

Bland Shire Council

Minutes

Ordinary Council Meeting

20 August 2019



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

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 (Arrived 6.58pm)
Cr Jan Wyse

Staff

General Manager – Ray Smith
Director Asset & Engineering Services – Will Marsh
Office of the General Manager Administration – Marina Uys

2.2 Apologies

Executive Assistant – Julie Sharpe

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 25 June 2019

- Corrections - Nil
- Business Arising - Nil
- Confirmation

Recommendation:

01082019 RESOLVED on the motion of Cr Keatley seconded Cr Crowe that the minutes of the Ordinary Council meeting held on 16 July 2019 be confirmed as a correct record of proceedings.

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

4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
Cr Keatley	8.10-Ungarie Celebrating 150 Years in 2022 – Book Launch	Non-Pecuniary	Verbal Disclosure
Cr Crowe	8.19-DA2019/0107 – Multi Dwelling Housing	Non-Pecuniary	Verbal Disclosure
Cr Lord	10.1-Request for Business Assistance	Non-Pecuniary	Left Meeting

5.0 PRESENTATION(S) AND PUBLIC FORUM

Nil

6.0 MAYORAL MINUTE(S)

Nil

7.0 REPORTS OF COMMITTEES

Recommendation:

02082019 RESOLVED on the motion of Cr Baker 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, Wyse and Monaghan voting for)

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 Progress Report on the Combined Delivery Program and Operational Plan

Recommendation:

03082019 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that Council receive and note the report on progress for implementation, up to 30 June 2019, of the Combined Delivery Program and Operational Plan.

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

8.2 Disclosure of Interest Returns

Recommendation:

04082019 RESOLVED on the motion of Cr Crowe seconded Cr English that Councillors note the Disclosure of Interest return requirements and accept the Disclosure of Interest Register as tabled.

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

8.3 Rescheduling of the October Ordinary Meeting of Council

Recommendation:

05082019 RESOLVED on the motion of Cr English seconded Cr Lord that because of the clash of the scheduled October Ordinary meeting of Council with the 2019 Annual LGNSW Conference that this meeting be rescheduled to Tuesday 22nd October 2019.

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

8.4 Country Communities Fund Round 3 – Request for Support for an Application by the Riverina Joint Organisation

Recommendation:

06082019 RESOLVED on the motion of Cr Lord seconded Cr Crowe that Council receive and note the proposal for the Riverina Joint Organisation to submit an application for funding under Round 3 of the Stronger Country Communities Fund, on behalf of its member councils.

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

8.5 NSW Emergency Services Levy – Payment Options

Recommendation:

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, McGlynn, Wyse and Monaghan voting for)

8.6 LGNSW 2019 Annual Conference – Submission of Motions

Recommendation:

08082019 RESOLVED on the motion of Cr Wyse seconded Cr Crowe that:

1. That LGNSW lobbies the NSW State Government for an assurance that the Taskforce being established to determine and identify those roads to be returned to the State Government consists of members with specific local government knowledge; and
2. That LGNSW lobbies the NSW State Government for the establishment of a separate panel of independent members, with specific local government knowledge, for appointment to local council's Audit, Risk and Improvement Committees.
3. That LGNSW continues to lobby the NSW Government opposing the increase in the Emergency Services Levy, being payable by local councils, despite the NSW Government's offer to pay the first 12 months.

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

8.7 West Wyalong Community Theatre – Progress Report

Recommendation:

09082019 RESOLVED on the motion of Cr McGlynn seconded Cr Crowe that Council receive and note 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, Wyse and Monaghan voting for)

8.8 Sewer Line Relocation – England Street, West Wyalong

Recommendation:

10082019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council agrees to meet the cost, estimated at \$60,000.00, to relocate the sewer line on the subject land adjacent to the Masonic Hall to allow further residential development and that this expenditure is allocated from Council's Sewer Fund.

