
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD IN COUNCIL CHAMBERS SCHEDULED FOR THURSDAY 24 OCTOBER 2019 AND ADJOURNED TO THURSDAY 14 NOVEMBER 2019 COMMENCING AT 5:00PM

MINUTES FROM THURSDAY, 24 OCTOBER 2019

PRESENT (FILE C13-2)

Councillors Janine Lea-Barrett, Julie Payne, Kate Winders and Peter Yench.

OBSERVERS

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

In the absence of the Mayor and Deputy Mayor, the General Manager took the Chair and opened the Meeting at 5:00pm.

Due to lack of quorum the meeting could not proceed, a new meeting date of Thursday, 14 November 2019 at 5:00pm in the Council Chambers has been set.

Note: That Council had received the following apologies:

APOLOGIES (C13-2)

That the apologies received from Councillor Lilliane Brady OAM (Mayor), Peter Abbott (Deputy Mayor), Jarrod Marsden, Peter Maxwell, Robert Sinclair and Harley Toomey be accepted.

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 5:15PM.

MINUTES FROM ADJOURNED COUNCIL MEETING ON THURSDAY, 14 NOVEMBER 2019

PRESENT (FILE C13-2)

Councillors Lilliane Brady OAM (Mayor), 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), Garry Ryman (Director Planning & Environmental Services) and Simon Pradhan (Acting Director of Engineering 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 (C13-2)

Nil.

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.
-

CONDOLENCES (FILE M2-3)

- Concetta Parisi;
- Noeline Margaret Humphries;
- Allan John Wells;
- Max Oliphant Russell;
- Joey Martin.

A minutes silence was observed by those in attendance.

PUBLIC ACCESS SESSION

- Nil.
-

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

THIS IS PAGE 2 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD SCHEDULED FOR THURSDAY 24 OCTOBER 2019
ADJOURNED TO THURSDAY 14 NOVEMBER 2019

.....
GENERAL MANAGER

.....
MAYOR

217.11.2019 **RESOLVED:** That the Minutes of the Ordinary Meeting of Council held on Thursday, 26 September 2019 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Abbott/ Clr Toomey **CARRIED**

**NOTICE OF MOTION – CARBON STORAGE AND FARMING
METHODOLOGIES**

FILE: C12-1 & D7-4

AOP REFERENCE: 5.2.1.1

AUTHOR: *Councillor, Peter Yench*

MOTION:

1. That Cobar Shire Council lobby the Federal Government to have more methodologies introduced and existing methodologies changed so that all farms in the western area have the same opportunity to participate in the emission reduction fund as a form of drought-relief.

2. That Council seek State Government support for change.

Clr Yench/ Clr Payne

LOST

Division:

For

Clr Payne

Clr Yench

Against

Clr Brady OAM

Clr Abbott

Clr Lea-Barrett

Clr Marsden

Clr Maxwell

Clr Sinclair

Clr Toomey

Clr Winders

**NOTICE OF MOTION – FORMATION OF WATER SECURITY
SUB-COMMITTEE**

FILE: C6-15 & C12-1

AOP REFERENCE: 4.1.1

AUTHOR: *Councillor, Peter Yench*

MOTION:

1. That as a matter of urgency, with the looming water shortage and approaching summer, a Water Security Sub-Committee be formed to work with Council staff to minimise the impact of water shortages.

2. That Council allocate \$2 million from the Water Fund to deepen local water storages with any expenditure from the \$2 million subject to Council approval.

-
3. That Council delegate authority to the Water Security Sub-Committee to negotiate with local mines and request assistance, for example provision of equipment and labour, to undertake works required.

Clr Yench/ Clr Lea-Barrett

LOST

Division:

For

Clr Lea-Barrett
Clr Payne
Clr Yench

Against

Clr Brady OAM
Clr Abbott
Clr Marsden
Clr Maxwell
Clr Sinclair
Clr Toomey
Clr Winders

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

AOP REFERENCE: 3.1

AUTHOR: *Mayor, Councillor Lilliane Brady OAM*

- 218.11.2019 RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of October 2019.
Clr Marsden/ Clr Toomey **CARRIED**

