
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF
THE SHIRE OF COBAR HELD IN THE COUNCIL CHAMBERS ON
THURSDAY 26 APRIL 2018 COMMENCING AT 5:02PM**

PRESENT (FILE C13-2)

Councillors Lilliane Brady OAM (Mayor), Peter Abbott (Deputy Mayor), Janine Lea-Barrett, Chris Lehmann, Greg Martin, Peter Maxwell, Julie Payne, Bob Sinclair, Harley Toomey and Peter Yench.

OBSERVERS

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 Ms Janette Booth (Executive Assistant – General Manager/Mayor).

APOLOGIES (FILE C13-2)

71.4.2018 **RESOLVED:** That the apology received from Councillor Tracey Kings be accepted and that leave of absence be granted.
Clr Abbott/ Clr Lea-Barrett **CARRIED**

DECLARATIONS OF INTEREST (FILE C12-3)

- Councillor Lilliane Brady OAM declared a Pecuniary interest in Clause 5A and Clause 1C – Report on the findings by the Independent Reviewer of the Code of Conduct Complaint by Cr L Brady OAM against Cr P Yench.
- Councillor Peter Yench declared a Pecuniary interest in Clause 5A and Clause 1C – Report on the findings by the Independent Reviewer of the Code of Conduct Complaint by Cr L Brady OAM against Cr P Yench.

CONDOLENCES (FILE M2-3)

- Shirley Wetzal.

A minutes silence was observed by those in attendance.

PRESENTATIONS TO COUNCIL

- Nil.

PUBLIC ACCESS FORUM

**THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018**

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- Linda Carter – Secretary Manager – Cobar Memorial Services and Bowling Club – Impacts on 7/7 rosters, FIFO and DIDO.
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CONFIRMATION OF MINUTES

TRAFFIC COMMITTEE MEETING (FILE C6-14)

- 72.4.2018** **RESOLVED:** That the minutes of the Traffic Committee Meeting held on Tuesday, 20 February 2018 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Lea-Barrett/ Clr Abbott **CARRIED**
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CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

- 73.4.2018** **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday, 22 March 2018 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Payne/ Clr Lea-Barrett **CARRIED**
-

NOTICE OF MOTION – DONATION OF A LARGE INDUSTRIAL BIN TO THE EMPIRE HOTEL

FILE: P5-48, W1-6, C12-1 **AOP REFERENCE: 5.1.2**
AUTHOR: Councillor, Greg Martin

- 74.4.2018** **RESOLVED:** That Council consider as part of the Donation Policy the supply of a trade waste bin to be collected once a month to the Empire Hotel to be utilised as part of their container deposit scheme.
Clr Payne/ Clr Martin **CARRIED**
-

NOTICE OF MOTION – INVESTIGATIONS INTO WATER COST REDUCTION OPTIONS

FILE: W2-1, C12-1 **AOP REFERENCE: 4.1.2**
AUTHOR: Councillor, Peter Yench

- 75.4.2018** **RESOLVED:**
1. That Council investigate options and ways of reducing the cost of water to the households and to include such things as:
 - Desalination of water;
 - Additional bore water;
 - Reduce the number of parks, gardens and ovals;
 - Increase water storages.
 2. That Council seek grant funding to engage a consultant to undertake the investigations.
- Clr Yench/ Clr Lea-Barrett* **CARRIED**
-

THIS IS PAGE 2 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

NOTICE OF MOTION – POLICY DEVELOPMENT FOR DEVELOPMENT APPLICATIONS FOR MINING OPERATIONS

FILE: M4-1, C12-1

AOP REFERENCE: 5.3.1

AUTHOR: *Councillor, Peter Yench*

76.4.2018

RESOLVED: That Council develops a Policy to assist in the determination of Development Approvals (DA's) for Mining Operations in order to reduce the impact of Fly-in, Fly-out (FIFO) and Drive-in, Drive-out (DIDO) on our community.

