
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON THURSDAY
28 MAY 2020 COMMENCING AT 5:01PM**

PRESENT (FILE C13-2)

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

79.5.2020

RESOLVED:

1. That the apology received from Councillor Lilliane Brady OAM (Mayor) be accepted.
2. That Councillor Lilliane Brady OAM (Mayor) be granted a leave of absence for the next two months (May and June).

Clr Sinclair/ Clr Payne

CARRIED

DECLARATIONS OF INTEREST (FILE C12-3)

- Clr Janine Lea-Barrett declared a Pecuniary interest in Clause 8A – Expansion of Cobar Mine Workers Village Development Application;
- Clr Jarrod Marsden declared a Non-Pecuniary interest in Clause 8A – Expansion of Cobar Mine Workers Village Development Application;

**THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 MAY 2020**

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GENERAL MANAGER

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DEPUTY MAYOR

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- Clr Robert Sinclair declared a Pecuniary Interest in Clause 8A – Expansion of Cobar Mine Workers Village Development Application;
 - Clr Peter Yench declared a Pecuniary Interest in Clause 8A – Expansion of Cobar Mine Workers Village Development Application.
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CONDOLENCES (FILE M2-3)

- Max Humphries;
- Patricia Alice Meadows;
- Hubert Noel Oakenfull;
- Elvie May Fraser;
- Rita Sylvia Mead;
- Doug McManus.

A minutes silence was observed by those in attendance.

PUBLIC ACCESS SESSION

- Nil.
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CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

- 80.5.2020** **RESOLVED:** That the Minutes of the Ordinary Meeting of Council held on Thursday, 23 April 2020 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Sinclair/ Clr Payne **CARRIED**
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CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

AOP REFERENCE: 3.1

AUTHOR: *Mayor, Lilliane Brady OAM*

- 81.5.2020** **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of May 2020.
Clr Payne/ Clr Toomey **CARRIED**
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CLAUSE 2A – PUBLICATION GUIDE – GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

FILE: A2-6-2

AOP REFERENCE: 3.1.5.2

AUTHOR: *General Manager, Peter Vlatko*

- 82.5.2020** **RESOLVED:** That Council adopts the Publication Guide dated 1 June 2020 as the current Policy of Council.
Clr Sinclair/ Clr Marsden **CARRIED**
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THIS IS PAGE 2 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 MAY 2020

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GENERAL MANAGER

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DEPUTY MAYOR

CLAUSE 3A – TENDER FOR DRY AND WET HIRE PLANT AND EQUIPMENT

FILE: T3-20-4

AOP REFERENCE: 3.3.4

AUTHOR: *General Manager, Peter Vlatko*

- 83.5.2020** **RESOLVED:** That the report regarding the Tender for Dry and Wet Hire Plant and Equipment 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) (i) 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 Lea-Barrett/ Clr Payne **CARRIED**
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CLAUSE 9A – TENDER – CONVERSION OF A HOUSE (9 MAIDENS AVE, COBAR) TO GIRL GUIDES HALL (T3-20-3)

FILE: T3-20-3

AOP REFERENCE: 4.4.2.4

AUTHOR: *Projects Co-ordinator, Carly Hunter*

- 84.5.2020** **RESOLVED:** That a further report regarding the Tender – Conversion of a House (9 Maidens Avenue, Cobar) to a Girl Guides Hall (T3-20-3) be considered in the Committee of the Whole Closed Council with the press and public excluded for reasons 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 Lea-Barrett/ Clr Payne **CARRIED**
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CLAUSE 10A – EXPRESSIONS OF INTEREST – COBAR HERITAGE CENTRE UPGRADES (T3-20-6)

FILE: T3-20-6

AOP REFERENCE: 1.5.2.4 & 4.4.2.4

AUTHOR: *Project Coordinator, Carly Hunter*

- 85.5.2020** **RESOLVED:** That a further report regarding the Expression of Interest – Great Cobar Heritage Centre (T3-20-6) 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)(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 Lea-Barrett/ Clr Payne **CARRIED**
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CLAUSE 11A – LEASE OF MOUNT HOPE PWP NO. 8 – 5 YEAR LEASE

FILE: T3-20-2

AOP REFERENCE: 3.3.4.1

AUTHOR: *Water and Sewer Manager, Victor Papierniak*

THIS IS PAGE 3 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 MAY 2020

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GENERAL MANAGER

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DEPUTY MAYOR

86.5.2020 **RESOLVED:** That a further report concerning the tenders received for the Tender of Mount Hope PWP No.8 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 information of a confidential nature that would, if disclosed in open Council, prejudice the commercial position of the person who supplied it.
Clr Lea-Barrett/ Clr Payne **CARRIED**

CLAUSE 4A – DISABILITY INCLUSION ACTION PLAN 2020-2024

FILE: L5-22-1 **AOP REFERENCE: 3.3**
AUTHOR: *General Manager, Peter Vlatko*

87.5.2020 **RESOLVED:** That Council places the draft Disability Inclusion Action Plan 2020-2024 on public exhibition seeking input from the community for a period of 28 days.
Clr Sinclair/ Clr Maxwell **CARRIED**

CLAUSE 5A – QUARTER 3 2019/2020 BUDGET REVIEW

FILE: L5-22 **AOP REFERENCE: 3.3**
AUTHOR: *Director of Finance and Community Services, Kym Miller*

88.5.2020 **RESOLVED:**

1. That the Capital Budget for 2019/2020 is revised to complete the upgrade of the bathrooms at the Lilliane Brady Village.
2. That no changes be made to the Operating Budget for 2019/2020 in Q3.

