



**BLAND SHIRE COUNCIL**  
*west wyalong*

# **Bland Shire Council**

## **Minutes**

### **Ordinary Council Meeting**

**19 November 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**

- 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>

**19 November 2019**  
**commencing at 6:33PM**

---

## **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  
Cr Brian Monaghan  
Cr Murray Thomas  
Cr Jan Wyse

#### **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 Penny English

#### **Recommendation:**

**01112019 RESOLVED** on the motion of Cr Keatley seconded Cr Wyse 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 22 October 2019

- **Corrections** - Nil
- **Business Arising** – Cr Thomas expressed his concern that comments in relation to the failure of the grants reports to meet his requirements had not been recorded in the minutes.
- **Confirmation**

**Recommendation:**

**02112019 RESOLVED** on the motion of Cr Baker seconded Cr Keatley that the minutes of the Ordinary Council meeting held on 22 October 2019 be confirmed as a correct record of proceedings.

**CARRIED** (Unanimously)

### 4.0 DISCLOSURES OF INTERESTS

<b>Councillor/ Officer</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>How Managed</b>
Cr McGlynn	8.6 – Strengthening Communities – West Wyalong Hospital Auxiliary	Non-Pecuniary	Verbal Disclosure

### 5.0 PRESENTATION(S) AND PUBLIC FORUM

#### 5.1 Audit Presentation – Mr Brad Bohun, Crowe

At this stage, 6.44pm the Mayor welcomed Mr Bohun and invited him to address Council. Mr Bohun provided an overview of the 2018/19 General Purpose Financial Statements and audit report as presented within the Annual Report. He acknowledged the efforts of Council staff in meeting the requirements and achieving the positive results.

The Mayor thanked Mr Bohun for his presentation and the Council conveyed their congratulations to Ms Leesa Bryant and the Finance team.

At this stage, 6.58pm, Mr Bohun and Ms Bryant left the meeting.

### 6.0 MAYORAL MINUTE(S)

Nil

## 7.0 REPORTS OF COMMITTEES

### Recommendation:

**03112019 RESOLVED on the motion of Cr McGlynn 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 Goldenfields Water County Council

Cr McGlynn advised that she attended the recent meeting and the minutes are included in the business paper.

Cr Thomas queried the capital expenditure item for pressure tests.

Cr Baker queried the head works charges.

Cr McGlynn took the matters on notice.

### 7.2 Newell Highway Taskforce

Cr Lord advised that he attended the recent meeting and minutes are yet to be provided. A copy of the Newell Highway Corridor Strategy document was tabled for information. He provided an overview of matters discussed including expenditure commitments, overtaking lanes, RMS and Transport NSW restructure, inland rail and the Parkes bypass project.

### 7.3 REROC

The minutes of the REROC meeting held in August were provided for information.

Cr Thomas queried progress with the Southern Lights project. GM advised that cost estimates for individual councils are expected from Essential Energy and will be provided to Council for consideration.

### 7.4 NSW Association of Mining & Energy Related Councils

Cr McGlynn advised that she was unable to attend the recent meeting. Cr Lord queried submissions in relation to Resources for Regions. GM advised that Council will lodge a submission.

Cr McGlynn requested Council seek the views from both sides of Government on the matter.

Cr Thomas queried the Resources for Regions grant funding. GM advised that the program has been suspended.

## 8.0 REPORTS TO COUNCIL

### Section 1 - Office of the General Manager

#### 8.1 Annual Report 2018/19

**Recommendation:**

**04112019 RESOLVED** on the motion of Cr Crowe seconded Cr Keatley that Council receives and notes the Annual Report, including audited financial statements, for the year 2018/19.

**CARRIED** (Unanimously)

Cr Lord noted there is a date discrepancy in relation to the presentation of the statements.

#### 8.2 Proposed Sale of the Southern Phone Company Limited

**Recommendation:**

**05112019 RESOLVED** on the motion of Cr McGlynn seconded Cr Wyse:

1. That Council, as a legal shareholder, resolves to enter into a Share Sale Agreement for the sale of the Southern Phone Company Limited to AGL Energy Limited;
2. That the Mayor and General Manager be delegated authority to execute the necessary documentation relating to this transaction;
3. That upon receipt of all funds arising from this transaction that the full amount be placed in the Community Facilities Reserve for future determination by Council; and
4. That, pending the successful sale, a letter of be forwarded to the Board and CEO of the Southern Phone Company Limited congratulating them on this outstanding result for the Bland Shire community.

**CARRIED** (Unanimously)

### 8.3 West Wyalong Community Theatre – Progress Report – November 2019

**Recommendation:**

**PROPOSED on the motion of Cr McGlynn seconded Cr Wyse:**

1. That the progress report, as at November 2019, on the Community Theatre project is received and noted; and
2. That further consideration of this project be undertaken when all of the necessary information has been made available.

**AMENDMENT PROPOSED on the motion of Cr Lord seconded Cr Crowe:**

1. That the progress report, as at November 2019, on the Community Theatre project is received and noted; and
2. That this project be progressed as a matter of urgency taking into consideration the best value costings and works to complete the project.

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

**06112019 RESOLVED on the motion of Cr Lord seconded Cr Crowe:**

1. That the progress report, as at November 2019, on the Community Theatre project is received and noted; and
2. That this project be progressed as a matter of urgency taking into consideration the best value costings and works to complete the project.

