

**Bland Shire Council**  
**Minutes**  
**Ordinary Council Meeting**  
**21 September 2021**

# 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 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  
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  
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 24 August 2021**

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

#### **Recommendation:**

**01092021 RESOLVED** on the motion of Cr Thomas seconded Cr Keatley that the minutes of the Ordinary Council meeting held on 24 August 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	8.7 – Review of Determination DA2021/0034 – Extractive Industry	Non-Pecuniary	Left meeting

#### 5.0 PRESENTATION(S) AND PUBLIC FORUM

##### 5.1 Mr Bradley Staniforth

Mr Staniforth thanked Council for the opportunity and spoke against item 8.7. He questioned a number of aspects of the development including no identified market for the product and the lack of information and funds for environmental impacts and reclamation works. In closing Mr Staniforth stated that the development was speculative and a duplication of product already available locally.

##### 5.2 Mr Charlie Boyd

Mr Boyd addressed Council in support of the proposed quarry in item 8.7. He stated that he is aware of the proposed development conditions and restrictions however expressed concerns with the application of condition 15 and the 30 movements per week. Mr Boyd acknowledged the increased heavy vehicle movements during the harvest period and suggested the possible application of limited movements during this time only.

##### 5.3 Ms Louise Cauchi

Ms Cauchi addressed Council in support of the proposed quarry in item 8.7. She advised that the proposed condition 15 and the 30 movements per week is not feasible and operationally would depend on the opportunities to supply. Ms Cauchi requested that condition 15 be adjusted and deleted.

#### 6.0 MAYORAL MINUTE(S)

Nil

#### 7.0 REPORTS OF COMMITTEES

##### Recommendation:

**02092021 RESOLVED** on the motion of Cr Thomas seconded Cr Wyse 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 LGNSW – Election of Office Bearers and Board of Directors

#### Recommendation:

**03092021 RESOLVED** on the motion of Cr Baker seconded Cr Wyse that the report relating to the LGNSW 2021 Election of Office Bearers and Board of Directors is received and noted as there are no councillors wishing to nominate for one of these positions.

**CARRIED** Unanimously

### 8.2 LGNSW – 2021 Annual Conference – Voting Delegates

#### Recommendation:

**04092021 RESOLVED** on the motion of Cr Wyse seconded Cr Crowe that Council confirm that its voting delegate to the LGNSW 2021 Conference is the Mayor of the day being Councillor Brian Monaghan.

**CARRIED** Unanimously

### 8.3 Service NSW for Business

#### Recommendation:

**05092021 RESOLVED** on the motion of Cr Thomas seconded Cr Keatley:

1. That Council delegates authority to the General Manager to enter into an agreement with Service NSW; and
2. That any necessary documents be authorised for execution under the Common Seal of Council.

**CARRIED** Unanimously

## Section 2 – Corporate & Community Services

#### **8.4 Finance and Investment Report for August 2021**

**Recommendation:**

**06092021 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 August 2021**
- 2. That Council confirms the payment of accounts, for the period 01 August to 31 August 2021, summarised in the accounts summary totalling \$1,711,866.14**

**CARRIED** Unanimously

#### **8.5 Adoption of Council Policies**

**Recommendation:**

**07092021 RESOLVED** on the motion of Cr Thomas seconded Cr Baker:

- 1. That Bland Shire Council adopts the Information Guide, Access to Information and Internal Reporting Policies.**
- 2. That should there be comment forthcoming from the Information and Privacy Commissioner that any amendments be included when the Guide is next reviewed.**

**CARRIED** Unanimously

### **Section 3 – Technical Services**

#### **8.6 Local Heritage Assistance Funding – 23 Court Street, West Wyalong**

**Recommendation:**

**08092021 RESOLVED** on the motion of Cr McGlynn seconded Cr Thomas that Council approve funding of \$7000.00 to the Presbyterian Church, West Wyalong towards Phase 2 works to the Church at 23 Court Street, West Wyalong.

