

Bland Shire Council
Minutes
Ordinary Council Meeting
15 December 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

15 December 2020

commencing at 6:30PM

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
Acting Director Corporate & Community Services – Leesa Bryant
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 17 November 2020

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

Recommendation:

01122020 RESOLVED on the motion of Cr Keatley seconded Cr Baker that the minutes of the Ordinary Council meeting held on 17 November 2020 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	8.12 – DA2021/0034 – Extractive Industry	Pecuniary	Left meeting
Cr Lord	10.1 – Support of Local Business	Non-Pecuniary	Left meeting
Cr Baker	10.3 – Request for Purchase of Land at Mirrool	Non-Pecuniary	Verbal Disclosure

5.0 PRESENTATION(S) AND PUBLIC FORUM

5.1 Mr Charlie Boyd

Mr Boyd addressed Council in relation to DA2021/0034 and read the letter dated 14 December 2020 from GHD on behalf of Rixa Quarries. It was further stated that the proposed quarry is 2kms from the solar farm thus reducing traffic movements and providing direct benefits to the wider community through supply competition.

5.2 Mr Richard Thompkins

Mr Thompkins thanked Council for the opportunity to speak in support of the recommendation in relation to DA2021/0034. He stated that he is General Manager of The Regional Group – West Wyalong Quarry who are respectful neighbours and members of the community. Mr Thompkins noted previous action against Rixa Quarries by the EPA and Land & Environment Court and expressed concern at the reputation of the company based on their compliance history. He stated that he is heartened by the recommendation for refusal however believes there are other grounds for consideration including traffic.

6.0 MAYORAL MINUTE(S)

Nil

7.0 REPORTS OF COMMITTEES

Recommendation:

02122020 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED Unanimously

7.1 NSW Country Mayors Association

Cr Lord queried Council's priority country roads for reclassification review. DTS advised that the West Wyalong to Condobolin Road has been allocated priority in association with Lachlan Shire. It was noted that priority 2 was allocated to Quandialla Road and Kolkibertoo Road.

7.2 CEMCC

The Mayor advised that it was noted at the recent meeting that increased traffic movements are impacting wildlife and the expansion plans are progressing.

7.3 REROC

The GM advised that an update on the Southern Lights project will be provided in the new year. Written support for Council's efforts with the proposed mining rate charges was provided. It was also noted that the proposed Design Building Practitioners Act may have some implications for Bland Shire.

7.4 Riverina Joint Organisation

The GM advised that Cr Rick Firman (Temora) was re-elected Chair and Cr Rodger Schirmer (Lockhart) was elected Deputy Chair. A copy of the Annual Performance Statement was provided to each Councillor.

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 West Wyalong Community Theatre – Stage 2 Progress as at December 2020

Recommendation:

03122020 RESOLVED on the motion of Cr Lord seconded Cr Baker that the progress report, as at December 2020, on the community theatre project be received and noted and that the General Manager continue to provide regular updates to Council on this project.

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

8.2 Full Delegations Report

Recommendation:

04122020 RESOLVED on the motion of Cr Baker seconded Cr Keatley that Council adopts the Full Delegations Report as shown and endorses the delegations of authority.

CARRIED Unanimously

8.3 Australia Day Celebrations and Awards 2021

Recommendation:

05122020 RESOLVED on the motion of Cr English seconded Cr McGlynn that Council confirms plans to host an Australia Day awards dinner for nominees and citizenship candidates at the West Wyalong Services and Citizens Club on Monday 25 January 2021.

CARRIED Unanimously

8.4 Australia Day Awards Committee

Australia Day Awards Committee Recommendation to Council:

06122020 RESOLVED on the motion of Cr English seconded Cr Lord that the minutes of the Australia Day Awards Committee meeting on 1 December 2020, including recommendations for the recipients of the 2021 Australia Day awards, be adopted by Council.

