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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF  
THE SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON  
WEDNESDAY 24 APRIL 2019 COMMENCING AT 5:00PM**

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**PRESENT (FILE C13-2)**

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

**OBSERVERS**

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

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**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.*

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**APOLOGIES (FILE C13-2)**

**61.4.2019**

**RESOLVED:**

1. That the apologies received from Councillors Lilliane Brady OAM (Mayor) and Christopher Lehmann be accepted.
2. That Council note the granted leave of absence for the April Ordinary Council Meeting from Councillor Peter Yench.

*Clr Lea-Barrett/ Clr Kings*

**CARRIED**

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**DECLARATIONS OF INTEREST (FILE C12-3)**

- Nil.
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**CONDOLENCES (FILE M2-3)**

- Michael Kilpatrick Thomas;
  - Irene Lesley Fryer.
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COUNCIL OF THE SHIRE OF COBAR HELD ON WEDNESDAY 24 APRIL 2019**

.....  
ACTING GENERAL MANAGER

.....  
DEPUTY MAYOR

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A minutes silence was observed by those in attendance.

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**PUBLIC ACCESS SESSION**

- Nil.
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**CONFIRMATION OF MINUTES**

**ORDINARY MEETING OF COUNCIL (FILE C13-11)**

**62.4.2019**      **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday, 28 March 2019 be confirmed as a true and correct record of the proceedings of that meeting.  
*Clr Toomey/ Clr Payne* **CARRIED**

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**NOTICE OF MOTION - FRINGE BENEFITS TAX (FBT) INCLUDING LIVING AWAY FROM HOME ALLOWANCE EXEMPTED FOR REMOTE MINING COMMUNITIES SUCH AS COBAR**

**FILE: C12-1**

**AOP REFERENCE: 1.4.2.1**

**AUTHOR: Councillor, Peter Abbott**

**63.4.2019**      **RESOLVED:**

1. That Cobar Shire Council lobby both the Federal Government and the Association of Mining Related Councils to have Fringe Benefits Tax (FBT) including Living Away From Home Allowance exempted for remote mining communities such as Cobar.
2. That Council have discussions about a percentage of miners and those who are working on specific projects who should legally be required to live in town, to be held with the State Government.

*Clr Marsden/ Clr Sinclair*

**CARRIED**

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**CONFIRMATION OF MINUTES**

**TRAFFIC COMMITTEE (FILE C6-14)**

**64.4.2019**      **RESOLVED:** That the minutes of the Traffic Committee held on Tuesday, 19 February 2019 be confirmed as a true and correct record of the proceedings of that meeting.  
*Clr Maxwell/ Clr Payne* **CARRIED**

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**CLAUSE 1A – MAYORAL REPORT**

**FILE: C13-1-5**

**AOP REFERENCE: 3.1**

**AUTHOR: *Mayor, Councillor Lilliane Brady OAM***

**65.4.2019**      **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of April 2019.  
*Clr Marsden/ Clr Sinclair* **CARRIED**

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**CLAUSE 2A – REPORT ON THE FINDINGS BY THE INDEPENDENT REVIEWER OF THE CODE OF CONDUCT COMPLAINT BY CRL BRADY OAM AGAINST CR P YENCH**

**FILE: C12-5**

**AOP REFERENCE: 3.1.5**

**AUTHOR: *General Manager, Peter Vlatko***

**66.4.2019**      **RESOLVED:** That the consideration by Council of the Code of Conduct Complaint Report on Clr P Yench June 2018 be deferred pending the receipt of an opinion from the Office of Local Government (Procedures cl 8.50) on the consideration of the report under Procedures clause 8.50.  
*Clr Maxwell/ Clr Sinclair* **CARRIED**

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**CLAUSE 3A – MODEL CODE OF CONDUCT POLICY**

**FILE: P5-8**

**AOP REFERENCE: 3.1.5**

**AUTHOR: *General Manager, Peter Vlatko***

**67.4.2019**      **RESOLVED:** That the draft Code of Conduct Policy be placed on public exhibition for a period of 28 days.  
*Clr Sinclair/ Clr Lea-Barrett* **CARRIED**

