

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON THURSDAY
28 OCTOBER 2021 COMMENCING AT 5:00PM**

PRESENT (FILE C13-2)

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

OBSERVERS

Messrs Peter Vlatko (General Manager), Kym Miller (Director of Corporate and Community Services), Scott Casey (Director of Infrastructure Services), Garry Ryman (Director of Planning and Environmental Services) and Miss Kelly Fairbank (Executive Assistant - General Manager/ Mayor).

MESSAGE FROM THE CHAIR:

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COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 OCTOBER 2021**

.....
GENERAL MANAGER

.....
MAYOR

APOLOGIES (FILE C13-2)

182.10.2021 RESOLVED: That the apologies received from Councillor Julie Payne be accepted and a leave of absence granted.
Clr Marsden / Clr Lea- Barrett

CARRIED

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.
-

CONDOLENCES (FILE M2-3)

- Dawn Janice Griffiths
- Sonia Lee Pack
- Joseph Henry Lawrence

A minute's silence was observed by those in attendance.

PUBLIC ACCESS SESSION

- Nil.
-

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

183.10.2021 RESOLVED: That the Minutes of the Ordinary Meeting of Council held on Thursday, 26 August 2021 adjourned to Thursday 23 September 2021 and the Minutes of the Ordinary Meeting of Council held Thursday 23 September 2021 be confirmed as a true and correct record of the proceedings of that meeting.

Clr Sinclair / Clr Winders

CARRIED

CLAUSE 1 – MAYORAL REPORT

FILE: C13-1-5 AOPREFERENCE:3.1 ATTACHMENT: NO

AUTHOR: Mayor, Peter Abbott

184.10.2021 RESOLVED: That Council accepts the information contained in the Mayoral Report for the month of October 2021.

Clr Sinclair / Clr Marsden

CARRIED

Clr Yench Voted against the motion

CLAUSE 2 – MAYORAL MINUTE FOR OCTOBER ORDINARY COUNCIL MEETING

FILE: C13-1-5

ATTACHMENT: NO

AUTHOR: Mayor, Mr Peter Abbott

185.10.2021 RESOLVED: That Council:

1. Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.

2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.

3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.

4. Writes to the local State Member Roy Butler, the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.

5. Writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.

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.....
GENERAL MANAGER

.....
MAYOR

6. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.

7. Affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities worse off.

Clr Sinclair/ Clr Maxwell

CARRIED

CLAUSE 3 – MEETING ARRANGEMENTS – CHRISTMAS AND NEW YEAR

FILE: C6-16 AOPREFERENCE:3.1.5 ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

186.10.2021 RESOLVED: That the Mayor and General Manager be delegated authority, jointly, to deal with matters of an urgent nature for the period commencing after the appointment of the Mayor following the Local Government Election to the first Council meeting of 2022 and if that any urgent matters are dealt with under this authority that they be reported to first Ordinary Meeting of Council of 2022.

Clr Lea- Barrett / Clr Sinclair

CARRIED

CLAUSE 4– 2020/2021 ANNUAL REPORT

**FILE: A2-2 AOP REFERENCE: 3.3.3 ATTACHMENT: YES
(UNDER SEPARATE COVER)**

AUTHOR: *General Manager, Peter Vlatko*

Report withdrawn

CLAUSE 5 – LOCAL GOVERNMENT REMUNERATION TRIBUNAL ANNUAL DETERMINATION ON FEES PAID TO MAYOR AND COUNCILLORS FOR 2022

FILE: C12-2 & L5-1 AOP REFERENCE: 3.1.5 ATTACHMENT: YES (PAGE 51-52)

187.10.2021 RESOLVED: 1. That Council receive and note the information contained within this report.

2. That Council do not provide a submission to the Tribunal.

Clr Maxwell / Clr Sinclair

CARRIED

CLAUSE 6 – MEETING MINUTES

**FILE: R5-36 AOP REFERENCE:3.1
(PAGE 53-58)**

ATTACHMENT: YES

AUTHOR: *General Manager, Peter Vlatko*

MOTION:

1. That the Minutes of the Rural Roads Advisory Committee and the Liquor Accord Meeting be received and noted.
2. That Council consider the following recommendations:
 1. To investigate funding opportunities to develop Tilpa Weir site as a tourist location and improve the road infrastructure, MR68 leading up to the Weir possibly using future Fixing Local Roads funding.
 2. That the MR68 and 52 Mile Road to be prioritised with gravelling.
 3. That MR7518 to be prioritised for sealing at the end of the of bitumen going South.
 4. That Council develop a strategic plan for Council’s Roads assets.
 5. That Council consider accepting tenders by paper or email in its tender process.

