
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF
THE SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON
THURSDAY 12 DECEMBER 2019 COMMENCING AT 5:00PM**

PRESENT (FILE C13-2)

Councillors Peter Abbott (Deputy Mayor), Janine Lea-Barrett, Jarrod Marsden, Peter Maxwell, Harley Toomey, Julie Payne, Robert Sinclair, Kate Winders and Peter Yench.

OBSERVERS

Messrs Peter Vlatko (General Manager), Kym Miller (Director of Finance & Corporate Services) and Garry Ryman (Director of Planning and Environmental Services) and Ms Janette Booth (Executive Assistant – General Manager/ Mayor).

MESSAGE FROM THE CHAIR:

In the spirit of open, accessible and transparent government, Cobar Shire Council Ordinary and Committee Meetings are video recorded and webcast. By speaking at a Council or Committee Meeting, members of the public agree to being recorded and webcast. Cobar Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council or Committee Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Cobar Shire Council.

APOLOGIES (FILE C13-2)

263.12.2019 RESOLVED: That the apology received from Councillor Lilliane Brady OAM (Mayor) be accepted.
Clr Payne/ Clr Marsden **CARRIED**

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.
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CONDOLENCES (FILE M2-3)

- Garry Arthur Edward Maidens.
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PUBLIC ACCESS SESSION

THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 12 DECEMBER 2019

.....
GENERAL MANAGER

.....
ACTING MAYOR

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- Cobar Health Council – Gordon Hill and Mary Urquhart.
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CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

264.12.2019 **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday, 28 November 2019 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Sinclair/ Clr Payne **CARRIED**

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5 **AOP REFERENCE: 3.1**
AUTHOR: *Acting Mayor, Councillor Peter Abbott*

265.12.2019 **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of December 2019.
Clr Toomey/ Clr Winders **CARRIED**

CLAUSE 2A – STREETLIGHTING UPGRADE TO LED TECHNOLOGY

FILE: S7-5 **AOP REFERENCE: 1.6.4**
AUTHOR: *General Manager, Peter Vlatko*

266.12.2019 **RESOLVED:** That Council approve and fund the bulk replacement of Councils 800 streetlights to LED technology in accordance with Essential Energy’s offer at a total cost payable to Essential Energy of \$447,000. With a contingency allowance of \$22,000 (5%) and estimated NSW Government credits for energy saving of \$49,000 the net cost to Council is \$420,000.
Clr Lea-Barrett/ Clr Sinclair **CARRIED**

CLAUSE 3A – LOCAL TRAFFIC COMMITTEE

FILE: C6-1 **AOP REFERENCE: 3.1**
AUTHOR: *Acting Director of Engineering Services, Simon Pradhan*

267.12.2019 **RESOLVED:**

1. That the Minutes of the May and November Local Traffic Committee be received and noted.
2. That Council resolve to adopt the following recommendations from the Local Traffic Committee:

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- That Council write to RMS to change the pedestrian crossing at Cobar Public School to a children's crossing during school times only;
 - That Council write to RMS to investigate if the current point at which the school bus uses as a turnaround area on the Barrier Highway (HW8) east of Cobar near Scrubby Valley is appropriate and apply for grant funding to upgrade the area (if required);
 - That Council write to RMS in regard to School Bus route signage to be installed along the bus route to Nymagee – RMS to provide funding;
 - That Council write to RMS to investigate the suitability for a proposed new location for a disabled carpark on Linsley Street closer to the Brennan Centre, any new location must comply with Australian Standards;
 - That Council in partnership with RMS investigate implementing a 40km/h High Pedestrian Activity Area (HPAA) in the CBD area of Cobar on Marshall Street.

Clr Sinclair/ Clr Payne

CARRIED

CLAUSE 4A – REQUEST FOR QUOTATION – SUPPLY AND DELIVERY OF ONE (1) BACKHOE LOADER

FILE: T3-19-4

AOP REFERENCE: 3.3.3.4

AUTHOR: *Financial Accountant, Sandra Davey*

268.12.2019 **RESOLVED:** That the report regarding the supply and delivery of one (1) Backhoe Loader be considered in the Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2) (d) (g) of the Local Government Act 1993, as discussions of this information in Open Council would prejudice the commercial position of the person who supplied it.