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

### 8.4 Resignation of the Road Safety Officer

**Recommendation:**

**07112019 RESOLVED on the motion of Cr Lord seconded Cr Keatley:**

1. That the information relating to the resignation of the current Road Safety Officer is received and noted; and
2. That a letter be forwarded to the Minister for Transport seeking a review of the current protocols governing the position of Road Safety Officers across the State to ensure the effective delivery of the State's various road safety campaigns.

**CARRIED** (Unanimously)

#### **8.5 Strengthening Communities – West Wyalong Town Band**

**Recommendation:**

**08112019 RESOLVED** on the motion of Cr Crowe seconded Cr Lord that Bland Shire Council approves a Strengthening Communities grant of \$2000 to the West Wyalong Town Band.

**CARRIED** (Unanimously)

#### **8.6 Strengthening Communities – West Wyalong Hospital Auxiliary**

**Recommendation:**

**09112019 RESOLVED** on the motion of Cr Thomas seconded Cr Baker that Bland Shire Council approves a Strengthening Communities grant of \$750 to the West Wyalong Hospital Auxiliary.

**CARRIED** (Unanimously)

## **Section 2 – Corporate & Community Services**

#### **8.7 Financial Statements – October 2019**

**Recommendation:**

**10112019 RESOLVED** on the motion of Cr Baker seconded Cr Thomas:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of October, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 October to 31 October 2019, summarised in the accounts summary totalling \$2,999,277.69.**

**CARRIED** (Unanimously)

#### **8.8 Budget Review – September 2019**

**Recommendation:**

**11112019 RESOLVED** on the motion of Cr Thomas seconded Cr McGlynn:

- 1. That the Officers Report be received and noted.**
- 2 That the Council endorses the Statement acknowledging the financial position is considered satisfactory.**

**CARRIED** (Unanimously)

## **8.9 Risk Management and Internal Audit Framework Discussion Paper**

### **Recommendation:**

**12112019 RESOLVED** on the motion of Cr Lord seconded Cr Wyse that Bland Shire Council:

- 1. Prepare commentary on the “A New Risk Management and Internal Audit Framework for Local Councils in NSW – Discussion Paper” and circulate such commentary to Councillors before its submission prior to 31 December 2019.**
- 2. Pursue options for a shared internal audit arrangement with another Council or through a joint Committee established on a regional basis.**

**CARRIED** (Unanimously)

## **Section 3 – Reports for Information**

### **Recommendation:**

**13112019 RESOLVED** on the motion of Cr Lord seconded Cr Crowe that the following reports, provided for information only, be received and noted.

- **8.10 - Economic Development & Tourism Report – November 2019**
- **8.11 - Community Services Report**
- **8.12 - Bland Shire Library Monthly Update**
- **8.13 - Children Services Unit Report October 2019**
- **8.14 - Assets & Engineering Services Report**
- **8.15 - Development Services Activity Report – October 2019**

**CARRIED** (Unanimously)

## 9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

### 9.1 Allocation of Matching Funds for Grant Applications

**Recommendation:**

**14112019 RESOLVED** on the motion of Cr Lord seconded Cr Thomas that:

1. That Council allocate in its budget \$500,000 from the Community Facilities Reserve as funds available to be used for matching funds in grant applications throughout the year.
2. The projects applied for should be those with similar objectives to those for which the Community Facilities Reserves are used.

**CARRIED** (Unanimously)

### 9.2 Public Art Projects and Works – Budget Allocation

**Recommendation:**

**15112019 RESOLVED** on the motion of Cr Lord seconded Cr Wyse that Bland Shire Council allocate \$10,000 per annum in the budgets for each of the next five years for public art projects and works across the Shire.

**CARRIED** (Unanimously)

### 9.3 Disabled Shower – Holland Park Pool

**Recommendation:**

**PROPOSED** on the motion of Cr McGlynn seconded Cr Keatley that Council immediately build a disabled shower for women at Holland Park Pool.

**AMENDMENT PROPOSED** on the motion of Cr Thomas seconded Cr McGlynn that Council provide disabled shower facilities for women at Holland Park Pool taking into consideration the refurbishment of the existing amenities or the construction of additional facilities.

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

**16112019 RESOLVED** on the motion of Cr Thomas seconded Cr McGlynn that Council provide disabled shower facilities for women at Holland Park Pool taking into consideration the refurbishment of the existing amenities or the construction of additional facilities.

**CARRIED** (Unanimously)

**10.0 CONFIDENTIAL MATTERS**

**Recommendation:**

**17112019 RESOLVED** on the motion of Cr Thomas seconded Cr McGlynn 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 7.58pm.

**Recommendation:**

**19112019 RESOLVED** on the motion of Cr Crowe seconded Cr Baker that Council move out of closed Council and into open Council.

**CARRIED** (Unanimously)

The meeting then resumed at 8.01pm.

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

**Recommendation:**

**18112019 RESOLVED** on the motion of Cr Lord seconded Cr Thomas:

- 1. That Council agrees to enter into a lease of Lot 1134 DP753135 for a term of three (3) years with the proprietors of Mid-West Fabrication with an option to purchase within that three (3) year period or at the termination of the 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)

**11.0 CONCLUSION OF THE MEETING**

There being no further business the meeting then closed at 8.03pm.

.....  
Chairperson