CARRIED Unanimously

8.5 Literary Institute Building – 186 Main Street - EOI

Recommendation:

07122020 RESOLVED on the motion of Cr Keatley seconded Cr McGlynn that Council confirm the content of the Expression of Interest for the sale and use of 186 Main Street, West Wyalong and identify the extent of its distribution.

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.6 Finance and Investment Report For November 2020

Recommendation

08122020 RESOLVED on the motion of Cr Baker seconded Cr Thomas:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of November 2020
2. That Council confirms the payment of accounts, for the period 01 November to 30 November 2020, summarised in the accounts summary totalling \$4,529,527.87.

CARRIED Unanimously

8.7 Adoption of the Adverse Event Plan

Recommendation:

09122020 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that Bland Shire Council formally adopts the Draft Adverse Events Plan.

CARRIED Unanimously

8.8 Children Services Unit – Policy Adoption

Recommendation:

10122020 RESOLVED on the motion of Cr Thomas seconded Cr Keatley that Council endorse:

1. The Children Services Unit Policies listed below as required by the Education and Care Services National Regulation 2011 and/or National Quality Standard:
 - Incident, Injury, Trauma and Illness Policy
 - Behaviour Guidance Policy
 - Determining the Responsible Person Present at the Service Policy
 - Health and Safety – Administration of First Aid Policy
 - Dealing with Infectious Diseases Policy
 - Excursion and Regular Outing Policy
 - Medication Administration Policy
 - Medical Conditions Policy
 - Acceptance and Refusal of Authorisation Policy
2. The engagement process as outlined within the body of this report.

CARRIED Unanimously

Section 3 – Technical Services

8.9 Naming of Roads and Locales

Recommendation:

11122020 RESOLVED on the motion of Cr Thomas seconded Cr Wyse that Council adopt the list of proposed names for future road and locale names and that the list be sent to the Geographical Names Board for pre-approval.

CARRIED Unanimously

Recommendation:

PROPOSED on the motion of Cr Thomas seconded Cr Wyse that Council decide whether to name the un-named lane in Wyalong that runs from Wargin Road-Mallee Street across Slee Street to the dead end behind the Caltex service station, AND, if so, determine what name to forward to the Geographical Names Board for approval.

AMENDMENT proposed on the motion of Cr Lord seconded Cr Crowe that the un-named lane in Wyalong that runs from Wargin Road-Mallee Street across Slee Street to the dead end behind the Caltex service station remain un-named.

On being put the vote the amendment became the motion and was **CARRIED**.

12122020 RESOLVED on the motion of Cr Lord seconded Cr Crowe that the un-named lane in Wyalong that runs from Wargin Road-Mallee Street across Slee Street to the dead end behind the Caltex service station remain un-named.

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

Recommendation:

13122020 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that Council re-name Gladstone Lane in West Wyalong, between Church and Monash Streets.

CARRIED Unanimously

Recommendation:

14122020 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that the section of Gladstone Lane in West Wyalong, between Church and Monash Streets, be re-named “Wyse Lane” and the name forwarded to the Geographical Names Board for approval.

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

8.10 Hallahan Planning Proposal

Recommendation:

15122020 RESOLVED on the motion of Cr Thomas seconded Cr English that Council not levy the \$1,300 fee for processing Hallahan’s private planning proposal as per the usual practise.

CARRIED Unanimously

Recommendation:

16122020 RESOLVED on the motion of Cr McGlynn seconded Cr Thomas that the \$1,300 fee for processing the Hallahan’s private planning proposal be paid to development income from the Community Donations (Strengthening Communities) fund.

CARRIED 7/2 Crs Baker, English, Keatley, McGlynn, Monaghan, Thomas, Wyse voting for and Crs Crowe, Lord voting against

8.11 Request for Rezoning – 96 Mid Western Highway, West Wyalong

Recommendation:

17122020 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council resolve to undertake a strategic review of the land in the vicinity of Lot 458 DP753135 and that a planning proposal is submitted to the February meeting of Council.

CARRIED Unanimously

At this stage the Mayor vacated the Chair and left the meeting having previously declared a pecuniary interest. The Deputy Mayor took the Chair.

