



BLAND SHIRE COUNCIL
west wyalong

Bland Shire Council

Minutes

Ordinary Council Meeting

17 December 2019

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 |

17 December 2019

commencing at 6:32PM

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 6.32pm.

2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2.1 Attendance

Councillors

Cr Bruce Baker
Cr Penny English
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Cr Brian Monaghan
Cr Murray Thomas (arrived 6.47pm)

Staff

General Manager – Ray Smith
Director Asset, Engineering & Regulatory Services – Will Marsh
Director Corporate & Community Services – Alison Balind
Executive Assistant – Julie Sharpe

2.2 Apologies

Cr Rodney Crowe
Cr Jan Wyse

Recommendation:

01122019 RESOLVED on the motion of Cr Lord seconded Cr Keatley that the apologies submitted by Crs Crowe and Wyse be accepted.

CARRIED Unanimously

2.3 Applications for a leave of absence by Councillors

Recommendation:

02122019 RESOLVED on the motion of Cr Lord seconded Cr Keatley that the requests from Crs Crowe and Wyse for leave of absence be granted.

CARRIED Unanimously

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 19 November 2019

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

Recommendation:

03122019 RESOLVED on the motion of Cr Keatley seconded Cr Baker that the minutes of the Ordinary Council meeting held on 19 November 2019 be confirmed as a correct record of proceedings.

CARRIED Unanimously

4.0 DISCLOSURES OF INTERESTS

Nil

5.0 PRESENTATION(S) AND PUBLIC FORUM

5.1 Mrs Jill Funnell, Business West Wyalong

Mrs Funnell addressed Council to convey thanks to Council for support provided to the family Christmas carnival held in Main Street on December 6. It was noted that crowds appeared larger than previous year. Mrs Funnell expressed thanks and appreciation to Council's administration and outdoor staff for their assistance. A minor issue with the location of a particular ride and access to power was encountered. In closing Mrs Funnell expressed her appreciation on behalf of Business West Wyalong for the support of the public and Council.

6.0 MAYORAL MINUTE(S)

6.1 Light Up Bland Shire Christmas Competition

The Mayor advised that Council has been putting out a Christmas Lights drive every year and this year included a competition. The map was release during the Business West Wyalong Christmas Carnival on 6 December 2019 which also included a free bus trip for the community to view the lights. Entrant's homes and businesses have been transformed into magical displays incorporating many festive lights, reindeers, candy canes and Santa Claus riding his sleigh. The entrants have put a huge amount of time and effort into their displays and to bring a great deal of excitement and happiness to residents and visitors alike.

Thanks to all participants for registering and congratulations to all entrants for bringing extra sparkle and Christmas cheer to the Bland Shire.

The 2019 Light Up Bland Shire Christmas Competition winners were announced:

- Bland Shire Best Residential Christmas Light Display: 186 Railway Road, West Wyalong
- Bland Shire Best Business Christmas Light Display: Cameo Inn, West Wyalong
- Bland Shire Judges Choice Winner: 36 Old Hospital Road, West Wyalong
- Outstanding Achievement, Commercial Christmas Lights Display: 62 Queen Street, Barmedman
- Outstanding Christmas Spirit Christmas Lights Display: West Wyalong Police Station

6.2 2019 Year in Review

The Mayor acknowledged the support of Councillors and staff throughout the year and thanked them for their efforts. Listed are some of the activities undertaken:

- Australia Day ceremonies including movie night on the Mirrool Silo (January)
- Seniors Week (February)
- Rough-O-Meter Upgrade (roads) (February)
- Stronger Communities Funding Round 1 (Holland Park Pool heating, Cinema, Ungarie Tennis Courts) (February)
- Stronger Communities Funding Round 2 (Barmedman Pool Upgrade, Coinda Park Rejuvenation, West Wyalong Rugby Club and Rodeo power and lights, Kikiora Hall amenities) (February)
- Drought Communities Program with projects for every village and town (March)
- 125 year Celebrations (March)
- Royal Far West Ride for Country Kids to Weethalle and Ungarie (April)
- Visual Merchandising Workshop for Businesses (April)
- 71st National Model Airplane competition (May)
- Bland Shire Library Biggest Morning Tea (May)
- Weethalle Music Festival (May)
- Free Tip Day (May)
- Mayoral Reception (May)
- Funding from NSW Public Libraries for upgrading Bland Shire Library (May)
- Colour Rush and Bust the Dust (June)
- Beatles night (June)
- Defibrillators installed at Ungarie and Tallimba (July)
- Chainsaw Carving McCann Park (August)
- Faulty Towers Dining Experience (September)
- Refurbishment of the Visitors Centre (September)
- Mirrool and West Wyalong Murals (October)

