

Bland Shire Council
Minutes
Ordinary Council Meeting
18 August 2020

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
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 21 July 2020

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

Recommendation:

01082020 RESOLVED on the motion of Cr Wyse seconded Cr Keatley that the minutes of the Ordinary Council meeting held on 21 July 2020 be confirmed as a correct record of proceedings.

CARRIED Unanimously

4.0 DISCLOSURES OF INTERESTS

Nil

5.0 PRESENTATION(S) AND PUBLIC FORUM

Nil

6.0 MAYORAL MINUTE(S)

Nil

7.0 REPORTS OF COMMITTEES

Recommendation:

02082020 RESOLVED on the motion of Cr English seconded Cr Baker 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 provided an overview of the recent meeting held via teleconference. It was noted that works are continuing on overtaking lanes, flood study and heavy duty pavement. The Parkes Bypass is currently at the design stage with works expected to be completed in 2023.

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 LGNSW Annual Conference 2020 – Confirmation of Attendees

Recommendation:

03082020 RESOLVED on the motion of Cr Lord seconded Cr Baker:

- 1. That council identifies the four (4) representatives to attend the LGNSW Annual Conference being held in the Hunter valley from 22-24 November 2020:**
- 2. That the Mayor of the day be nominated as Council's voting delegate: and**
- 3. That consideration of the submission of any Conference Motions be listed for discussion at the September Council Workshop.**

CARRIED Unanimously

Expressions of interest to attend the conference were received from Crs Baker and Lord.

8.2 West Wyalong Community Theatre – Progress Report – August 2020

Recommendation:

04082020 RESOLVED on the motion of Cr Baker seconded Cr Keatley:

- 1. That the progress report, as at August 2020, on the Community Theatre project is received and noted; and that the General Manager continue to keep councillors informed of the progress of this project;**
- 2. That a formal request be submitted to the NSW State Government for an extension of the current Funding Agreement for the project to 31 January 2021; and**
- 3. That consideration of the Tenders for Stage 2 of this project be considered in the confidential section of tonight's Business Paper.**

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.3 Finance and Investment Report for July 2020

Recommendation:

05082020 RESOLVED on the motion of Cr Baker seconded Cr Wyse:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of July 2020
2. That Council confirms the payment of accounts, for the period 01 July to 31 July 2020, summarised in the accounts summary totalling \$2,047,004.77.

CARRIED Unanimously

8.4 Appointment of Designated Persons and Annual Disclosure

Recommendation:

06082020 RESOLVED on the motion of Cr Keatley seconded Cr Lord that:

1. The staff and delegates who occupied the positions below be formally declared Designated Persons by Council in accordance with Clause 4.8c of the Bland Shire Council Code of Conduct and be required to lodge Disclosure of Interests Returns to the General Manager by 30 September 2020 for the financial year 1 July 2019 to 30 June 2020:
 - Manager Customer and Financial Services
 - Engineer Services Manager
 - Manager Development & Regulatory Services
 - Building & Environmental Health Surveyor
2. In accordance with Section 440(2a) of the Local Government Act that those people who are Independent members of the Audit, Risk and Improvement Committee also be included as Designated Persons.
3. In accordance with the Government Information (Public Access) Act 2009, a list of all Councillor and Designated Persons Disclosure of Interest Returns received be included as part of Council's Open Access Information and made available subject to the Public Interest Test and Section 730 of the Local Government Act 1993.

CARRIED Unanimously

8.5 2019/20 Progress Report Combined Delivery Program & Operational Plan

Recommendation:

07082020 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council notes the progress in relation to the Bland Shire Council Delivery Program (2017-2022) and Operational Plan (2019/2020) for the period from 1 July 2019 to 30 June 2020.

CARRIED Unanimously

8.6 Updated Bland Shire Council Information Guide and Access to Information Policy

Recommendation:

08082020 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Bland Shire Council adopts the Information Guide 2020 and the Access to Information Policy.

CARRIED Unanimously

8.7 Children Services Unit – Bland Preschool Operational Hours

Recommendation:

09082020 RESOLVED on the motion of Cr Lord seconded Cr Wyse that Bland Shire Council adopt the altered hours of operation for Bland Preschool of 08:30 to 16:00 and Bland Preschool classroom staff be rostered to accommodate these new hours which will commence in Term 1 2021.

CARRIED Unanimously

8.8 Riverina Regional Library Biannual Report and 2020/21 Library Subsidy Payment

Recommendation:

10082020 RESOLVED on the motion of Cr Lord seconded Cr Wyse that Council notes for information the Riverina Regional Library's January-June 2020 Biannual Report and the announcement of the 2020/21 NSW Public Library Funding Strategy.

CARRIED Unanimously

Section 3 – Reports for Information

Recommendation:

11082020 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that the following reports, provided for information only, be received and noted.

- **8.9 – Economic Development and Tourism**
- **8.10 - Community Services Report**
- **8.11 - Bland Shire Library Monthly Update**
- **8.12 - Children’s Services Monthly Update**
- **8.13 - Bland Community Care Services Update**
- **8.14 - Assets & Engineering Services Report**
- **8.15 - Development Services Activity Report**

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

10.0 CONFIDENTIAL MATTERS

Recommendation:

12082020 RESOLVED on the motion of Cr Wyse seconded Cr English 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 7.11pm.

Recommendation:

16082020 RESOLVED on the motion of Cr McGlynn seconded Cr English that Council move out of closed Council and into open Council.

CARRIED Unanimously

The meeting then resumed at 7.37pm.

10.1 West Wyalong Community Theatre – Stage 2 Tenders

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:

13082020 RESOLVED on the motion of Cr Crowe seconded Cr Baker that council confirm its choice of tenderer to undertake the Stage 2 works of the Community Theatre project.

CARRIED 8/1 (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Wyse and Monaghan voting for and Cr Thomas voting against)

Recommendation:

14082020 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that council accepts the tender from Adaptive Interiors to undertake the Stage 2 works of the Community Theatre project for the tendered amount of \$999,850.00 (GST exclusive).

CARRIED 8/1 (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Wyse and Monaghan voting for and Cr Thomas voting against)

Recommendation:

15082020 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that council commit the balance of the costs of this project from the Community Facilities Reserve.

CARRIED 8/1 (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Wyse and Monaghan voting for and Cr Thomas voting against)

Recommendation:

16082020 RESOLVED on the motion of Cr McGlynn seconded Cr English that Council move out of closed Council and into open Council.

CARRIED Unanimously

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7.38pm.

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Chairperson