
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF
THE SHIRE OF COBAR HELD IN THE COUNCIL CHAMBERS ON
THURSDAY 23 FEBRUARY COMMENCING AT 5:04PM**

PRESENT (FILE C13-2)

Councillors Lilliane Brady OAM (Mayor), Peter Abbott (Deputy Mayor), Tracey Kings, Janine Lea-Barrett, Christopher Lehmann, Greg Martin, Peter Maxwell, Julie Payne, Harley Toomey, Bob Sinclair and Peter Yench. Messrs Peter Vlatko (General Manager), Kym Miller (Director of Finance and Community Services), Garry Ryman (Director of Planning and Environmental Services), Stephen Taylor (Director of Engineering Services) and Mmes Angela Shepherd (Director of Corporate and Economic Services) and Janette Booth (Executive Assistant – General Manager/Mayor).

APOLOGIES (FILE C13-2)

01.2.2017 **RESOLVED:** That the apology received from Councillor Jarrod Marsden be accepted.
Clr Payne/ Clr Lea-Barrett **CARRIED**

DECLARATIONS OF INTEREST (FILE C12-3)

Nil.

CONDOLENCES (FILE M2-3)

- Terrence Eugene Saddler;
- Mary Hillary Dutton;
- Val Good;
- Diane Warren;
- Neville Clive Fisher;
- Alan Wells;
- Wally McGuire;
- Maree Strudwick;
- Robert Lloyd Hansen;
- Jack Brady.

A minutes silence was observed by those in attendance.

CONFIRMATION OF MINUTES

TRAFFIC COMMITTEE MEETING (FILE C6-14)

02.2.2017 **RESOLVED:** That the minutes of the Traffic Committee Meeting held on Thursday, 22 November 2016 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Payne / Clr Lea-Barrett **CARRIED**

THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 FEBRUARY 2017

.....
GENERAL MANAGER

.....
MAYOR

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

03.2.2017 **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday, 27 October 2016 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Abbott / Clr Payne **CARRIED**

NOTICE OF MOTION – PARK NAMING – EUABALONG WEST

FILE: P1-10 **AOP REFERENCE: 1.5.3.3**
AUTHOR: Councillor, Peter Maxwell

04.2.2017 **RESOLVED:** That Council name the park at Euabalong West the John J Burke Park and that a sign be erected in the park to signify the naming.
Clr Lea-Barrett/ Clr Abbott **CARRIED**

NOTICE OF MOTION – AUGMENTATION OF WATER SUPPLY EUABALONG/ EUABALONG WEST

FILE: W2-6 **AOP REFERENCE: 4.1.3.1**
AUTHOR: Councillor, Peter Maxwell

05.2.2017 **RESOLVED:** That Council seek funding for the establishment of a bore and associated works in the Lachlan River aquifer adjacent to Euabalong for the purpose of augmenting the raw water supply for the two villages.
Clr Abbott/ Clr Kings **CARRIED**

06.2.2017 **RESOLVED:** That Council seek funding for the establishment of a bore at Nymagee for the purpose of augmenting the raw water supply for the village.
Clr Yench/ Clr Abbott **CARRIED**

NOTICE OF MOTION – WESTERN DIVISION OF COUNCILS ANNUAL CONFERENCE AGENDA ITEM – “BURNING OFF” PERMITS

FILE: L5-4-4 **AOP REFERENCE: 1.6.5**
AUTHOR: Councillor, Peter Yench

RESOLVED:

1. That Council writes a Letter to the Fire Commissioner to cancel all fire permits.

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2. That Council requests the issuing of “Burning Off” permits be an agenda item for the upcoming Western Division of Councils Annual Conference with a view of more infringements conditions being enforced and a policy be created to suit all landowners.

Clr Yench/ Clr Lea-Barrett

LOST

A Division was called:

For:

*Clr Peter Yench
Clr Tracey Kings*

Against:

*Clr Lilliane Brady OAM
Clr Peter Abbott
Clr Janine Lea-Barrett
Clr Christopher Lehmann
Clr Greg Martin
Clr Peter Maxwell
Clr Julie Payne
Clr Bob Sinclair
Clr Harley Toomey*

**NOTICE OF MOTION – INCREASED REVENUE FROM
UNDERGROUND INVESTMENT BY MINES IN THE SHIRE**

FILE: T5-15

AOP REFERENCE: 3.1.1

AUTHOR: *Councillor, Peter Yench*

07.2.2017 RESOLVED:

1. That Council Officers present to a (Council) workshop an overview of options available for Council to generate increased revenue from investment projects undertaken by mines in the Shire and future mining prospects.
2. That a consultant be employed to advise the Council on Voluntary Planning Agreements.