**CARRIED** Unanimously

At this stage 6.57pm, the Mayor vacated the Chair and left the meeting having declared an interest in the matter. The Deputy Mayor took the Chair.

## 8.7 Review of Determination of DA2021/0034 – Extractive Industry

### Recommendation:

**09092021 RESOLVED** on the motion of Cr Thomas seconded Cr Keatley that the Section 8.2 Application for review of DA2021/0034, seeking approval for an extractive industry be **APPROVED** subject to the attached recommended conditions with the exception of condition 15 which is to be deleted and conditions 26, 27 and 28 as they are duplicated.

**CARRIED** 5/4 on the casting vote of the Acting Mayor (Crs Baker, Crowe, Lord, Thomas voting for and Crs English, Keatley, McGlynn, Wyse voting against)

### Recommendation:

**10092021 RESOLVED** on the motion of Cr Lord seconded Cr Wyse that the speed limit for the section of Clear Ridge Road from the West Wyalong Cemetery to Neeld Street be reduced to 60km per hour.

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

At this stage 7.19pm, Mayor Monaghan returned to the meeting and resumed the Chair.

## 8.8 Modification of DA/2007/083 – Waste Disposal Facility

### Recommendation:

**PROPOSED** on the motion of Cr Thomas seconded Cr Keatley 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.***

**On being put to the vote the motion was LOST 7/2** (Crs Keatley and Thomas voting for and Crs Baker, Crowe, English, Lord, McGlynn, Monaghan and Wyse voting against)

## Section 4 – Reports for Information

### Recommendation:

**11092021 RESOLVED** on the motion of Cr Baker seconded Cr Crowe that the following reports, provided for information only, be received and noted:

- **8.9 - Economic Development & Tourism Report –September 2021**
- **8.10 - Community Services Report**
- **8.11 - Bland Shire Library Monthly Update**
- **8.12 - Children Services July Update**
- **8.13 - Bland Community Care Services Update**
- **8.14 - Technical Services Report**
- **8.15 - Development Services Activity Report – August 2021**

**CARRIED** Unanimously

### 9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

#### 9.1 Council's Road Network (Councillor McGlynn)

### Recommendation:

**12092021 RESOLVED** on the motion of Cr McGlynn seconded Cr Keatley that a policy be developed, with very clear guidelines, in relation to the following:

- **The acceptance of financial contributions from ratepayers towards the maintenance and upgrade of Council's road network;**
- **The acceptance of any form of in-kind assistance from ratepayers towards the maintenance and upgrade of Council's road network;**
- **Council's responsibilities where the undertaking of private works, by ratepayers, has a direct effect on the integrity of Council's road network**

**CARRIED** Unanimously

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

### Recommendation:

**13092021 RESOLVED** on the motion of Cr Lord seconded Cr Wyse that the following report on Draft Council Financial Statements 2020/21 – Referral for Audit be deemed as urgent and therefore dealt with at this meeting.

**CARRIED** Unanimously

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

### Recommendation:

**14092021 RESOLVED** on the motion of Cr Thomas seconded Cr Baker:

1. That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared the General Purpose Financial Statements for the 2020/21 financial year ending 30 June 2021 and has formed an opinion, based on the advice of Council officers, that these reports;
  - (a) Have been prepared in accordance with;
    - (i) The Local Government Act 1993 (as amended) and the Regulations made thereunder;
    - (ii) The Australian Accounting Standards and professional pronouncements; and
    - (iii) The Local Government Code of Accounting Practice and Financial Reporting.
  - (b) Present fairly the operating result and financial position of the Bland Shire Council for the year ended 30 June 2021; and
  - (c) Accords with Council's accounting and other records and policies.
2. That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
3. That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer, in accordance with Section 413(2)(c) of the Local Government Act.
3. That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2021 be referred for audit.

**CARRIED** Unanimously

**10.0 CONFIDENTIAL MATTERS**

Nil

**11.0 CONCLUSION OF THE MEETING**

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

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Chairperson  
Mayor Brian Monaghan

CONFIRMED