CLAUSE 2A – CASUAL COUNCILLOR VACANCY COBAR SHIRE COUNCIL REPORT

FILE: C12-1 & E2-3-5

AOP REFERENCE: 3.2

AUTHOR: *General Manager, Peter Vlatko*

- 219.11.2019 RESOLVED:**
1. That Council note with regret the resignation as a Councillor of Christopher Lehmann effective 26 September 2019 and thank Councillor Lehmann for her tenure.
 2. That Councillor Christopher Lehmann resignation be advised in writing to the Minister of Local Government, with a request that no by election be required.
- Clr Marsden/ Clr Payne* **CARRIED**

CLAUSE 3A – COUNCIL COMMITTEES/DELEGATES

FILE: C6-15

AOP REFERENCE: 3.2.2.2

AUTHOR: *General Manager, Peter Vlatko*

220.11.2019 RESOLVED: That Council determine its delegates for each of the listed Committees/ Organisations and where an election is required it be by open voting by show of hands.

Committee/Organisation	No. of Delegates	Current Delegates
Tourism Advisory	4 Councillors	Clrs Marsden , Toomey, Winders, Yench
Murray Darling Association	2 Councillors	Clrs Lea-Barrett, Payne

Clr Lea-Barrett/ Clr Yench

CARRIED

CLAUSE 4A – 2018/2019 ANNUAL REPORT

FILE: A2-2

AOP REFERENCE: 3.3.3

AUTHOR: *General Manager, Peter Vlatko*

221.11.2019 RESOLVED:

1. That the information contained in the 2018/2019 Annual Report be received and noted.
2. That Council endorses the 2018/2019 Annual Report.
3. That a copy of Council's Annual Report be provided to the Minister and such other persons and bodies as the regulations may require.

Clr Abbott/ Clr Maxwell

CARRIED

CLAUSE 5A – MEETING ARRANGEMENTS – CHRISTMAS AND NEW YEAR (INCLUDING NOTIFICATION OF STAFF CHRISTMAS PARTY)

FILE: C6-16

AOP REFERENCE: 3.1.5

AUTHOR: *General Manager, Peter Vlatko*

222.11.2019 RESOLVED: That the Mayor and General Manager be delegated authority, jointly, to deal with matters of an urgent nature for the period commencing 13 December 2019 to 27 February 2020 and that if any urgent matters are dealt with under this authority that they be reported to the February 2020 Ordinary Meeting of Council.

Clr Sinclair/ Clr Payne

CARRIED

CLAUSE 6A – LEASE OF TOWN HALL CINEMA BUILDING, 5 BARTON STREET, COBAR NSW 2835

FILE: A10-19

AOP REFERENCE: 1.6.4

AUTHOR: *General Manager, Peter Vlatko*

223.11.2019 RESOLVED: That a report regarding a new lease for the Town Hall Cinema Building, 5 Barton Street, Cobar, be considered in the Committee of the Whole Closed Council with the press and public excluded for the reasons stated in Sections 10A (2)(d)(i) of the *Local Government Act 1993*, as discussions of this matter in open Council would prejudice the commercial position of the person who supplied it.
Clr Marsden/ Clr Payne **CARRIED**

CLAUSE 8A – SALE OF LAND FOR UNPAID RATES RESERVES
FILE: R2-10 **AOP REFERENCE: 3.1.1.2**
AUTHOR: *Office Coordinator, Jo-Louise Brown*

224.11.2019 RESOLVED: That the Sale of Land for Unpaid Rates Reserves Report be considered in the Committee of the Whole Closed Council with the press and the public excluded in accordance with Section 10A (2)(c) of the *Local Government Act 1993* as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
Clr Marsden/ Clr Payne **CARRIED**

CLAUSE 7A – AUCTION OF VACANT LAND HELD FOR SALE
21 DUFFY DRIVE
FILE: A-10 **AOP REFERENCE: 3.1.1.2**
AUTHOR: *Office Coordinator, Jo-Louise Brown*

225.11.2019 RESOLVED: That Council endorse the actions of the General Manager for setting the reserves for the sale of land for unpaid rates.
Clr Maxwell/ Clr Marsden **CARRIED**

CLAUSE 9A – GENERAL PURPOSE FINANCIAL STATEMENTS,
SPECIAL SCHEDULES AND AUDITOR’S REPORTS FOR
2018/2019
FILE: A12-2 & F2-2-17 **AOP REFERENCE: 3.3.3.3**
AUTHOR: *Acting Financial Accountant, Sandra Davey*

226.11.2019 RESOLVED:

1. That the Audited Financial Statements and Auditor’s Reports for the year ended 30 June 2019 be received and noted.
2. That copies of Council’s Annual Audited Financial Statements be provided to such persons and bodies as the regulations require.