Clr Yench/ Clr Lea-Barrett

CARRIED

**NOTICE OF MOTION – SOCIAL IMPACTS ON MINING AND
OTHER LARGE DEVELOPMENTS**

FILE: M4-1

AOP REFERENCE: 1.4.3

AUTHOR: *Councillor, Peter Yench*

08.2.2017 RESOLVED: That Council Officers present to a (Council) workshop on an overview of options to properly consider impacts of mining and other large developments on the community.

Clr Yench/ Clr Lea-Barrett

CARRIED

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

AOP REFERENCE: 3.1

AUTHOR: *Mayor, Councillor Lilliane Brady OAM*

09.2.2017 **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of February 2017.
Clr Toomey / Clr Abbott **CARRIED**

CLAUSE 2A – UPGRADE TO COUNCIL WORKS DEPOT - COBAR

FILE: A10-20

AOP REFERENCE: 3.3.3.3

AUTHOR: *General Manager, Peter Vlatko*

MOTION:

1. That Council approve the Master Plan for the improvement to the Council Works Depot in Cobar.
2. That subject to the 2016/2017 Budget Review result that Council approves Stages 1 to 14 of the Master Plan being undertaken.

Clr Lea-Barrett/ Clr Abbott

AMENDMENT: That an inspection of the facilities be conducted prior to the decision making process in relation the Council Works Depot.

Clr Kings /Clr Sinclair

The amendment was put and carried.

The amendment then became the motion.

10.2.2017 **RESOLVED:** That an inspection of the facilities be conducted prior to the decision making process in relation the Council Works Depot.
Clr Kings /Clr Sinclair **CARRIED**

CLAUSE 3A – QUARTER 2 2016/2017 BUDGET REVIEW

FILE: L5-22

AOP REFERENCE: 3.3

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

11.2.2017 **RESOLVED:**

1. That the capital budget for 2016/2017 is revised by the amount detailed in the attachment to this report which is shown as Table 2.

2. That the operating budget for 2016/2017 is revised by the amount detailed in Table 1 of this report.

Clr Abbott / Clr Maxwell

CARRIED

CLAUSE 4A – SECTION 356 DONATIONS 2017/2018

FILE: D3-1

AOP REFERENCE: 1.4.5

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

12.2.2017 RESOLVED:

1. That the two late applications from St Vincent de Paul Society and Euabalong Gymkhana and Team Penning be accepted and considered.

2. That donations be awarded to community bodies for the 2017/2018 Financial year, as follows:

- a) Euabalong Gymkhana and Team Penning be provided \$1,600.00 towards their public liability premium;
- b) Cobar Arts Council to receive relief of General Rates for approximately \$800.00;
- c) Cobar Rugby League Football Club to receive a cash donation of \$25,000 (total) to be paid in instalments of \$6,250 quarterly, which will be paid in arrears provided that their accounts with Cobar Shire Council are up to date;
- d) Auto Club of Cobar Inc to receive a cash donation of \$2,000.00;
- e) Kubby House Child Care Centre to receive relief of General Rates for approximately \$3,000.00;
- f) In-kind donation of rubbish collection to St Vincent de Paul Society for an approximate value of \$800.00;
- g) That Cobar Girl Guides receive rates relief of \$750.

Clr Yench/ Clr Sinclair

CARRIED

CLAUSE 5A – SIGNIFICANT VARIATIONS TO BUDGET REPORTED UNDER REGULATION 202 OF THE GENERAL REGULATIONS 2005 OF THE LOCAL GOVERNMENT ACT 1993

FILE: C8-4-5, L5-22-4

AOP REFERENCE: 3.1, 3.3.3

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

13.2.2017 RESOLVED:

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1. That the significant variations to the 2015/2016 Budget are received and noted.
 2. That the expenditure is incorporated into the Quarter 2 2016/2017 Budget Review.

