evolution Mining as presented to this meeting;**
- 2. That the draft document be placed on public exhibition for 28 days in accordance with Environmental Planning and Assessment Regulation 2000;**
- 3. That if there is any significant objection to the draft document the matter be referred back to Council, otherwise, in the absence of any significant objection, the Mayor and General Manager be delegated authority to execute the document.**

CARRIED Unanimously

8.4 Meeting Arrangements: November 2021 to January 2022

Recommendation:

08102021 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that the information in respect to the scheduled meeting dates between November 2021 and January 2022 is received and noted.

CARRIED Unanimously

8.5 Meeting Arrangements – Council Closure - Christmas and New Year Period 2021/2022

Recommendation:

09102021 RESOLVED on the motion of Cr Wyse seconded Cr Keatley:

- 1. That the December 2021 Council Workshop scheduled for Tuesday 7 December 2021 be cancelled.**
- 2. That the Ordinary meeting of Council scheduled for Tuesday 21 December 2021 be cancelled.**
- 3. That the General Manager be delegated authority to deal with any urgent matters during the Christmas and New Year period for 2021 – 2022.**
- 4. That Council note the planned closure of Council services and operations, with the exception of skeleton staff, from Friday 17 December 2021 to Monday 3 January 2022 Inclusive.**

CARRIED Unanimously

8.6 Disclosure of Interest Returns

Recommendation:

10102021 RESOLVED on the motion of Cr Thomas seconded Cr Baker that Councillors note the Disclosure of Interest return requirements and accept the Disclosure of Interest Register as tabled.

CARRIED Unanimously

8.7 Bland Shire Australia Day 2022

Recommendation:

11102021 RESOLVED on the motion of Cr Wyse seconded Cr Crowe that Council not proceed with the Australia Day awards breakfast on 26 January 2022 due to the COVID-19 pandemic and associated restrictions.

CARRIED Unanimously

Recommendation:

12102021 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council host an Australia Day Awards dinner for nominees and citizenship candidates at the West Wyalong Services and Citizens Club on Tuesday 25 January and live stream the presentations.

CARRIED Unanimously

Recommendation:

13102021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that the Australia Day Awards Committee is suspended for 2021 and the 2022 Australia Day awards are determined by Council at its meeting in January 2022.

CARRIED Unanimously

Recommendation:

PROPOSED on the motion of Cr Baker that the Community Event of the Year and Community Group of the Year awards categories be suspended in 2022.

The motion **LAPSED** for the want of a seconder.

Recommendation:

14102021 RESOLVED on the motion of Cr Wyse seconded Cr Thomas that:

- 1. Council determine any new award categories for 2022.**
- 2. A “COVID Hero” award be added to the 2022 Australia Day award categories.**

CARRIED Unanimously

Recommendation:

15102021 RESOLVED on the motion of Cr Wyse seconded Cr McGlynn that the Australia Day Awards Committee, award categories, criteria and framework be reviewed by Council in 2022.

CARRIED Unanimously

8.8 Bland Shire Youth Space Proposal

Recommendation:

16102021 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that plans and costings for a youth space be presented to Council for approval once an appropriate space is confirmed.

CARRIED Unanimously

Recommendation:

17102021 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that Council apply for funding of \$350,000 as part of its application under Round 3 of the Local Roads and Community Infrastructure Fund (LRCI) for the repurposing and fitout of an existing facility to accommodate the development of a youth space in West Wyalong.

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.9 Finance and Investment Report for September 2021

Recommendation:

18102021 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 September 2021**
- 2. That Council confirms the payment of accounts, for the period 01 September to 30 September 2021, summarised in the accounts summary totalling \$5,321,011.51**

CARRIED Unanimously

8.10 Endorsement of Motions for LGNSW Conference

Recommendation:

19102021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Bland Shire Councils submits the following Notices of Motions for consideration at the LGNSW Special Conference scheduled for Monday 28 February through Wednesday 2 March 2022:

A - BIOSECURITY (NOXIOUS WEEDS)

That Local Government NSW:

1. Calls on the NSW Minister for Local Government and NSW Minister for Agriculture to increase funding of the NSW Weeds Action Program to allow for greater promotion of landholder responsibilities under the Biosecurity Act 2015.
2. Calls on the NSW Minister for Local Government and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts to liaise with the NSW Aboriginal Lands Council to develop appropriate mechanisms as part of the Joint Management and Co-management for parks or reserves protocols to adequately address identified and emerging biosecurity weeds issues.

B - EMERGENCY SERVICES LEVY (ESL)

That Local Government NSW calls on the NSW Government to:

1. Postpone further costs to Local Government entities for the Emergency Services Levy payment increases until clear accountabilities are developed and communicated in accordance with engagement protocols of Resilience NSW Capability Development Framework for NSW Emergency Management Sector.
2. As part of this process, prepare amendments to the Rural Fire Services Act 1997 to remove Section 119's reference which relates to vesting RFS equipment with Councils to remove the conflict of "control", specifically in accordance with the definition of an asset in Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements.
3. Engage all stakeholders with real or perceived responsibilities for Emergency Service Management and Actions to ensure that determinations are clearly articulated, communicated and relevant in accordance with the context of Resilience NSW Capability Development Framework.

C - REGIONAL HEADQUARTER LOCATIONS

That Local Government NSW advocates to the NSW Government, specifically the Premier and Minister for Police and Emergency Services to give greater consideration to geographic centrality with the determination of locations when establishing regional service and administration centres for State departments and services.

D - ENVIRONMENTAL PLANNING & ASSESSMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL

1. That Local Government NSW on behalf of all local government authorities in NSW express strong opposition to the Environmental Planning & Assessment (Infrastructure Contributions) Bill
2. That any regulations developed in conjunction with the Bill quarantine the expenditure of development contributions received to the LGAs from which they came.