Clr Sinclair/ Clr Winders

AMENDMENT: That Council receive and note the minutes of the Rural Roads Advisory Committee and the Liquor Accord meeting.

Clr Maxwell / Clr Lea Barrett

The amendment is put

CARRIED

The Amendment becomes the motion.

188.10.2021 RESOLVED: That Council receive and note the minutes of the Rural Roads Advisory Committee and the Liquor Accord meeting.

Clr Maxwell / Clr Lea Barrett

CARRIED

CLAUSE 7 – MONTHLY STATUS REPORT

FILE: C13-10 AOP REFERENCE: 3.1 ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

189.10.2021 RESOLVED: That the information contained in the monthly status report be received and noted with item numbers 1434 & 1435 to be removed.

Clr Marsden/ Clr Lea- Barrett

CARRIED

CLAUSE 8 –ROOM PRICES AT LILLIANE BRADY VILLAGE
FILE: C8-4-5 AOP REFERENCE: 1.5.4 ATTACHMENT: YES
(PAGE 59-66)

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

190.10.2021 RESOLVED: That Council:

1. Set room prices at the Lilliane Brady Village from 1 November 2021, as
Single room with unsuited \$225,000
Single room with shared unsuited \$219,375
Two bed shared room with shared unsuited \$191,250

2. Review room prices annually in the budget process with a view of achieving the prices included in this report by 30 June 2024.

Clr Marsden / Clr Toomey

CARRIED

CLAUSE 9– CONTINUED DONATION OF A LARGE INDUSTRIAL BIN TO THE COBAR AND DISTRICT (CAMELS) RUGBY UNION CLUB

FILE: P5-48, W1-6 & C12-1 AOP REFERENCE: 5.1.2

ATTACHMENT: NO

AUTHOR: *Director Finance Community Services, Kym Miller*

191.10.2021 RESOLVED: That a commercial bin and monthly collection be provided to the Cobar and District Rugby Union Club at no charge to assist with the dumping of surplus packaging arising from their container deposit refund operation for the duration of the project.

Clr Yench / Clr Sinclair

CARRIED

CLAUSE 10 –REPORT ON LIQUIDITY MANAGEMENT STRATEGY FOR LILLIANE BRADY VILLAGE

FILE: C8-4-5 AOP REFERENCE: 1.5.4 ATTACHMENT: YES
(PAGE 67)

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

192.10.2021 RESOLVED: That Council receives and notes the Report on Liquidity Management Strategy for Lilliane Brady Village.

Clr Lea- Barrett / Clr Winders

CARRIED

CLAUSE 11 – INVESTMENT REPORT AS AT 30 SEPTEMBER 2021

FILE: B2-7 AOP REFERENCE: 3.1.1.7

ATTACHMENT: NO

AUTHOR: *Financial Accountant, Sandra Davey*

193.10.2021 RESOLVED: That Council receive and note the Investment Report as of 30 September 2021.

Clr Lea- Barrett / Clr Sinclair

CARRIED

CLAUSE 12 - BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 SEPTEMBER 2021

FILE: B2-7 AOP REFERENCE: 3.1.1.5 ATTACHMENT: NO

AUTHOR: *Financial Accountant, Sandra Davey*

194.10.2021 RESOLVED: That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as of 30 September 2021.

Clr Maxwell / Clr Lea- Barrett

CARRIED

CLAUSE 13 – RATES RECONCILIATION – 30 SEPTEMBER 2021

FILE: R2-1AOP REFERENCE: 3.1.1.6

AUTHOR: *Customer Service Manager, Jo-Louise Brown*

195.10.2021 RESOLVED: That the information contained in the rates reconciliation as at 30 September 2021 be received and noted.

Clr Sinclair / Clr Toomey

CARRIED

CLAUSE 14 – GRANT FUNDING

FILE: G4-17 AOP REFERENCE: 3.1.1.3 ATTACHMENT: NO

AUTHOR: *Grants Officer, Brytt Moore*

196.10.2021 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

CLAUSE 15 – PURCHASING ANALYSIS OF CONTRACTORS

FILE: T3-15-6 AOP REFERENCE:3.3.4 ATTACHMENT: NO

AUTHOR: *Financial Accountant, Sandra Davey*

197.10.2021 RESOLVED: That Council receive and note the information contained in this report.

Clr Lea- Barrett / Clr Sinclair

CARRIED

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GENERAL MANAGER

.....
MAYOR

CLAUSE 16 – ENGINEERING WORKS REPORT

FILE: C6-20-2 AOP REFERENCE: 4.3.2 ATTACHMENT: NO

AUTHOR: *Director of Engineering, Scott Casey*

198.10.2021 RESOLVED: That the information contained in the Engineering Works Report detailing operational and maintenance activities on Shire and Regional Roads, State Highways, Water and Sewer Mains, Parks and Gardens, and other Council assets be received and noted.