Clr Payne/ Clr Lea-Barrett **CARRIED**

CLAUSE 10A – TENDER FOR DRY AND WET HIRE PLANT
AND EQUIPMENT (T3-17-9)
FILE: T3-17-9 **AOP REFERENCE: 3.3.4**
AUTHOR: *Procurement Officer, Brad Lennon*

THIS IS PAGE 6 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD SCHEDULED FOR THURSDAY 24 OCTOBER 2019
ADJOURNED TO THURSDAY 14 NOVEMBER 2019

227.11.2019 **RESOLVED:** That Council approves the extension of the current, established Panel of preferred Suppliers for Dry and Wet Hire Plant and Equipment on a month by month basis until a new Panel is established or until 1 November 2020, whichever occurs first.
Clr Sinclair/ Clr Lea-Barrett **CARRIED**

CLAUSE 1B – DEVELOPMENT APPROVALS: 18 SEPTEMBER 2019 – 15 OCTOBER 2019

FILE: T5-1 **AOP REFERENCE: 1.6.3.1**
AUTHOR: *Director of Planning & Environmental Services, Garry Ryman*

228.11.2019 **RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 18 September 2019 – 15 October 2019 be received and noted.
Clr Lea-Barrett/ Clr Payne **CARRIED**

CLAUSE 2B – MONTHLY STATUS REPORT

FILE: C13-10 **AOP REFERENCE: 3.1**
AUTHOR: *General Manager, Peter Vlatko*

229.11.2019 **RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 1318, 1319, 1320, 1322, 1323 and 1328.
Clr Lea-Barrett/ Clr Sinclair **CARRIED**

CLAUSE 3B – STAFF CONFERENCE ATTENDANCE REPORT

FILE: Personnel **AOP REFERENCE: 3.3.2**
AUTHOR: *Human Resources Manager, Summer Patterson*

230.11.2019 **RESOLVED:** That the information provided above in relation to the conferences attended by Council staff be received and noted.
Clr Abbott/ Clr Marsden **CARRIED**

CLAUSE 4B – MEETING MINUTES

FILE: C8-6-4 & C8-17 **AOP REFERENCE: 3.1**
AUTHOR: *Executive Assistant General Manager/ Mayor, Janette Booth*

231.11.2019 **RESOLVED:** That the Minutes of the Cobar Youth Council and Cobar Liquor Accord Committee be received and noted.
Clr Payne/ Clr Toomey **CARRIED**

CLAUSE 5B – INVESTMENT REPORT AS AT 30 SEPTEMBER 2019

FILE: B2-7

AOP REFERENCE: 3.1.1.7

AUTHOR: *Acting Financial Accountant, Sandra Davey*

MOTION: That before any action is taken on Ward Oval that a full report on the \$4.2 million grant funding be made and that report include the full costings, running costs, management plan and business plan for the potential upgrade to Ward Oval be brought back to Council.

Clr Yench/ Clr

LAPSED

The Motion Lapsed for want of a Seconder.

232.11.2019 RESOLVED: That Council support the Mayor and General Manager in their decision to accept the \$4.4 million for the Ward Oval upgrade.

Clr Maxwell/ Clr Abbott

CARRIED

Division:

For

Clr Brady OAM

Clr Abbott

Clr Lea-Barrett

Clr Marsden

Clr Maxwell

Clr Payne

Clr Sinclair

Clr Toomey

Clr Winders

Against

Clr Yench

233.11.2019 RESOLVED: That Council receive and note the Investment Report as at 30 September 2019.

Clr Yench/ Clr Lea-Barrett

CARRIED

CLAUSE 6B - BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 SEPTEMBER 2019