- LGNSW Annual Conference (October)
- Business West Wyalong Awards Night (October)
- Stronger communities funding - lights at the Poppet Head (October)
- Children Services Unit Family Movie Night (October)
- Bland Shire Community Forums (October)
- Why Leave Town Gift Card Promotions (November)
- Art Trail through Weethalle, Narrandera, Lockhart and Leeton (November)
- Successful meeting with the NSW Minister for Health (December)
- International Day of People with Disability Celebrations (December)
- Business West Wyalong Street Carnival (December)
- 6m Christmas Tree McCann Park (December)
- West Wyalong Pool Party and Ungarie Pool Party (December)
- Bland Shire Library Kids programs, Adult Programs and Author visits (all year)
- Bland Shire Youth Programs in all villages (all year)
- Bland Shire School Holiday Programs (all year)
- Citizenship Ceremonies (all year)
- Community Reference Group Meetings (all year)
- Meet the Mayor (Monthly)
- Financial assistance to various groups and organisations (all year)
- Several visits from MPs Michael McCormack and Steph Cooke (all year)
- Regular meetings with MLHD (all year)
- Regular meetings with Evolution Mining (all year)
- Flood damage repairs to Council's road network (all year)

7.0 REPORTS OF COMMITTEES

Recommendation:

04122019 RESOLVED on the motion of Cr Keatley seconded Cr English that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED Unanimously

7.1 REROC

Cr Lord queried the Regional Freight Transport Plan and any consideration given to alignment with the Newell Highway Strategy. GM to provide a copy of the plan.

Cr Lord queried progress with the Southern Lights Project. GM advised that State Government Funding has been secured and a report will be presented to the February 2020 Council meeting.

7.2 Community Reference Group

Cr English queried the decline in attendance from the community. It was agreed to increase promotion of the meeting and distribution of the agenda.

7.3 Goldenfields Water County Council

GM queried discussions at the recent GWCC meeting in relation to Council's request for artworks on the Wyalong Water Tower. Cr McGlynn advised that the Board have requested a draft policy be prepared for further consideration at their February meeting.

At this stage, 6.47pm Cr Thomas arrived.

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 Release of Information and Privacy Commission (IPC) Guidelines – Returns of Interest

Recommendation:

05122019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that council await the outcome of further deliberations on this matter before reviewing its own position as to the release of the information contained in the Disclosure of Interests by designated persons.

CARRIED Unanimously

8.2 West Wyalong Community Theatre – Progress Report – December 2019

Recommendation:

06122019 RESOLVED on the motion of Cr Keatley seconded Cr McGlynn that:

1. That the progress report, as at December 2019, on the Community Theatre project is received and noted; and
2. That further consideration of this project be undertaken in the confidential section of this Business Paper.

CARRIED Unanimously

8.3 Australia Day Awards Committee

Recommendation:

07122019 RESOLVED on the motion of Cr Baker seconded Cr English that the minutes of the Australia Day Awards Committee meeting on 3 December 2019, including recommendations for the recipients of the 2020 Australia Day awards, be adopted by Council.

CARRIED Unanimously

8.4 Utilisation of Local Bill Boards for Promotion of the Bland Shire

Recommendation:

08122019 RESOLVED on the motion of Cr McGlynn seconded Cr Lord that:

- 1. That Council determines the design for the initial two billboard posters; and**
- 2. That Council lists for consideration at the 2020/2021 budget preparation an annual allocation of \$2,000.00 to meet the cost of new billboard designs each 12 months consisting of prominent features within the Bland Shire.**

CARRIED Unanimously

Recommendation:

09122019 RESOLVED on the motion of Cr English seconded Cr McGlynn that the design featuring the General Manager and Shire entry sign be used for the initial two billboard posters.