Clr Abbott/ Clr Yench

CARRIED

CLAUSE 6A – NSW RURAL FIRE SERVICE BUILDING – COBAR BRIGADE STATION, LOT 10 RAILWAY PARADE SOUTH

FILE: T3-15-3

AOP REFERENCE: 1.6.5.1

AUTHOR: *Director of Planning and Environmental Services, Garry Ryman*

14.2.2017

RESOLVED: Section 10A (g) of the *Local Government Act 1993* as discussion in Open Council would disclose privileged and confidential legal advice.

Clr Abbott/ Clr Martin

CARRIED

CLAUSE 7A – MINERS MEMORIAL

FILE: 2017/LDA-0002

AOP REFERENCE: 1.5.3.3

AUTHOR: *Manager Planning and Environmental Services, Stephen Poulter*

15.2.2017

RESOLVED: Council resolve to waive Development Application Fee (\$920), Advertising Fee (\$25) and s.94A Developer Contribution Levies (\$2,500) for the Miners Memorial.

Clr Martin / Clr Abbott

CARRIED

CLAUSE 8A – SECOND QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2016/2017

FILE: L5-22

AOP REFERENCE: 3.1

AUTHOR: *Director Corporate and Economic Development, Angela Shepherd*

16.2.2017

RESOLVED: That Council receives and endorses the second quarterly review of the 2016/2017 Annual Operational Plan, covering the period October to December 2016.

Clr Maxwell/ Clr Sinclair

CARRIED

CLAUSE 9A – WATER RESTRICTIONS

FILE: W2-5

AOP REFERENCE: 5.1.2.3

AUTHOR: *Director Corporate and Economic Development, Angela Shepherd*

17.2.2017 **RESOLVED:** That Council endorses the decision by the Mayor to toughen water restrictions, limiting watering in Cobar town to an ‘odds and evens’ system between 6pm and 8pm for all outside watering.
Clr Yench / Clr Lehmann **CARRIED**

CLAUSE 10A – EXHIBITION OF ECONOMIC ACTION PLAN
FILE: D2-18 **AOP REFERENCE: 2.1.3**
AUTHOR: *Director Corporate and Economic Development,*
Angela Shepherd

18.2.2017 **RESOLVED:** That Council resolves to put the draft Cobar Economic Action Plan on public exhibition for at least 28 days.
Clr Payne/ Clr Lea-Barrett **CARRIED**

CLAUSE 11A – EXHIBITION OF CRIME PREVENTION PLAN
FILE: C8-16 **AOP REFERENCE: 1.6.1.2**
AUTHOR: *Director Corporate and Economic Development,*
Angela Shepherd

19.2.2017 **RESOLVED:** That Council resolves to put the draft Cobar Crime Prevention Plan on public exhibition for at least 28 days.
Clr Sinclair/ Clr Yench **CARRIED**

CLAUSE 12A – MINUTES OF THE ECONOMIC TASKFORCE FEBRUARY MEETING AND TERMS OF REFERENCE
FILE: D2-17 **AOP REFERENCE: 2.1**
AUTHOR: *Director Corporate and Economic Development,*
Angela Shepherd

20.2.2017 **RESOLVED:**

1. That Council actively pursue and encourage and support the development of alternative power generation industries, such as the bio hub and solar generation in Cobar Shire.
2. That Council increase lobbying efforts seeking government investment in promotion of outback NSW in a similar manner to that undertaken in Queensland.
3. That Council diversify the activities and expand the Festival of the Miners Ghost Festival and form a 2020 Committee to develop an even larger and exciting festival program to celebrate the 150 year anniversary of Cobar.
4. That Council allocate sufficient funding to update the Cobar Shire Council webpage to increase the tourism focus to ‘sell’ Cobar to the tourism industry.

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5. That Council provide resourcing to undertake a masterplan of the CBD to create a mining theme and identity, additional town entrance works, more shade and plants.
 6. That Council adopt the Economic Taskforce Terms of Reference.