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**CLAUSE 4A – MODEL CODE OF MEETING PRACTICE**

**FILE: P5-8**

**AOP REFERENCE: 3.1.5**

**AUTHOR: *General Manager, Peter Vlatko***

**68.4.2019**      **RESOLVED:**

1. That the following amendments be made to the draft Code of Meeting Practice:
  - That Sections 14.9 to 14.17 be removed from the draft Code of Meeting Practice.
  - That Council choose clause 15.15:  
  
15.15      All chairpersons of meetings of the council and committees of the council are authorised under this code to

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expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

2. That the draft Code of Meeting Practice be placed on public exhibition for a period of 28 days.

*Clr Sinclair/ Clr Lea-Barrett*

**CARRIED**

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**CLAUSE 5A – REQUEST FOR SUPPORT FOR NATIONAL CLASS 1 AGRICULTURAL VEHICLE AND COMBINATION NOTICE**

**FILE: R5-1**

**AOP REFERENCE: 4.3.1**

**AUTHOR: *General Manager, Peter Vlatko***

**69.4.2019**

**RESOLVED:** That Cobar Shire Council write to National Farmers' Federation CEO Tony Mahar in support of the implementation of a National Class 1 Agricultural Vehicle and Combination Notice.

*Clr Sinclair/ Clr Kings*

**CARRIED**

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**CLAUSE 6A – CAPITAL EXPENDITURE REQUIREMENT AT LILLIANE BRADY VILLAGE**

**FILE: T2-17**

**AOP REFERENCE: 1.5.3**

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

**70.4.2019**

**RESOLVED:** That \$110k be appropriated towards replacing floor coverings at the Lilliane Brady Village and the amount be reflected in the Q3 Budget Review which will be presented to Council in May 2019.

*Clr Payne/ Clr Lea-Barrett*

**CARRIED**

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**CLAUSE 7A – PRELIMINARY WRAP UP OF THE 2019 GREY MARDI GRAS FESTIVAL**

**FILE: T4-9**

**AOP REFERENCE: 2.1.2**

**AUTHOR: *Special Projects Officer, Angela Shepherd***

**71.4.2019**

**RESOLVED:** That Council agrees to hold a second Grey Mardi Gras event and make an appropriate budget allocation in the 2019/2020 Budget with a decision on the continuity decided at the June Workshop.

*Clr Kings/ Clr Lea-Barrett*

**CARRIED**

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**CLAUSE 1B – DEVELOPMENT APPROVALS: 20 MARCH 2019 – 15 APRIL 2019**

**FILE: T5-1**

**AOP REFERENCE: 1.6.3.1**

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

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**72.4.2019**      **RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 20 March 2019 – 15 April 2019 be received and noted.  
*Clr Payne/ Clr Kings*      **CARRIED**

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**CLAUSE 2B – MONTHLY STATUS REPORT**

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

**73.4.2019**      **RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 879, 1266, 1267, 1273, 1274, 1275 and 1276.  
*Clr Lea-Barrett/ Clr Toomey*      **CARRIED**

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**CLAUSE 3B – INVESTMENT REPORT AS AT 31 MARCH 2019**

**FILE: B2-7**      **AOP REFERENCE: 3.1.1.7**  
**AUTHOR: *Finance Manager, Neil Mitchell***

**74.4.2019**      **RESOLVED:** That Council receive and note the Investment Report as at 31 March 2019.  
*Clr Marsden/ Clr Toomey*      **CARRIED**

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**CLAUSE 4B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 31 MARCH 2019**

**FILE: B2-7**      **AOP REFERENCE: 3.1.1.5**  
**AUTHOR: *Finance Manager, Neil Mitchell***

**75.4.2019**      **RESOLVED:** That Council receive and note the Bank Reconciliation, Cash Flow and Loan Facility Report as at 31 March 2019.  
*Clr Lea-Barrett/ Clr Sinclair*      **CARRIED**