Clr Marsden/ Clr Lea-Barrett

CARRIED

CLAUSE 5A – COBAR RETICULATION REPLACEMENT TENDER

FILE: T3-19-5

AOP REFERENCE: 4.1.1 & 4.1.3.1

AUTHOR: *Water and Sewer Engineer, Victor Papierniak*

269.12.2019 **RESOLVED:** That a further report concerning the tenders received for the Cobar Reticulation Replacement be considered in the Committee of a Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i) of the *Local Government Act 1993* as it contains commercial information of a confidential nature that would, if disclosed in open Council would prejudice the commercial position of the person who supplied it.

Clr Marsden/ Clr Lea-Barrett

CARRIED

**CLAUSE 6A – BULK WATER TREATMENT CHEMICAL
TENDER (T711920HUN)**

FILE: T3-2

AOP REFERENCE: 4.1.1.1 & 4.4.4.2

AUTHOR: *Water and Sewer Engineer, Victor Papierniak*

270.12.2019 RESOLVED: That a further report concerning the tenders received for the procurement Bulk Water Treatment Chemicals (T711920HUN) be considered in the Committee of a Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i) of the *Local Government Act 1993* as it contains commercial information of a confidential nature that would, if disclosed in open Council, prejudice the commercial position of the person who supplied it.

Clr Marsden/ Clr Lea-Barrett

CARRIED

CLAUSE 1B – MONTHLY STATUS REPORT

FILE: C13-10

AOP REFERENCE: 3.1

AUTHOR: *General Manager, Peter Vlatko*

271.12.2019 RESOLVED: That the information contained in the monthly status report be received and noted, with the following items to be removed: 1116, 1153, 1317, 1325, 1326, 1327, 1335, 1339, 1340, 1342 and 1343.

Clr Lea-Barrett/ Clr Sinclair

CARRIED

**CLAUSE 2B – REGULATION 202 REPORT ON MATERIAL
BUDGET VARIATION**

FILE: R2 -3

AOP REFERENCE: 3.1.1

AUTHOR: *Director of Finance and Community Services, Kym Miller*

272.12.2019 RESOLVED: That the Regulation 202 Report on Material Budget Variation be received and noted.

Clr Marsden/ Clr Sinclair

CARRIED

CLAUSE 3B – MEETING MINUTES

FILE: R5-36

AOP REFERENCE: 3.1

AUTHOR: *Executive Assistant General Manager/ Mayor, Janette Booth*

273.12.2019 RESOLVED: That the Minutes of the Rural Roads Advisory Committee be received and noted.

Clr Sinclair/ Clr Maxwell

CARRIED

CLAUSE 4B – INVESTMENT REPORT AS AT 30 NOVEMBER 2019

FILE: B2-7

AOP REFERENCE: 3.1.1.7

AUTHOR: *Financial Accountant, Sandra Davey*

274.7.2019 **RESOLVED:** That Council receive and note the Investment Report as at 30 November 2019.
Clr Lea-Barrett/ Clr Toomey **CARRIED**

CLAUSE 5B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 NOVEMBER 2019
FILE: B2-7 **AOP REFERENCE: 3.1.1.5**
AUTHOR: *Financial Accountant, Sandra Davey*

275.12.2019 **RESOLVED:** That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as at 30 November 2019.
Clr Lea-Barrett/ Clr Sinclair **CARRIED**

CLAUSE 6B – ANALYSIS OF DRY AND WET PLANT AND EQUIPMENT CONTRACT
FILE: T3-15-6 **AOP REFERENCE: 3.3.4**
AUTHOR: *Financial Accountant, Sandra Davey*

276.12.2019 **RESOLVED:** That Council receive and note the information contained within this report.
Clr Maxwell/ Clr Payne **CARRIED**

CLAUSE 7B – ENGINEERING WORKS REPORT
FILE: C6-20-2 **AOP REFERENCE: 4.3.2**
AUTHOR: *Acting Director of Engineering, Simon Pradhan*

277.12.2019 **RESOLVED:**

1. That the information contained in the Engineering Works Report detailing maintenance on Shire and Regional Roads, State Highways, Water Sewer Mains, Resources for Regions Projects and other Major Grant Works be received and noted.
2. That Council support the application under Fixing Country Roads for The Wool Track with a Council contribution \$1.5 million.
3. That Council support the application for Pulpulla Road (Mount Grenfell) with a Council contribution of \$500,000.
4. That Council support the application for Byrock Road with a Council contribution of \$300,000.