Clr Lea-Barrett / Clr Yench

CARRIED

**CLAUSE 13A – DEFECTIVE BUILDING WORK – COBAR
BRIGADE STATION; LOT 10 RAILWAY PDE SOUTH,
COBAR**

FILE: T3-15-3

AOP REFERENCE: 1.6.5.1

**AUTHOR: *Director of Planning & Environmental Services,
Garry Ryman***

21.2.2017

RESOLVED: That a report regarding the defective building work associated with the Cobar Brigade Station Building at Lot 10, Railway Pde South be considered in Committee of the Whole Closed Council with the press and public excluded in accordance with Section 10A (g) of the *Local Government Act 1993* as discussion in Open Council would disclose privileged and confidential legal advice.

Clr Martin/ Clr Kings

CARRIED

**CLAUSE 1B – DEVELOPMENT APPROVALS: 30
NOVEMBER 2016 – 14 FEBRUARY 2017**

FILE: T5-1

AOP REFERENCE: 1.6.3.1

**AUTHOR: *Director of Planning & Environmental Services, Garry
Ryman***

22.2.2017

RESOLVED: That the information detailing the Local Development and Construction Certificate approvals for the period 30 November 2016 – 14 February 2017 be received and noted.

Clr Abbott/ Clr Toomey

CARRIED

CLAUSE 2B – MONTHLY STATUS REPORT

FILE: C13-10

AOP REFERENCE: 3.1

AUTHOR: *General Manager, Peter Vlatko*

23.2.2017

RESOLVED: That the information contained in the monthly status report be received and noted, with the following items to be removed: 914, 978, 979, 980 Part 1 and 981.

Clr Abbott/ Clr Lea-Barrett

CARRIED

CLAUSE 3B – INVESTMENT REPORT AS AT 31 JANUARY 2017

FILE: B2-7

AOP REFERENCE: 3.1.1.7

AUTHOR: *Finance Manager, Neil Mitchell*

- 24.2.2017** **RESOLVED:** That Council receive and note the Investment Report as at 31 January 2017.
Clr Abbott/ Clr Payne **CARRIED**
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CLAUSE 4B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 31 JANUARY 2017

FILE: B2-7

AOP REFERENCE: 3.1.1.5

AUTHOR: *Finance Manager, Neil Mitchell*

- 25.2.2017** **RESOLVED:** That Council receive and note the Bank Reconciliation, Cash Flow and Loan Facility Report as at 31 January 2017.
Clr Lea- Barrett/ Clr Payne **CARRIED**
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CLAUSE 5B – MEETING MINUTES

FILE: D2-17, C8-17

AOP REFERENCE: 3.1

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

- 26.2.2017** **RESOLVED:** That the Minutes of the Economic Taskforce and Cobar Liquor Accord Committee Meetings be received and noted.
Clr Payne / Clr Yench **CARRIED**
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CLAUSE 6B – UPDATE ON INFRASTRUCTURE PROJECT FINANCES

FILE: G4-29

AOP REFERENCE: 4.1.4.2

AUTHOR: *Director of Engineering Services, Stephen Taylor*

- 27.2.2017** **RESOLVED:** That Council receive and note the updated financial information for the two Restart NSW Resources for Regions infrastructure projects.
Clr Abbott / Clr Lea-Barrett **CARRIED**
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CLAUSE 7B – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31

AOP REFERENCE: 4.3.2

AUTHOR: *Director of Engineering Services, Stephen Taylor*

28.2.2017 **RESOLVED:** That the information detailing the Expenditure for Council's Roads Network be received and noted.
Clr Lea-Barrett/ Clr Kings **CARRIED**

CLAUSE 8B – ENGINEERING WORKS REPORT

FILE: C6-20-2 **AOP REFERENCE: 4.3.2**

AUTHOR: *Director of Engineering Services, Stephen Taylor*

29.2.2017 **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 Martin/ Clr Abbott **CARRIED**

CLAUSE 9B – ROAD CAPITAL/MAINTENANCE WORKS PROGRAM JANUARY 2017 TO JUNE 2017

FILE: R5-1 **AOP REFERENCE: 4.3.1.1.5**

AUTHOR: *Director of Engineering Services, Stephen Taylor*

30.2.2017 **RESOLVED:** That the Roads Capital/Maintenance Program January 2017 to June 2017 be received and noted.
Clr Abbott/ Clr Lea-Barrett **CARRIED**