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

CLAUSE 6A – COUNCIL’S ANNUAL OPERATIONAL PLAN, BUDGET, FEES AND CHARGES AND REVENUE POLICY

FILE: L5-22 **AOP REFERENCE: 3.3**
AUTHOR: *Director Finance and Community Services, Kym Miller*

89.5.2020 **RESOLVED:**

1. That Council place the draft 2020/2021 Annual Operational Plan, Budget, Fees and Charges, Revenue Policy and Ten-Year Financial Plan on public exhibition for 28 days.
2. That Council hold a public meeting on Wednesday, 17 June 2020 at 6:00pm to present the documents and seek community input into them and to identify possible future projects.

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3. That Council seek assistance from the Federal Government to be allocated ten new bed licenses immediately for the Lilliane Brady Village.
 4. That Council seek the NSW Government to provide ‘top up’ income to cover the holding costs of the extensions to the Lilliane Brady Village of approximately \$200,000 per annum from hand over date until ten new bed licenses are issued.

Clr Payne/ Clr Sinclair

CARRIED

CLAUSE 7A – COBAR LOCAL STRATEGIC PLANNING STATEMENT

FILE: T5-18

AOP REFERENCE: 1.6, 2.1, 2.2, 3.2 & 3.3

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

90.5.2020

RESOLVED: That Council adopt and finalise Cobar Local Strategic Planning Statement (LSPS) and upload to the NSW Planning Portal for finalisation.

Clr Sinclair/ Clr Maxwell

CARRIED

Clr Jarrod Marsden declared a Non-Pecuniary Interest.

Clr Janine Lea-Barrett, Robert Sinclair and Peter Yench declared a Pecuniary Interest.

Due to the Declarations of Interest Council did not have a Quorum to discuss Clause 8A – Part A & Part B – Expansion of Cobar Mine Workers Village Development Application.

CLAUSE 8A – PART A & PART B – EXPANSION OF COBAR MINE WORKERS VILLAGE DEVELOPMENT APPLICATION

FILE: 2019/LD-00023

AOP REFERENCE: 1.6.3.1

AUTHOR: *Director of Planning & Environmental Services, Garry Ryman & City Plan Associate, Robert Bisley & Director, Helen Deegan*

91.5.2020

RESOLVED: That Council delegate to the General Manager the determination of the Expansion of Cobar Mine Workers Village Development Application 2019-LD-00023

Clr Sinclair/ Clr Lea-Barrett

CARRIED

CLAUSE 1B – DEVELOPMENT APPROVALS: 15 APRIL 2020 – 19 MAY 2020

FILE: T5-1

AOP REFERENCE: 1.6.3.1

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

THIS IS PAGE 5 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 MAY 2020

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GENERAL MANAGER

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DEPUTY MAYOR

92.5.2020 **RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 14 April 2020 – 19 May 2020 be received and noted.
Clr Lea-Barrett/ Clr Sinclair **CARRIED**

CLAUSE 2B – MONTHLY STATUS REPORT

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

93.5.2020 **RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 1356, 1368, 1369 Part 1 and Part 3 and 1370.
Clr Payne/ Clr Lea-Barrett **CARRIED**

CLAUSE 3B – INVESTMENT REPORT AS AT 30 APRIL 2020

FILE: B2-7 **AOP REFERENCE:** 3.1.1.7
AUTHOR: *Financial Accountant, Sandra Davey*

94.5.2020 **RESOLVED:** That Council receive and note the Investment Report as at 30 April 2020.
Clr Sinclair/ Clr Lea-Barrett **CARRIED**

CLAUSE 4B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 APRIL 2020

FILE: B2-7 **AOP REFERENCE:** 3.1.1.5
AUTHOR: *Financial Accountant, Sandra Davey*

95.5.2020 **RESOLVED:** That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as at 30 April 2020.
Clr Payne/ Clr Sinclair **CARRIED**

CLAUSE 5B – PURCHASING ANALYSIS OF CONTRACTORS

FILE: T3-15-6 **AOP REFERENCE:** 3.3.4
AUTHOR: *Financial Accountant, Sandra Davey*

96.5.2020 **RESOLVED:** That Council receive and note the information contained within this report.
Clr Lea-Barrett/ Clr Sinclair **CARRIED**

CLAUSE 6B – EXPENDITURE FOR ROADS NETWORK

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

97.5.2020 **RESOLVED:** That the information detailing the Expenditure for Council's Roads Network be received and noted.
Clr Maxwell/ Clr Payne **CARRIED**