Clr Lea- Barrett / Clr Sinclair

CARRIED

CLAUSE 17 – GRIDS AND CULVERTS PROJECT

**FILE: P529, R5-9 AOP REFERENCE: 4.3.1 ATTACHMENT: YES
(PAGE 70)**

AUTHOR: *Scott Casey – Director of Infrastructure Services*

199.10.2021 RESOLVED: That Council receive and note the intention to proceed to tender for the Grids and Culverts Project.

Clr Lea- Barrett / Clr Sinclair

CARRIED

CLAUSE 18– EXPENDITURE FOR ROADS NETWORK

**FILE: R5-31 AOP REFERENCE:4.3.2 ATTACHMENT: YES
(PAGE 71-77)**

AUTHOR: *Director of Engineering, Scott Casey*

200.10.2021 RESOLVED: That the information detailing the Expenditure for Council’s Roads Network be received and noted.

Clr Maxwell / Clr Winders

CARRIED

**CLAUSE 19 – UPDATE ON WATER AND SEWER
INFRASTRUCTURE PROJECTS**

**FILE: G4-29 AOP REFERENCE: 4.1.3.3 AND 4.4.4.2
ATTACHMENT: NO**

AUTHOR: *Water and Sewer Manager, Victor Papierniak*

201.10.2021 RESOLVED: That Council receive and note the updated project information for the three Restart NSW Resources for Regions infrastructure projects.

Clr Yench / Clr Lea- Barrett

CARRIED

Clr Yench voted against the motion

CLAUSE 20 – DEVELOPMENT APPROVALS 16 SEPTEMBER 2021 – 19 OCTOBER 2021

FILE: T5-1 AOP REFERENCE: 1.6.3.1 ATTACHMENT: NO
AUTHOR: *Director of Planning & Environmental Services, Garry Ryman*

202.10.2021 RESOLVED: That the information detailing the Local Development and Construction Certificate approvals for the period 16 September 2021 – 19 October 2021 be received and noted
Clr Sinclair /Clr Lea-Barrett **CARRIED**

CLAUSE 21 – PLANNING AGREEMENT – NEW COBAR COMPLEX UNDERGROUND PROJECT

FILE: M4-22 AOP REFERENCE:1.6.3.1 ATTACHMENT: NO
AUTHOR: *Director of Planning and Environmental Services, Garry Ryman*

Report withdrawn

COMMITTEE OF THE WHOLE

203.10.2021 RESOLVED: That Council move into the Committee of the Whole with the press and public excluded at 6.03 pm 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 Marsden **CARRIED**

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Council resumed in open Council at 6.24pm.

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

204.10.2021 RESOLVED: That the recommendations of the Committee of the Whole Closed Council be adopted.
Clr Lea- Barrett/ Clr Winders **CARRIED**

CLAUSE 1C – WATER MAINS UPGRADE STAGE 2 TENDER

FILE: T3-20-19 AOP REFERENCE: 4.1.3.1

ATTACHMENT: NO

AUTHOR: *Water and Sewer Manager, Victor Papierniak*

27.COW.10.2021 RESOLVED:

1. The tender submitted by Utilstra P/L be passed over due to reasoning outlined in the attached report.
2. The tender submitted by Killard Infrastructure P/L, in the Recommended Tender Amount of \$2,491,346.00 (including GST), be accepted for Contract No. 10035541 for Cobar Water Reticulation Upgrade Stage 2, subject to a satisfactory financial check.
3. The information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Lea- Barrett /Clr Toomey

CARRIED

CLAUSE 2C – ALLOCATION OF FUNDS TO THE GRANT CONTRIBUTION FUND

FILE: L5-22 & G4-17 AOP REFERENCE: 3.1.1.3

ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

The General Manager provided a verbal report as a matter of urgency

28.COW.2021 RESOLVED: That Council approve an \$800,000 increase to the budget allocation for the Grant Contribution fund.

Clr Marsden /Clr Lea- Barrett

CARRIED

CLAUSE 3C – CONSIDERATION OF THE TENDER FOR THE COBAR YOUTH AND FITNESS CENTRE

FILE: T3-21-3 & A10-22 AOP REFERENCE: 1.2.2.1, 1.5.2.1

ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

The General Manager provided a verbal report as a matter of urgency

29.COW.10.2021 RESOLVED: That the Mayor, Deputy Mayor and the General Manager be delegated to approve the recent tender for the upgrade of the Cobar Youth and Fitness Centre

Clr Marsden /Clr Lea- Barrett

CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.29 PM

CONFIRMED.....

MINUTE NO.....

MAYOR.....

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COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 OCTOBER 2021**

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GENERAL MANAGER

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MAYOR