8.12 DA2021/0034 – Extractive Industry

Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Wyse that application DA2021/0034 for an Extractive Industry be refused for the following reasons:

- 1. The proposed access road (Gordons Lane) is not suitable for use as heavy vehicle ingress/egress.**
- 2. The proposed purpose of this development as stated in item 4.2.2 of the Statement of Environmental Effects to provide aggregate for the West Wyalong Solar Farm project. The proposed transport route from the quarry to the solar farm access on Blands Lane will result in the West Wyalong Solar Farm breaching conditions 3 and 4 in Schedule 3 – Environmental Conditions of the development consent issued by the Minister of Planning and Public Spaces on 28 November 2020.**

AMENDMENT proposed on the motion of Cr Lord seconded Cr Keatley that application DA2021/0034 for an Extractive Industry lay on the table for consideration of further information at the February 2021 Council Workshop and determination at the February 2021 Council Meeting.

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

18122020 RESOLVED on the motion of Cr Lord seconded Cr Keatley that application DA2021/0034 for an Extractive Industry lay on the table for consideration of further information at the February 2021 Council Workshop and determination at the February 2021 Council Meeting.

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

At this stage the Deputy Mayor vacated the Chair and Mayor Monaghan returned at 7.30pm.

Section 4 – Reports for Information

Recommendation:

19122020 RESOLVED on the motion of Cr English seconded Cr Wyse that the following reports, provided for information only, be received and noted.

- **8.13 Economic Development & Tourism Report – December 2020**
- **8.14 Community Services Report**
- **8.15 Bland Shire Library Monthly Update**
- **8.16 Children’s Services November Update**
- **8.17 Assets & Engineering Services Report**
- **8.18 Development Services Activity Report – November 2020**

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

URGENT BUSINESS WITHOUT NOTICE

Medical Services – Christmas & New Year Period

Cr Lord expressed concerns with the lack of medical and VMO services at the hospital over many weeks during the upcoming holiday period.

Recommendation:

20122020 RESOLVED on the motion of Cr Thomas seconded Cr English that the matter in relation to medical services during the 2020/21 Christmas and New Year period be deemed as urgent and therefore dealt with at this meeting.

CARRIED Unanimously

Recommendation:

21122020 RESOLVED on the motion of Cr Lord seconded Cr Thomas that urgent representations and lobbying efforts be made to secure sufficient medical services during the 2020/21 Christmas and New Year period.

CARRIED Unanimously

10.0 CONFIDENTIAL MATTERS

Recommendation:

22122020 RESOLVED on the motion of Cr Crowe seconded Cr Wyse 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 7.57pm.

Recommendation:

26122020 RESOLVED on the motion of Cr Thomas seconded Cr English that Council move out of closed Council and into open Council.

CARRIED Unanimously

The meeting then resumed at 8.05pm.

10.1 Support of Local Business

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.

At this stage Cr Lord left the meeting having previously declared an interest.

Recommendation:

23122020 RESOLVED on the motion of Cr English seconded Cr Crowe:

- 1. That the actions of the general manager in implementing council's previous resolution in respect to this matter be endorsed;**
- 2. That a letter of appreciation be forwarded to the previous owner of this business;**
- 3. That a letter of congratulations be forwarded to the new owner.**

CARRIED Unanimously

Cr Lord returned to the meeting at 7.59pm.

10.2 New Business Park – Pricing

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:

24122020 RESOLVED on the motion of Cr Keatley seconded Cr Thomas that the revised pricing for the purchase of land within the new business park, as detailed in this report, be adopted.

CARRIED Unanimously

10.3 Request for Purchase of Land at Mirrool

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:

25122020 RESOLVED on the motion of Cr Crowe seconded Cr McGlynn that Council decline the offer to purchase the land at Mirrool and that the status quo be maintained in respect to the current use of this land.

CARRIED Unanimously

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 8.07pm.

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Chairperson