Clr Yench/ Clr Lea-Barrett

CARRIED

NOTICE OF MOTION – PURCHASE OF CROWN LAND

FILE: A9-17, C12-1

AOP REFERENCE: 2.1 & 5.2.3

AUTHOR: *Councillor, Peter Yench*

MOTION: That Council applies to purchase the Crown Land between the Gun Club and the Auto Club for the purpose of the potential Industrial land and the future by-pass connection between the Nyngan Road, Bourke Road and Wilcannia Road by connecting with the Pipeline Road.

Clr Yench/ Clr Lehmann

LOST

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

AOP REFERENCE: 3.1

AUTHOR: *Mayor, Councillor Lilliane Brady OAM*

77.4.2018

RESOLVED: That Council accepts the information contained in the Mayoral Report for the month of April 2018.

Clr Abbott/ Clr Martin

CARRIED

CLAUSE 2A – COUNCIL'S ANNUAL OPERATIONAL PLAN, FEES AND CHARGES AND REVENUE POLICY

FILE: L5-22

AOP REFERENCE: 3.3

AUTHOR: *Director Finance and Community Services, Kym Miller and Senior Projects Officer, Angela Shepherd*

78.4.2018

RESOLVED:

1. That Council places the draft 2018-2019 Annual Operational Plan, including the Fees and Charges, Revenue Policy and Ten Year Financial Plan on public exhibition for a minimum of 28 days.
2. That Council hold a public meeting in May to present the documents and seek community input into them and to identify possible future projects.

Clr Sinclair/ Clr Abbott

CARRIED

THIS IS PAGE 3 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

**CLAUSE 3A – ACCOMMODATION BOND/LIQUIDITY
STRATEGY FOR LILLIANE BRADY VILLAGE**

FILE: C8-4-5

AOP REFERENCE: 1.5.4

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

- 79.4.2018** **RESOLVED:** That Council receives and notes the Accommodation Bond/Liquidity Strategy for Lilliane Brady Village Report and approves the strategy.
Clr Lea-Barrett/ Clr Toomey **CARRIED**
-

**CLAUSE 4A – REPORT ON PROMOTIONAL PACKAGES
DURING SUMMER 2017/2018 AT THE COBAR MEMORIAL
SWIMMING POOL AND COBAR YOUTH AND FITNESS
CENTRE**

FILE: S9-2, A10-22, D3-1 & L5-22

AOP REFERENCE: 3.1

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

- 80.4.2018** **RESOLVED:**
1. That the report on promotional packages during the summer season 2017/2018 be received and noted.
 2. That the Director of Finance and Community Services be authorised to conduct similar packaging on an ongoing basis with a report presented to Council on the impact in April of each year.
- Clr Payne/ Clr Martin* **CARRIED**

- 81.4.2018** **RESOLVED:** That a report be brought to Council on options to improve the efficiency and usage of the pool including a profit and loss analysis from other Council's in the region.
Clr Yench/ Clr Lea-Barrett **CARRIED**
-

**CLAUSE 5A – REPORT ON THE FINDINGS BY THE
INDEPENDENT REVIEWER OF THE CODE OF CONDUCT
COMPLAINT BY CR L BRADY OAM AGAINST CR P YENCH**

FILE: C12-5

AOP REFERENCE: 3.1.5

AUTHOR: *Director of Finance and Community Services, (Code of Conduct Complaints Coordinator), Kym Miller*

MOTION: That the matter of the report on the findings by the independent reviewer of the Code of Conduct complaint by Cr L Brady OAM against Cr P Yench be considered in Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i)(g) of the *Local Government Act 1993*, as discussions of this matter in open Council contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and contains

advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Clr Sinclair/ Clr Lea-Barrett

LOST

Lost on the casting vote of the Mayor.

Clr Yench addressed the Council in relation to the recommendation.

Clr Lilliane Brady OAM (Mayor) and Clr Peter Yench declared a Pecuniary interest as the Code of Conduct Complaint relates to them and left the meeting at 5:57pm.