FILE: B2-7

AOP REFERENCE: 3.1.1.5

AUTHOR: *Acting Financial Accountant, Sandra Davey*

234.11.2019 RESOLVED: That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as at 30 September 2019.

Clr Lea-Barrett/ Clr Payne

CARRIED

CLAUSE 7B – ENGINEERING WORKS REPORT

FILE: C6-20-2

AOP REFERENCE: 4.3.2

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

235.11.2019 RESOLVED: That the information contained in the Engineering Works Report detailing maintenance on Shire and Regional Roads, State Highways and Water Sewer Mains, Resources for Regions Projects and other Major Grant Works be received and noted.
Clr Lea-Barrett/ Clr Toomey **CARRIED**

CLAUSE 8B – UPDATE ON INFRASTRUCTURE PROJECT FINANCES

FILE: G4-29 **AOP REFERENCE: 4.1.3.3 & 4.4.4.2**

AUTHOR: *Water and Sewer Manager, Eric Poga*

236.11.2019 RESOLVED: That Council receive and note the updated financial information for the three Restart NSW Resources for Regions infrastructure projects.
Clr Sinclair/ Clr Marsden **CARRIED**

CLAUSE 9B – UPDATE ON WORKS REPORT 2019/2020

FILE: R5-15 & R5-16 **AOP REFERENCE: 4.3.1**

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

237.11.2019 RESOLVED: That Council receives and notes the information contained within this report.
Clr Maxwell/ Clr Lea-Barrett **CARRIED**

CLAUSE 10B – GRANT FUNDING

FILE: G4-17 **AOP REFERENCE: 3.1.1.4**

AUTHOR: *General Manager, Peter Vlatko*

238.11.2019 RESOLVED: That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.
Clr Marsden/ Clr Lea-Barrett **CARRIED**

CLAUSE 11B – RATES RECONCILIATION REPORT AS AT 30 SEPTEMBER 2019

FILE: R2-1 **AOP REFERENCE: 3.1.1.6**

AUTHOR: *Office Coordinator, Jo-Louise Brown*

239.11.2019 RESOLVED: That the Rates Reconciliation Report as at the 30 September 2019 be received and noted.
Clr Toomey/ Clr Sinclair **CARRIED**

COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

THIS IS PAGE 9 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD SCHEDULED FOR THURSDAY 24 OCTOBER 2019
ADJOURNED TO THURSDAY 14 NOVEMBER 2019

.....
GENERAL MANAGER

.....
MAYOR

240.11.2019 RESOLVED: That Council move into the Committee of the Whole with the press and public excluded at 6:02pm 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 Sinclair/ Clr Abbott **CARRIED**

Council resumed in Open Council at 6:24pm.

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

241.11.2019 RESOLVED: That the recommendations of the Committee of the Whole be adopted.
Clr Marsden/ Clr Toomey **CARRIED**

CLAUSE 1C – LEASE OF TOWN HALL CINEMA BUILDING
FILE: A10-19 **AOP REFERENCE: 1.6.4**
AUTHOR: *General Manager, Peter Vlatko*

33COW.11.2019 RESOLVED:

1. That Council authorise the General Manager to enter into a new lease with Western Studio of Performing Arts, in respect of the Town Hall Cinema Building being substantially consistent with the existing lease for a term of up to two (2) years with an option for a third year, with the rental increased to \$820.00 monthly (with annual CPI Increases) at the start of the new lease term.
2. That Council authorise the Mayor and General Manager to sign all relevant lease Agreement documentation for Town Hall Cinema, 5 Barton Street, Cobar under the Common Seal of Council.
3. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Sinclair/ Clr Marsden **CARRIED**

CLAUSE 2C – AUCTION OF VACANT LAND HELD FOR SALE
21 DUFFY DRIVE
FILE: A-10 **AOP REFERENCE: 3.1.1.2**
AUTHOR: *Office Coordinator, Jo-Louise Brown*

WITHDRAWN

**CLAUSE 3C – SALE OF LAND FOR UNPAID RATES
RESERVES**

FILE: R2-10

AOP REFERENCE: 3.1.1.2

AUTHOR: *Rates Officer, Jo-Louise Brown*

WITHDRAWN

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:25PM

CONFIRMED.....

MINUTE NO.....

MAYOR.....

**THIS IS PAGE 11 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD SCHEDULED FOR THURSDAY 24 OCTOBER 2019
ADJOURNED TO THURSDAY 14 NOVEMBER 2019**

.....
GENERAL MANAGER

.....
MAYOR