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.5 Financial Statements – November 2019

Recommendation:

10122019 RESOLVED on the motion of Cr Baker seconded Cr Keatley that:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of November, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 November to 30 November 2019, summarised in the accounts summary totalling \$2,576,701.27.**

CARRIED Unanimously

8.6 Renew Our Libraries Phase Two

Recommendation:

11122019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that:

1. That Council make representation to the Member for Cootamundra, Ms Steph Cooke, in relation to the need for a sustainable state funding model for the ongoing provision of public library services.
2. That Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.
3. That Council take a leading role in lobbying for sustainable state government funding for libraries.
4. That Council endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

CARRIED Unanimously

8.7 Draft Legislative Compliance Policy

Recommendation:

12122019 RESOLVED on the motion of Cr Baker seconded Cr Lord that Council;

1. Endorse the Legislative Compliance Policy to be placed on public exhibition calling for submissions for a period of 28 days from the resumption of operations on January 6 2020;
2. Should any submissions be received that propose changes, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption; and
3. Should there be no submissions received proposing changes as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Legislative Compliance Policy.

CARRIED Unanimously

8.8 Code Of Conduct Complaint Statistics

Recommendation:

13122019 RESOLVED on the motion of Cr Keatley seconded Cr McGlynn that notes for information the Code of Conduct Complaints Report for the period 1 September 2018 - 31 August 2019.

CARRIED Unanimously

Section 3 – Reports for Information

Recommendation:

14122019 RESOLVED on the motion of Cr Keatley seconded Cr English that the following reports, provided for information only, be received and noted.

- **8.9 - Economic Development & Tourism Report – December 2019**
- **8.10 - Community Services Report**
- **8.11 - Bland Shire Library Monthly Update**
- **8.12 - Children’s Services Monthly Update**
- **8.13 - Assets & Engineering Services Report**
- **8.14 - Development Services Activity Report – November 2019**

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

9.1 Bland-Temora RFS Zone – Headquarters (Crs Baker & McGlynn)

Recommendation:

15122019 RESOLVED on the motion of Cr Baker seconded Cr McGlynn that Council make formal representations to the Minister responsible for the operations of the NSW Rural Fire Service to have the Bland-Temora RFS Zone headquarters transferred to West Wyalong.

CARRIED Unanimously

9.2 Shop Local Campaign (Cr McGlynn)

Recommendation:

16122019 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that Council makes a concerted effort to shop locally for all goods and services for the duration of the current drought.

CARRIED Unanimously

10.0 CONFIDENTIAL MATTERS

Recommendation:

17122019 RESOLVED on the motion of Cr McGlynn 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 7.22pm.

Recommendation:

20122019 RESOLVED on the motion of Cr English seconded Cr Thomas that Council move out of closed Council and into open Council.

CARRIED Unanimously

The meeting then resumed at 7.34pm.

10.1 Lease of Council Owned Land for Business Expansion

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:

18122019 RESOLVED on the motion of Cr Lord seconded Cr Baker:

- 1. That Council agrees to enter into a lease of Lot 3 DP1101248 for a term of three (3) years with the proprietors of Renrow Steel Pty Ltd with an option to purchase within that three (3) year period or at the termination of the lease OR an option for a further two (2) year lease with an option to purchase within extended two (2) years or at the termination of the extended lease.**
- 2. That the purchase price of the land be at market value at the time and the value of any services provided to the land by Council in that three-year period;**
- 3. That the Mayor and General Manager be delegated authority to execute the necessary legal documentation.**

CARRIED Unanimously

10.2 West Wyalong Community Theatre – Consideration of First Stage 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 council is conducting (or proposes to conduct) business.

Recommendation:

19122019 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Council accepts the Daniher tender and the General Manager be delegated authority to enter into a contract subject to confirming the scope of works, a firm tender price including unit rates and appropriate timeframes.

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