Clr Peter Abbott (Deputy Mayor) took the Chair in the absence of the Mayor at 5:57pm.

CLAUSE 1C – REPORT ON THE FINDINGS BY THE INDEPENDENT REVIEWER OF THE CODE OF CONDUCT COMPLAINT BY CR L BRADY OAM AGAINST CR P YENCH
FILE: C12-5 **AOP REFERENCE: 3.1.5**

AUTHOR: *Director of Finance and Community Services, (Code of Conduct Complaints Coordinator), Kym Miller*

82.4.2018 RESOLVED:

1. Council resolve that Councillor Peter Yench breached Council's Code of Conduct on 22 June 2017 in relation to Clauses 3.1(e) and 3.3 by his conduct at the Meeting of Council on 22 June 2017, in that he conducted himself in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, that Cr Yench verbally abused the Mayor, other councillors and Council staff (cl 3.1 (e)) and that he failed to treat others with respect at all times (cl 3.3).
2. That Councillor Yench be required to provide a written apology to Council, the Mayor, other councillors and staff in the form attached, to be tabled at the next ordinary Meeting of Council.
3. That Councillor Yench be required to undertake training on Council Meeting procedure and to present to Council certification of satisfactory completion. The training is to be undertaken as arranged by the General Manager and in any event within 3 months”.

Clr Maxwell/ Clr Lehmann

CARRIED

83.4.2018 RESOLVED: That this matter be referred to the Office of Local Government for further action under the misconduct provision of the Act.

Clr Sinclair/ Clr Martin

CARRIED

Clr Brady OAM (Mayor) and Clr Yench returned to the meeting at 6:18pm.

Clr Abbott left the Chair and Clr Brady OAM (Mayor) returned at 6:18pm.

CLAUSE 6A – RESULTS OF REQUEST FOR TENDER FOR A PROVIDER FOR THE DESIGN AND SUPPLY OF EQUIPMENT FOR DRUMMOND PARK PLAYGROUND UPGRADE

FILE: T3-18-2

AOP REFERENCE: 1.5.2.3

AUTHOR: *Senior Projects Officer, Angela Shepherd*

The Report was Withdrawn.

CLAUSE 7A – DISABILITY INCLUSION ACTION PLAN 2018

FILE: L5-22-1

AOP REFERENCE: 3.3

AUTHOR: *Senior Projects Officer, Angela Shepherd*

- 84.4.2018 RESOLVED:** That Council places the draft Disability Inclusion Action Plan 2018 on public exhibition seeking input from the community for a period of 28 days.
Clr Sinclair/ Clr Maxwell **CARRIED**
-

CLAUSE 8A – THIRD QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2017/2018

FILE: L5-22

AOP REFERENCE: 3.1

AUTHOR: *Senior Projects Officer, Angela Shepherd*

- 85.4.2018 RESOLVED:** That Council receives and endorses the third quarterly review of the 2017/2018 Annual Operational Plan, covering the period January to March 2018.
Clr Sinclair/ Clr Payne **CARRIED**
-

Clr Peter Yench left the Meeting at 6:21pm.

Clr Peter Yench returned to the Meeting at 6:22pm.

CLAUSE 9A – ACRES BILLABONG CULVERT REPLACEMENT

FILE: T3-18-1, G4-30, MR1-9

AOP REFERENCE: 4.3.1.1

AUTHOR: *Director of Engineering Services, Stephen Taylor*

- 86.4.2018 RESOLVED:** That the tenders received for the Acres Billabong culvert replacement be considered in 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 discussions of this matter in open Council would prejudice the commercial position of the person who supplied it.
Clr Maxwell/ Clr Sinclair **CARRIED**
-

THIS IS PAGE 6 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

CLAUSE 10A – MEMORIAL GATE – NYMAGEE PARK

FILE: P1-1

AOP REFERENCE: 4.4.5.1

AUTHOR: *Director of Engineering Services, Stephen Taylor*

87.4.2018 RESOLVED:

1. That subject to the Nymagee Progress Association approval Council grant permission for the installation of a memorial gate for Joan Whiteman at Nymagee Park by the Nymagee CWA.
2. That Council will not be liable for the cost of construction or future maintenance of the memorial gate.
3. That the Nymagee CWA liaise with the Director of Engineering Services or his nominee in relation to the construction of the memorial gate.