CLAUSE 10B – JULY – DECEMBER 2016 REPORT ON THE IMPLEMENTATION OF THE COBAR SHIRE COUNCIL DELIVERY PROGRAM

FILE: L5-22 **AOP REFERENCE: 3.3.3**

AUTHOR: *Director Corporate and Economic Development, Angela Shepherd*

31.2.2017 **RESOLVED:** That the information contained in the six monthly report on the implementation of the Delivery Program – July to December 2016, be received and noted.
Clr Abbott/ Clr Kings **CARRIED**

CLAUSE 11B – GRANT FUNDING

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

AUTHOR: *Director Corporate and Economic Development, Angela Shepherd*

32.2.2017 **RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.
Clr Yench/ Clr Toomey **CARRIED**

**CLAUSE 12B – RATES RECONCILIATION REPORT AS AT
31 DECEMBER 2016**

FILE: R2-1

AOP REFERENCE: 3.1.1.6

AUTHOR: *Office Coordinator, Jo-Louise Brown*

- 33.2.2017** **RESOLVED:** That the Rates Reconciliation Report as at the 31 December 2016 be received and noted.
Clr Abbott/ Clr Lea-Barrett **CARRIED**
-

**CLAUSE 13B – RATES RECONCILIATION REPORT AS AT
31 JANUARY 2017**

FILE: R2-1

AOP REFERENCE: 3.1.1.6

AUTHOR: *Office Coordinator, Jo-Louise Brown*

- 34.2.2017** **RESOLVED:** That the Rates Reconciliation Report as at the 31 January 2017 be received and noted.
Clr Payne /Clr Abbott **CARRIED**
-

COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

- 35.2.2017** **RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 5:51pm as matters to be discussed are considered to be confidential vide Section 10A (g) of the *Local Government Act 1993* as discussion in Open Council would disclose privileged and confidential legal advice.
Clr Lea-Barrett/ Clr Kings **CARRIED**
-

Council resumed in Open Council at 5:58pm

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

- 36.2.2017** **RESOLVED:** That the recommendations of the Committee of the Whole be adopted.
Clr Abbott/ Clr Toomey **CARRIED**
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**CLAUSE 1C - DEFECTIVE BUILDING WORK – COBAR
BRIGADE STATION; LOT 10 RAILWAY PDE SOUTH,
COBAR**

FILE: T3-15-3

AOP REFERENCE: 1.6.5.1

AUTHOR: *Director of Planning & Environmental Services, Garry Ryman*

03COW.2.2017 RESOLVED:

1. That Council authorises the General Manager to commence with a defects claim against Castlereagh Construction Group Pty Ltd.
2. That Council authorises the General Manager to negotiate with the NSW Rural Fire Service funding opportunities for the demolition and rebuilding of the Cobar Brigade Station building from floor level up and report back to Council.
3. That Council notes that possession of the site for the purpose of repairing, demolishing or rebuilding the Cobar Brigade Station building is not possible until the agreement with Castlereagh Construction Group Pty Ltd is terminated.
4. That discussions relating to the defective building works associated with the Cobar Brigade Station building remains in the Committee of the Whole Closed Council.

Clr Lea-Barrett /Clr Martin

CARRIED

CLAUSE 2C – NSW RURAL FIRE SERVICE BUILDING – COBAR BRIGADE STATION, LOT 10 RAILWAY PARADE SOUTH

FILE: T3-15-3

AOP REFERENCE: 1.6.5.1

AUTHOR: *Director of Planning and Environmental Services, Garry Ryman*

04COW.2.2017 RESOLVED:

1. That the information regarding the outcome of the adjudication under the *Building Construction Industry Security of Payment Act 1999* be received and noted on the basis of no further avenues being available to Council to oppose the Court Ordered payment to Castlereagh Construction Group Pty Ltd.
2. That the Mayor and General Manager be authorised to lodge complaints on behalf of Council to relevant individuals, companies and state authorities as deemed appropriate regarding adjudications under the *Building Construction Industry Security of Payment Act 1999*.

Clr Lea-Barrett /Clr Yench

CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5:58PM

CONFIRMED.....

MINUTE NO.....

THIS IS PAGE 12 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 FEBRUARY 2017

.....
GENERAL MANAGER

.....
MAYOR

MAYOR.....

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COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 FEBRUARY 2017**

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GENERAL MANAGER

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MAYOR