

**Bland Shire Council**  
**Minutes**  
**Ordinary Council Meeting**  
**17 September 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>

## **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 Asset & Engineering Services – Will Marsh (arrived 6.34pm)  
Tourism & Administration Officer – Marina Uys

### **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 20 August 2019**

- **Corrections**

**Recommendation:**

**01092019 RESOLVED** on the motion of Cr Keatley seconded Cr English that the minutes of the Ordinary Council meeting held on 20 August 2019 be confirmed as a correct record of proceedings with the exception of minute no. 07082019 that should have been recorded as follows:

**07082019 RESOLVED** on the motion of Cr Lord Seconded Cr Wyse that Council not pay the increased NSW Emergency Levy for 2019/2020 until Council obtains further information from surrounding councils and the appropriate legal advice.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, Wyse and Monaghan voting for and Cr McGlynn voting against)

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

- **Business Arising – Nil**

#### **4.0 DISCLOSURES OF INTERESTS**

<b>Councillor/ Officer</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>How Managed</b>
Cr McGlynn	8.3 Stronger Country Communities Program – Round 3	Non-Pecuniary	Verbal Disclosure

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

Nil

#### **6.0 MAYORAL MINUTE(S)**

Nil

#### **7.0 REPORTS OF COMMITTEES**

**Recommendation:**

**02092019 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** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

## 8.0 REPORTS TO COUNCIL

### Section 1 - Office of the General Manager

#### 8.1 Southern Lights Project – Progress Update – September 2019

**Recommendation:**

**03082019 RESOLVED** on the motion of Cr Lord seconded Cr Wyse that:

1. the progress report on the Southern Lights Project is received and noted and that a further report be submitted to the October meeting of Council providing full financial details of Bland Shire Council's involvement in this project and
2. a letter be sent to the NSW Government seeking an explanation as to why only 17% of the Snowy Hydro 2 fund is being spent in rural NSW.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

#### 8.2 NSW Local Government General Elections 2020 - Release of the IPART Report on Election Costs

**Recommendation:**

**04082019 RESOLVED** on the motion of Cr Thomas seconded Cr Wyse that:

1. Pursuant to S. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the NSW Electoral Commissioner to administer the 2020 general elections of the Council;
2. Pursuant to S.296(2) and (3) of the Act, as applied and modified by S.18, that a council poll arrangement be entered into by contract for the NSW Electoral Commissioner to administer any council polls of the Council in 2020; and
3. Pursuant to S.296(2) and (3) of the Act as applied and modified by S.18, that a constitutional referendum arrangement be entered into by contract for the NSW Electoral Commissioner to administer any constitutional referenda of the Council in 2020.
4. A letter to be sent to the NSW opposition Minister for Local Government highlighting the ever increasing cost burden being placed on local councils by the State Government.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

### 8.3 Stronger Country Communities Program - Round 3

**Recommendation:**

**05092019 RESOLVED** on the motion of Cr Thomas seconded Cr English that the following projects be endorsed for submission of applications under Round 3 of the Stronger Country Communities Fund:

- Youth Resilience Project - \$50,000.00
- West Wyalong Outdoor Basketball Court Upgrade - \$214,000.00
- Dog Park for the Natural Heritage Reserve - \$68,000.00
- West Wyalong Skate Park Upgrade - \$151,220.00
- Purchase and Installation of Outdoor Fitness Equipment - \$110,000.00
- Green Corridor Refurbishment - \$183,600.00

**CARRIED** (Crs Crowe, English, Lord, Thomas, Monaghan and Wyse voting for and Crs Baker, Keatley and McGlynn against)

### 8.4 West Wyalong Community Theatre – Progress Update – September 2019

**Recommendation:**

**06092019 RESOLVED** on the motion of Cr Lord seconded Cr Baker that Council receives and notes the progress with the West Wyalong Community Theatre Project and that the General Manager continue to keep council informed of progress with this project.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

### 8.5 Review of the Financial Assistance Grants Paid to Councils

**Recommendation:**

**07082019 RESOLVED** on the motion of Cr Lord seconded Cr Baker that the information regarding the payment of the 2019/20 Financial Assistance Grants is received and noted.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