CLAUSE 7B – ENGINEERING WORKS REPORT

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

AUTHOR: *General Manager, Peter Vlatko*

98.5.2020 **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 Sinclair **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, Victor Papierniak-Wojtowicz*

99.5.2020 **RESOLVED:** That Council receive and note the updated financial information for the three Restart NSW Resources for Regions infrastructure projects.
Clr Sinclair/ Clr Lea-Barrett **CARRIED**

CLAUSE 9B – GRANT FUNDING

FILE: G4-17 **AOP REFERENCE: 3.1.1.3**

AUTHOR: *Grants Officer, Brytt Moore*

100.5.2020 **RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.
Clr Payne/ Clr Lea-Barrett **CARRIED**

CLAUSE 10B – RATES RECONCILIATION REPORT AS AT 30 APRIL 2020

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

AUTHOR: *Office Coordinator, Jo-Louise Brown*

101.5.2020 **RESOLVED:** That the Rates Reconciliation Report as at the 30 April 2020 be received and noted.
Clr Sinclair/ Clr Payne **CARRIED**

COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

- 102.5.2020 RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 6:30pm 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 Lea-Barrett **CARRIED**

Council resumed in Open Council at 6:56pm.

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

- 103.5.2020 RESOLVED:** That the recommendations of the Committee of the Whole be adopted.
Clr Sinclair/ Clr Payne **CARRIED**

CLAUSE 1C – TENDER FOR DRY AND WET HIRE PLANT AND EQUIPMENT

FILE: T3-20-4

AOP REFERENCE: 3.3.4

AUTHOR: *General Manager, Peter Vlatko*

21COW.5.2020 RESOLVED:

1. That Council engages the following companies to be selected as a panel of preferred suppliers for Dry and Wet Hire Plant and Equipment:
 1. A-Plant Equipment
 2. Brooks Hire Service
 3. Broughton Contracting
 4. Bruce's Contracting
 5. Coates Hire Operations Pty Ltd
 6. Cobar Cranes Pty Ltd
 7. Conplant Pty Ltd
 8. Deppeler Earthmoving
 9. Hydra-Wash Pty Ltd
 10. J & B Consolidated Pty Ltd
 11. J Prisk Contractors
 12. J.N Harbison Earthmoving and Electrical Contracting
 13. JR & EG Richards Pty Ltd
 14. Jums H20
 15. Kennards Hire Pty Ltd
 16. Killeen Plant Hire Pty Ltd
 17. Komatsu Australia
 18. Milbrae Quarries
 19. R Bruce Contracting Pty Ltd
 20. Robertsons Ready Mix

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21. Rollers Australia Pty Ltd
 22. Stabilcorp Pty Ltd
 23. T A Booth Transport
 24. Total Drain Cleaning Services Pty Ltd
 25. Traylaon Partnership
 26. Urquhart Haulage Contractors Pty Ltd

2. The engagement of the successful companies will be under contractual conditions including the requirement of the performance of the works, rates, insurances and other general conditions of the Contract as executed under the agreement. The successful panel of suppliers will be selected on the basis of price, availability, performance and funding.

3. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Sinclair/ Clr Toomey

CARRIED

CLAUSE 2C – TENDER CONVERSION OF A HOUSE (9 MAIDENS AVE, COBAR) TO GIRL GUIDES HALL (T3-20-3)

FILE: T3-20-3

AOP REFERENCE: 4.4.2.4

AUTHOR: *Projects Co-Ordinator, Carly Hunter*

22COW.5.2020 RESOLVED:

1. That Council award the contract to The McDonald Trust T/A Country Mile Construction and allocate an additional \$120,000 to the project.

2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea-Barrett/ Clr Payne

CARRIED

CLAUSE 3C – CALL FOR EXPRESSION OF INTEREST – COBAR HERITAGE CENTRE UPGRADES (T3-20-6)

FILE: T3-20-6

AOP REFERENCE: 1.5.2.4 & 4.4.2.4

AUTHOR: *Project Coordinator, Carly Hunter*

23COW.5.2020 RESOLVED:

1. That the following companies are invited to Tender for the upgrades at the Great Cobar Heritage Centre:

1. North Construction and Building, (Dubbo);
2. Hutchinson Builders (Tweed Heads, NSW);
3. David Payne Construction (Dubbo, NSW).

2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea-Barrett/ Clr Payne

CARRIED

CLAUSE 4C – LEASE OF MOUNT HOPE PWP NO. 8 – 5 YEAR LEASE

FILE: T3-20-2

AOP REFERENCE: 3.3.4.1

AUTHOR: *Water and Sewer Manager, Victor Papierniak*

24COW.5.2020 RESOLVED:

1. That the Tender for the Mount Hope PWP No.8 from Mr Fitzpatrick be accepted by Council based on the Tender Evaluation Criteria for a period of five (5) years from 1 August 2020 to 30 June 2025 at a cost of \$7,000 per annum and in accordance with the Tender.

2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Maxwell/ Clr Payne

CARRIED

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

CONFIRMED.....

MINUTE NO.....

DEPUTY MAYOR.....