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**CLAUSE 5B – MATERIAL VARIATION TO BUDGET ESTIMATE 2018/2019**

**FILE: L5-22-1**      **AOP REFERENCE: 3.1**  
**AUTHOR: *Director Finance and Community Services, Kym Miller***

**76.4.2019**      **RESOLVED:** That Council receive and note the report material variation to budget estimate 2018/2019.  
*Clr Lea-Barrett/ Clr Marsden*      **CARRIED**

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**CLAUSE 6B – MEETING MINUTES**

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

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**77.4.2019**      **RESOLVED:** That the Minutes of the Audit and Risk and Cobar Liquor Accord Committee be received and noted.  
*Clr Marsden/ Clr Payne*      **CARRIED**

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**CLAUSE 7B – EXPENDITURE FOR ROADS NETWORK**

**FILE: R5-31**      **AOP REFERENCE: 4.3.2**  
**AUTHOR: *General Manager, Peter Vlatko***

**78.4.2019**      **RESOLVED:** That the information detailing the Expenditure for Council's Roads Network be received and noted.  
*Clr Maxwell/ Clr Sinclair*      **CARRIED**

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**CLAUSE 8B – ENGINEERING WORKS REPORT**

**FILE: C6-20-2**      **AOP REFERENCE: 4.3.2**  
**AUTHOR: *Acting Director of Engineering Services, Ken Wilson***

**79.4.2019**      **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 Marsden/ Clr Sinclair*      **CARRIED**

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**CLAUSE 9B – ANALYSIS OF DRY AND WET PLANT AND EQUIPMENT CONTRACT**

**FILE: T3-15-6, P3-19-4**      **AOP REFERENCE: 3.3.4**  
**AUTHOR: *Acting Director of Engineering Services, Ken Wilson***

**80.4.2019**      **RESOLVED:** That Council receive and note the information contained in this report.  
*Clr Sinclair/ Clr Maxwell*      **CARRIED**

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**CLAUSE 10B – 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***

**81.4.2019**      **RESOLVED:** That the information contained in the Enterprise Risk Register be received and noted.  
*Clr Lea-Barrett/ Clr Marsden*      **CARRIED**

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**CLAUSE 11B – THIRD QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2018/2019**

**FILE: L5-22**      **AOP REFERENCE: 3.1**  
**AUTHOR: *Special Projects Officer, Angela Shepherd***

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**82.4.2019**      **RESOLVED:** That Council receives and notes the third quarterly review of the 2018/2019 Annual Operational Plan, covering the period January to March 2019.  
*Clr Lea-Barrett/ Clr Payne*      **CARRIED**

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**CLAUSE 12B – MINUTES OF OUTBACK ARTS BOARD MEETING**

**FILE:** A3-1      **AOP REFERENCE:** 1.4.5  
**AUTHOR:** *Special Projects Officer, Angela Shepherd*

**83.4.2019**      **RESOLVED:** That Council receives and notes the minutes of the 1 April 2019 AGM and Ordinary Board meeting of the Outback Arts Board and the Council Summary Report provided by Outback Arts on their activities.  
*Clr Sinclair/ Clr Marsden*      **CARRIED**

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**CLAUSE 13B – GRANT FUNDING**

**FILE:** G4-17      **AOP REFERENCE:** 3.1.1.4  
**AUTHOR:** *Special Projects Officer, Angela Shepherd and Economic Development Manager, Kerry Grant-Mackay*

**84.4.2019**      **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 Marsden*      **CARRIED**

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**CLAUSE 14B – RATES RECONCILIATION REPORT AS AT 31 MARCH 2019**

**FILE:** R2-1      **AOP REFERENCE:** 3.1.1.6  
**AUTHOR:** *Office Coordinator, Jo-Louise Brown*

**85.4.2019**      **RESOLVED:** That the Rates Reconciliation Report as at the 31 March 2019 be received and noted.  
*Clr Lea-Barrett/ Clr Sinclair*      **CARRIED**

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**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5:53PM**

**CONFIRMED.....**

**MINUTE NO.....**

**DEPUTY MAYOR.....**