CARRIED Unanimously

8.11 Position Statement on Accounting Treatment of Rural Fire Service Assets

Recommendation:

20102021 RESOLVED on the motion of Cr Lord seconded Cr Wyse:

- 1. That Bland Shire Council adopts the Position Statement on Accounting Treatment of Rural Fire Service Assets.**
- 2. Communicates this Position Statement to the NSW Auditor General and Office of Local Government.**
- 3. That the General Manager further advises the Premier, Deputy Premier, Minister for Police and Emergency Services and Member for Cootamundra of the same and seeks a resolution at a State Government level to the question of NSW Rural Fire Service Fire Fighting Assets ownership and control.**

CARRIED Unanimously

Section 3 – Technical Services

8.12 Modification of DA/2007/083 – Waste Disposal Facility

Recommendation:

21102021 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council approve the modification of DA/2007/083 by amending the schedule of conditions by replacing Condition C1 with:

C1 Limits of Approval

A maximum of 18,000 tonnes of waste per annum shall be accepted at the site, of this the disposal of tyres is limited to 5,000 tonnes. Further development consent shall be required should the amount of waste material exceed this limit.

The applicant shall only receive and dispose of the following solid waste on the site:

- ***General solid waste (non-putrescible):***
 - ***Virgin excavated natural material (clay, gravel, sand, soil and rock);***
 - ***Building and demolition waste (bricks, concrete and timber); and***
- ***Special Waste - Used, rejected and unwanted tyres (including shredded tyres and tyre pieces).***

No other waste products are permitted to be received and disposed of as part of this consent.

Waste products not permitted to be received or disposed of on the site as part of this consent include the following:

- ***Single bulk loads of plastics, glass, paper & paper products and metal; and***
- ***Treated timbers and products containing asbestos.***

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

8.13 Bland Shire Local Weed Management Plan

Recommendation:

22102021 RESOLVED on the motion of Cr Baker seconded Cr Thomas that the Bland Shire Local Weed Management Plan draft be adopted.

CARRIED Unanimously

Section 4 – Reports for Information

Recommendation:

23102021 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that the following reports, provided for information only, be received and noted.

- **8.14 - Economic Development & Tourism Report – October 2021**
- **8.15 - Community Services Report**
- **8.16 - Bland Shire Library Monthly Update**
- **8.17 - Children Services July Update**
- **8.18 - Bland Community Care Services Update**
- **8.19 - Technical Services Report**
- **8.20 - Development Services Activity Report – September 2021**

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

9.1 **DA2021/0034 – Extractive Industry - Opinion Sought from EPA regarding Development Application – Clear Ridge Quarry (Councillor McGlynn)**

At this this stage, 8.26pm, the Mayor vacated the Chair and left the meeting having declared an interest in the matter and Deputy Mayor Crowe took the Chair.

Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Keatley to seek a review and comments from the Environmental Planning Authority re the conditions of consent relating to the compliance of applicants who have previously had serious conviction against them for noncompliance in the Land and Environment Court.

On being put to the vote the motion was LOST 3/4 (Crs Keatley, McGlynn, Wyse voting for and Crs Baker, Crowe, Lord, Thomas voting against)

The Mayor then returned to the meeting at 8.38pm and resumed the Chair.
Cr Thomas left the meeting at this time.

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

At this stage, 8.40pm Cr Thomas returned to the meeting.

Recommendation:

24102021 RESOLVED on the motion of Cr Crowe seconded Cr Baker that the following report on Delegation of Mayoral Powers during the 2021 Election Period be deemed as urgent and therefore dealt with at this meeting.

CARRIED Unanimously

9.2 Delegation of Mayoral Powers during the 2021 Election Period

Recommendation:

25102021 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that Council delegate the existing Powers of the Mayor, under S.377 of the LG Act 1993 to the outgoing Mayor for the period 4 December 2021 to 11 January 2022.

CARRIED Unanimously

10.0 CONFIDENTIAL MATTERS

Recommendation:

26102021 RESOLVED on the motion of Cr Wyse 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 8.43pm.

Recommendation:

32102021 RESOLVED on the motion of Cr Keatley seconded Cr Thomas that Council move out of closed Council and into open Council.

CARRIED Unanimously

The meeting then resumed at 9.04pm.

10.1 Proposed Sale of the Former Museum Property – 16 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:

27102021 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas:

1. That Council formerly resolve to agree to the sale of 16 Main Street, West Wyalong, in the amount of \$115,000.00;
2. That the Mayor and General Manager be delegated authority to execute all of the associated legal documentation;
3. That the disbursement of the sale proceeds be in accordance with the details provided in this report; and
4. That Kim Quade be formally thanked for her personal efforts in finalising this matter.

CARRIED Unanimously

10.2 Residential Development Opportunity

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:

28102021 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Council refer this matter regarding a residential development opportunity to the newly elected Council in early 2022.

CARRIED Unanimously

10.3 West Wyalong Community Theatre – Contract Details – October 2021

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:

29102021 RESOLVED on the motion of Cr Crowe seconded Cr Lord that further determination of this matter be made at the October Council Meeting.

CARRIED Unanimously

Recommendation:

30102021 RESOLVED on the motion of Cr Lord seconded Cr Wyse that no further action be taken on the West Wyalong Community Theatre – Contract Details matter.

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

10.4 Emergency Services Levy – Rural Fire Service Component

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:

31102021 RESOLVED on the motion of Cr Lord seconded Cr Baker that Council pay the debt on the basis that the issue of RFS Assets can be dealt with separately.

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

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 9.05pm.

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Chairperson
Mayor Brian Monaghan