Clr Sinclair/ Clr Lea-Barrett

CARRIED

CLAUSE 11A – COBAR/ WRIGHTVILLE COMMON TRUST

FILE: C7-1

AOP REFERENCE: 5.2.3

AUTHOR: *Environmental Supervisor, Melissa Gunn*

88.4.2018 RESOLVED: That Council declines the offer to be reappointed as the Manager of the Cobar/Wrightville Common Trust.

Clr Lea-Barrett/ Clr Sinclair

CARRIED

A Division was called:

For:

*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*

Against:

Clr Peter Yench

**CLAUSE 1B – DEVELOPMENT APPROVALS: 14 MARCH 2018
- 17 APRIL 2018**

FILE: T5-1

AOP REFERENCE: 1.6.3.1

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

89.4.2018 RESOLVED: That the information detailing the Local Development and Construction Certificate approvals for the period 14 March 2018 – 17 April 2018 be received and noted.

Clr Payne/ Clr Lea-Barrett

CARRIED

THIS IS PAGE 7 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

.....
GENERAL MANAGER

.....
MAYOR

CLAUSE 2B – MONTHLY STATUS REPORT

FILE: C13-10

AOP REFERENCE: 3.1

AUTHOR: *General Manager, Peter Vlatko*

- 90.4.2018** **RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 435, 799, 905, 980, 1078, 1089, 1139, 1143, 1144, 1145, 1146 and 1147.
Clr Lea-Barrett / Clr Payne **CARRIED**
-

CLAUSE 3B – INVESTMENT REPORT AS AT 31 MARCH 2018

FILE: B2-7

AOP REFERENCE: 3.1.1.7

AUTHOR: *Finance Manager, Neil Mitchell*

- 91.4.2018** **RESOLVED:** That Council receive and note the Investment Report as at 31 March 2018.
Clr Abbott/ Clr Toomey **CARRIED**
-

CLAUSE 4B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 31 MARCH 2018

FILE: B2-7

AOP REFERENCE: 3.1.1.5

AUTHOR: *Finance Manager, Neil Mitchell*

- 92.4.2018** **RESOLVED:** That Council receive and note the Bank Reconciliation, Cash Flow and Loan Facility Report as at 31 March 2018.
Clr Abbott/ Clr Lea-Barrett **CARRIED**
-

CLAUSE 5B – MEETING MINUTES

FILE: C8-6-4, A12-4 & C8-17

AOP REFERENCE: 3.1

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

- 93.4.2018** **RESOLVED:** That the Minutes of the Cobar Youth Council, Cobar Shire Council Internal Audit Committee and Cobar Liquor Accord Committee Meetings be received and noted.
Clr Payne/ Clr Sinclair **CARRIED**
-

CLAUSE 6B – UPDATE ON INFRASTRUCTURE PROJECT FINANCES

FILE: G4-29

AOP REFERENCE: 4.1.4.2

AUTHOR: *Director of Engineering Services, Stephen Taylor*

- 94.4.2018** **RESOLVED:** That Council receive and note the updated financial information for the two Restart NSW Resources for Regions infrastructure projects.
Clr Lea-Barrett/ Clr Abbott **CARRIED**
-

THIS IS PAGE 8 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

.....
GENERAL MANAGER

.....
MAYOR

CLAUSE 7B – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31

AOP REFERENCE: 4.3.2

AUTHOR: *Director of Engineering Services, Stephen Taylor*

95.4.2018 RESOLVED: That the information detailing the Expenditure for Council's Roads Network be received and noted.
Clr Lea-Barrett/ Clr Abbott **CARRIED**

CLAUSE 8B – ENGINEERING WORKS REPORT

FILE: C6-20-2

AOP REFERENCE: 4.3.2

AUTHOR: *Director of Engineering Services, Stephen Taylor*

96.4.2018 RESOLVED:

1. 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.
2. That Council write to the National Party and invite them to the Rural Roads meeting to be held at Berangabah Station.
3. That Council lobby the Government to get funding for the deterioration of roads when extended dry periods occur.