## 8.6 REROC Tender Process for the Supply of Electricity

### Recommendation:

**08092019 RESOLVED** on the motion of Cr Lord seconded Cr Wyse that Council:

- 1. Acknowledges that there are extenuating circumstances surrounding the procurement of electricity due to the 2-day validity of offers from electricity retailers where anything longer than this is likely to include a price risk component and as such Council should be excused from the tendering requirements under S55(3)(i) of the LG Act for the procurement of electricity for small tariff sites, large contract sites and street lighting which are due to commence on 1 January 2020;**
- 2. Delegate the authority to execute the contracts for the supply of electricity for small tariff sites, large contract sites and street lighting to the General Manager;**
- 3. Contribute 20% of Council's electricity load to a renewable energy Power Purchase Agreement where the pricing is financially advantageous, and**
- 4. Advise REROC of its decision**

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

## Section 2 – Corporate and Community Services

### 8.7 Financial Statements – August 2019

### Recommendation:

**09092019 RESOLVED** on the motion of Cr Thomas seconded Cr Keatley

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of August, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 August to 31 August 2019, summarised in the accounts summary totalling \$5,080,078.10.**

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)



### Section 3 – Asset, Engineering, Development & Regulatory Services

#### 8.8 Planning Proposal – PPL2020/0001 – Bellarwi Road, West Wyalong

**Recommendation:**

**10092019 RESOLVED** on the motion of Cr McGlynn seconded Cr Crowe that Council:

1. Support Planning Proposal PPL2020/0001 to amend the Bland Local Environmental Plan 2011
2. Submit Planning Proposal PPL2020/0001 to the Department of Planning, Industry and Environment for Gateway Determination.
3. Request that the Secretary of NSW Planning, Industry and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979 in respect of Planning Proposal PPL2020/0001.
4. Receive a further report if submissions are received during the exhibition period
  - a. Addressing any submissions made in respect of the planning proposal
  - b. Proposing adoption of the planning proposal unless there are any recommended amendments deemed substantial and requiring further public exhibition.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

#### 8.9 DA2019/0089 – Service Station (Alterations and Additions – installation of diesel dispenser, associated canopy and site works)

**Recommendation:**

**11092019 RESOLVED** on the motion of Cr Keatley seconded Cr Wyse that application DA2019/0089 Service Station (Alterations and Additions – installation of diesel dispenser, associated canopy and site works) be approved on Lot 1 and 2 DP 759123 (20 - 22 Neeld Street, Wyalong) subject to the attached conditions

**CARRIED** (Crs Baker, Keatley, Lord, Monaghan and Wyse voting for and Crs McGlynn, Crowe, English and Thomas against)

### Section 4 – Reports for Information

**Recommendation:**

**12092019 RESOLVED** on the motion of Cr McGlynn seconded Cr Keatley that the following reports, provided for information only, be received and noted.

- **8.10 - Economic Development & Tourism Report –**
- **8.11 - Community Services Report**

- **8.12 - Bland Shire Library Monthly Update**
- **8.13 - Children's Services Monthly Update**
- **8.14 - Bland Community Care Services Update**
- **8.15 - Development Services Activity Report**
- **8.16 - Assets & Engineering Services Report**

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

**9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**  
**Nil**

**10.0 CONFIDENTIAL MATTERS**

**Recommendation:**

**13092019 RESOLVED** on the motion of Cr English seconded Cr Keatley that Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) (d) (i) of the Local Government Act.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

The meeting then closed at 7.32pm.

**Recommendation:**

**15092019 RESOLVED** on the motion of Cr Crowe seconded Cr McGlynn that Council move out of closed Council and into open Council.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

The meeting then resumed at 7.38pm.

## 10.1 Proposed Lease of Council Property

### Recommendation:

**140982019 RESOLVED** on the motion of Cr McGlynn seconded Crowe that Council support the proposal in principal subject to confirmation of financial details.

**CARRIED** (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Thomas, Monaghan and Wyse voting for)

## 11.0 CONCLUSION OF THE MEETING

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

.....  
Chairperson