Clr Sinclair/ Clr Lea-Barrett **CARRIED**

CLAUSE 8B – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31

AOP REFERENCE: 4.3.2

AUTHOR: *Acting Director of Engineering Services, Simon Pradhan*

- 278.12.2019 RESOLVED:** That the information detailing the Expenditure for Council's Roads Network be received and noted.
Clr Maxwell/ Clr Lea-Barrett **CARRIED**
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CLAUSE 9B – UPDATE ON INFRASTRUCTURE PROJECT FINANCES

FILE: G4-29

AOP REFERENCE: 4.1.3.3 and 4.4.4.2

AUTHOR: *Water and Sewer Manager, Eric Poga*

- 279.12.2019 RESOLVED:** That Council receive and note the updated financial information for the three Restart NSW Resources for Regions infrastructure projects.
Clr Lea-Barrett/ Clr Payne **CARRIED**
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CLAUSE 10B – MAINTENANCE GRADING AND CAPITAL WORKS REPORT 2019/2020

FILE: R5-15 & R5-16

AOP REFERENCE: 4.3.1

AUTHOR: *Acting Director of Engineering Services, Simon Pradhan*

- 280.12.2019 RESOLVED:** That Council receives and notes the information provided within this report.
Clr Payne/ Clr Toomey **CARRIED**
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CLAUSE 11B – GRANT FUNDING

FILE: G4-17

AOP REFERENCE: 3.1.1.4

AUTHOR: *Grants Officer, Brytt Moore*

- 281.12.2019 RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.
Clr Lea-Barrett/ Clr Sinclair **CARRIED**
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CLAUSE 12B – RATES RECONCILIATION REPORT AS AT 30 NOVEMBER 2019

FILE: R2-1

AOP REFERENCE: 3.1.1.6

AUTHOR: *Office Coordinator, Jo-Louise Brown*

282.12.2019 RESOLVED: That the Rates Reconciliation Report as at the 30 November 2019 be received and noted.
Clr Toomey/ Clr Maxwell **CARRIED**

COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

283.12.2019 RESOLVED: That Council move into the Committee of the Whole with the press and public excluded at 5:34pm as matters to be discussed are considered to be confidential vide *Section 10A (2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would if disclosed in open Council would prejudice the commercial position of the person who supplied it.*
Clr Payne/ Clr Lea-Barrett **CARRIED**

Council resumed in Open Council at 5:49pm.

RECOMMENDATIONS TO COUNCIL FROM COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

284.12.2019 RESOLVED: That the recommendations of the Committee of the Whole be adopted.
Clr Marsden/ Clr Payne **CARRIED**

CLAUSE 1C – REQUEST FOR QUOTATION – SUPPLY AND DELIVERY OF ONE (1) BACKHOE LOADER

FILE: T3-19-4

AOP REFERENCE: 3.3.3.4

AUTHOR: *Financial Accountant, Sandra Davey*

37COW.12.2019 RESOLVED:

1. That Council approve the purchase of (1) CASE 580ST from CNH Australia (CASE Construction) Earthmoving Equipment Australia.
2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea-Barrett/ Clr Maxwell

CARRIED

CLAUSE 2C – COBAR RETICULATION REPLACEMENT TENDER

FILE: T3-19-5

AOP REFERENCE: 4.1.1 & 4.1.3.1

AUTHOR: *Water and Sewer Engineer, Victor Papierniak*

38COW.12.2019 RESOLVED:

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1. That the tender submitted by Utilstra Pty Ltd be passed over due to non-compliance as detailed in the attached report, Section 5.1.
 2. That the tender submitted by Killards Infrastructure Pty Ltd, in the Recommended Tender Amount of \$3,921,100.00 (including GST), be accepted for Contract No. 10024491 for Cobar Reticulation Replacement.
 3. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea-Barrett/ Clr Sinclair

CARRIED

CLAUSE 3C – BULK WATER TREATMENT CHEMICAL TENDER (T711920HUN)

FILE: T3-2

AOP REFERENCE: 4.1.1.1 & 4.4.4.2

AUTHOR: *Water and Sewer Engineer, Victor Papierniak*

39COW.12.2019 RESOLVED:

1. That Council reject the recommendation given by the Tender Evaluation Committee for the reasons outlined in this report and therefore does not accept any of the tenders.
2. That Council retender for the procurement of Bulk Water Treatment Chemicals.
3. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea-Barrett/ Clr Sinclair

CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5:54PM

CONFIRMED.....

MINUTE NO.....

ACTING MAYOR.....