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

CLAUSE 9B – ANALYSIS OF PLANT AND EQUIPMENT HIRE AND TRADES AND MISCELLANEOUS SERVICES REGISTERS

FILE: T3-15-6, P3-19-4

AOP REFERENCE: 3.3.4

AUTHOR: *Director of Engineering Services, Stephen Taylor*

97.4.2018 RESOLVED: That Council receive and note the information contained within this report.
Clr Sinclair/ Clr Toomey **CARRIED**

CLAUSE 10B – MINUTES OF OUTBACK ARTS AGM AND BOARD MEETING

FILE: A3-1

AOP REFERENCE: 1.4.5

AUTHOR: *Senior Projects Officer, Angela Shepherd*

98.4.2018 RESOLVED: That Council receives and notes the Minutes of the AGM, March Ordinary Meeting of the Outback Arts Board and the Council Summary Report provided by Outback Arts on their activities.
Clr Lea-Barrett/ Clr Toomey **CARRIED**

THIS IS PAGE 9 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

CLAUSE 11B – GRANT FUNDING

FILE: G4-17

AOP REFERENCE: 3.1.1.4

AUTHOR: *Senior Projects Officer, Angela Shepherd*

- 99.4.2018** **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 31 MARCH 2018

FILE: R2-1

AOP REFERENCE: 3.1.1.6

AUTHOR: *Office Coordinator, Jo-Louise Brown*

- 100.4.2018** **RESOLVED:** That the Rates Reconciliation Report as at the 31 March 2018 be received and noted.
Clr Sinclair/ Clr Lea-Barrett **CARRIED**
-

COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

- 101.4.2018** **RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 6:51pm as matters to be discussed are considered to be confidential vide *Section 10A (2)(d)(i)(g) of the Local Government Act 1993*, as discussions of this matter in open Council contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
Clr Payne/ Clr Lea-Barrett **CARRIED**
-

Council resumed in Open Council at 6:57pm.

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

- 102.4.2018** **RESOLVED:** That the recommendations of the Committee of the Whole be adopted.
Clr Abbott/ Clr Lehmann **CARRIED**
-

CLAUSE 2C – RESULTS OF REQUEST FOR TENDER FOR A PROVIDER FOR THE DESIGN AND SUPPLY OF EQUIPMENT FOR DRUMMOND PARK PLAYGROUND UPGRADE

FILE: T3-18-2

AOP REFERENCE: 1.5.2.3

AUTHOR: *Senior Projects Officer, Angela Shepherd*

THIS IS PAGE 10 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 APRIL 2018

The Report was Withdrawn.

**CLAUSE 3C – ACRES BILLABONG CULVERT
REPLACEMENT**

FILE: G4-30, MR1-9

AOP REFERENCE: 4.3.1.1

AUTHOR: *Director of Engineering Services, Stephen Taylor*

15COW.4.2018 RESOLVED:

1. That Council accepts the tender from Killeen Plant Hire Pty Ltd for \$598,665.10 (including GST), \$544,241.00 (excluding GST) for the Acres Billabong culvert replacement.
2. That the difference between the current budget and the tendered price be funded from Roads to Recovery funding and at the next budget review consider which funded project be carried over to the 2018/2019 financial year.
3. That the information contained within this report remain confidential within the Committee of the Whole Closed Council.

Clr Sinclair / Clr Lea-Barrett

CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 7:00PM

CONFIRMED.....

MINUTE NO.....

MAYOR.....