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

8.9 Why Leave Town Program – Council Sponsorship

Recommendation:

11082019 RESOLVED on the motion of Cr Crowe seconded Cr McGlynn that Council agrees to sponsor the first 12 months of the Why Leave Town Program at an estimated cost of \$4,975.00 and that funds for this purpose be allocated from the Economic Development Program budget for 2019/20.

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

8.10 Ungarie Celebrating 150 Years in 2022 – Book Launch

Recommendation:

12082019 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Council agrees in principle to the underwriting of the cost of the publication of at least 1,000 books, depicting the life and times of long term residents of the Ungarie region, subject to a further report providing more specific details of the financial arrangements.

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

8.11 Australia Day Awards Committee

At this stage, 6.58pm, Cr Thomas arrived.

Recommendation:

PROPOSED on the motion of Cr Keatley seconded Cr Wyse that Council adopt the draft terms of reference for the Bland Shire Australia Day Awards Committee.

AMENDMENT proposed on the motion of Cr McGlynn seconded Cr Keatley that Council adopt the draft terms of reference for the Bland Shire Australia Day Awards Committee with amendments agreed to at this meeting.

On being put to the vote the amendment was **LOST**: (For: Cr Baker and Cr McGlynn Against: Cr Lord, Cr Thomas, Cr English, Cr Keatley, Cr Wyse, Cr Crowe and Cr Monaghan)

13082019 RESOLVED on the motion of Cr Keatley seconded Cr Wyse that Council adopt the draft terms of reference for the Bland Shire Australia Day Awards Committee.

CARRIED (Unanimously)

8.12 Strengthening Communities Grant - Country Hope West Wyalong 'HOPE' Sign Proposal

Recommendation:

14082019 RESOLVED on the motion of Cr Wyse seconded Cr Crowe that Council approve a Strengthening Communities Grant of \$4000 for Country Hope to assist with the cost of installation and lighting of the HOPE sign.

CARRIED (Unanimously)

8.13 Strengthening Communities Grant – Whispering Pines Vintage Aviation Museum

Recommendation:

PROPOSED on the motion of Cr Lord seconded Cr Crowe that:

- 1. That Council approve a Strengthening Communities Grant of \$4000 for Whispering Pines Vintage Aviation Museum to assist with the cost of relocating an historic DC3 aircraft to the Bland Shire based property.**
- 2. That Council consider funding the remaining \$4000 balance to relocate the aircraft from the tourism budget.**

AMENDMENT proposed on the motion of Cr Thomas seconded Cr Wyse that:

- 1. That Council approve a Strengthening Communities Grant of \$4000 for Whispering Pines Vintage Aviation Museum to assist with the cost of relocating an historic DC3 aircraft to the Bland Shire based property.**
- 2. That Council consider funding the remaining \$4000 balance to relocate the aircraft from the tourism budget.**
- 3. That a further report be provided to the next Council meeting for consideration.**

On being put to the vote the amendment became the motion and was CARRIED (For: Cr Lord, Cr Baker, Cr Thomas, Cr English, Cr Wyse, Cr Crowe, Cr Monaghan and Cr Keatley. Against: Cr McGlynn)

15082019 RESOLVED on the motion of Cr Lord seconded Cr Crowe that:

- 1. That Council approve a Strengthening Communities Grant of \$4000 for Whispering Pines Vintage Aviation Museum to assist with the cost of relocating an historic DC3 aircraft to the Bland Shire based property.**
- 2. That Council consider funding the remaining \$4000 balance to relocate the aircraft from the tourism budget.**
- 3. That a further report be provided to the next Council meeting for consideration.**

CARRIED (For: Cr Lord, Cr Baker, Cr Thomas, Cr English, Cr Wyse, Cr Crowe, Cr Monaghan and Cr Keatley. Against: Cr McGlynn)

Section 2 – Corporate and Community Services

8.14 Financial Statements – July 2019

Recommendation:

16082019 RESOLVED on the motion of Cr Thomas seconded Cr Baker:

- 1. That Council receive and note the statement of Bank Balances, Rates Collections and Investments for the month of July, 2019**
- 2. That Council confirms the payment of accounts, for the period 01 July to 31 July 2019, summarised in the accounts summary totalling \$2,884,645.13.**

CARRIED (Unanimously)

8.15 Carry Forward Works 2018/19

Recommendation:

17082019 RESOLVED on the motion of Cr Crowe seconded Cr Keatley that the requested budget balances, as detailed in the Carry Forward document, for the amount of \$621,317.00, is carried forward to the 2019/20 financial period.

CARRIED (Unanimously)

8.16 Assessment and Approval and Reassessment of Family Day Care (FDC) Residences and Approved FDC Venues Policy

Recommendation:

18082019 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Council adopt the revised Assessment and Approval and Reassessment of Family Day Care (FDC) Residences and Approved FDC Venues Policy as attached to this report.

CARRIED (Unanimously)

Section 3 – Asset, Engineering, Development & Regulatory Services

8.17 Review of Council's LEP – Workshop Outcomes

Recommendation:

19082019 RESOLVED on the motion of Cr Thomas seconded Cr Lord that:

- 1. Council confirms that its current planning priority is the development of existing residential zoned land to meet the current housing demand;**
- 2. Council endorses the draft Community Participation Plan that was tabled at the July 30th workshop;**
- 3. Council notes the preparation of a Local Strategic Planning Statement (LSPS) in conjunction with support from the NSW State Government;**
- 4. Council's advice to any landholder considering a rezoning of their own land is to engage a private town planner to prepare a 'planning proposal' for Council's consideration; and**
- 5. Council's Town Planning staff continue to review the existing Local Environmental Plan (LEP) with the view of supporting Council's current priority.**

CARRIED (Unanimously)

8.18 Parking West Side of Church Street - North of Court Lane.

Recommendation:

20082019 RESOLVED on the motion of Cr Thomas seconded Cr Wyse that Bland Shire Council adopt the recommendation of the Bland Shire's Local Traffic Committee to install the scheme as shown on the attached plan.

CARRIED (Unanimously)

8.19 DA2019/0107 – Multi Dwelling Housing

Recommendation:

21082019 RESOLVED on the motion of Cr McGlynn seconded Cr Wyse that application DA2019/0107 for Multi Dwelling Housing (construction of nineteen (19) dwellings) on Lot 1 DP1078541 and Lot 32 DP1078541 be approved subject to the conditions in Attachment 1.

CARRIED (Unanimously)

Section 4 – Reports for Information

Recommendation:

22082019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that the following reports, provided for information only, be received and noted.

- **8.20 - Economic Development & Tourism Report – July 2019**
- **8.21 - Community Services Report**
- **8.22 - Bland Shire Library Monthly Update**
- **8.23 - Children’s Services Monthly Update**
- **8.24 - Bland Community Care Services Update**
- **8.25 - Development Services Activity Report – July 2019**
- **8.26 - Assets & Engineering Services Report**

CARRIED (Unanimously)

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

10.0 CONFIDENTIAL MATTERS

Recommendation:

23082019 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) (d) (i) of the Local Government Act.

CARRIED (Unanimously)

The meeting then closed at 7.46pm.

At this stage Cr Lord left the meeting.

Recommendation:

25082019 RESOLVED on the motion of Cr Wyse seconded Cr Crowe that Council move out of closed Council and into open Council.

CARRIED (Unanimously)

The meeting then resumed at 7.49pm.

10.1 West Wyalong Veterinary Hospital – Request for Business Assistance

Recommendation:

24082019 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council agrees to an interest free loan in support of the retention of this vital service and that the General Manager be delegated authority to finalise all negotiations with the interested party, in accordance with the details provided in this report, and that the Mayor and General Manager be authorised to execute the associated legal documentation.

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

Cr Lord having declared an interest in the matter had left the meeting during consideration of this item.

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7.50pm.

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Chairperson