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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF  
THE SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON  
THURSDAY 23 MAY 2019 COMMENCING AT 5:00PM**

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**PRESENT (FILE C13-2)**

Councillors Lilliane Brady OAM (Mayor), Peter Abbott (Deputy Mayor), Janine Lea-Barrett, Christopher Lehmann, Jarrod Marsden, Peter Maxwell, Harley Toomey, Julie Payne, Robert Sinclair, Kate Winders and Peter Yench.

**OBSERVERS**

Messrs Peter Vlatko (General Manager), Kym Miller (Director of Finance & Corporate Services), Garry Ryman (Director of Planning and Environmental Services), Ken Wilson (Acting Director of Engineering 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)**

**86.5.2019**      **RESOLVED:** That the apology received from Councillor Tracey Kings be accepted.  
*Clr Abbott/ Clr Sinclair* **CARRIED**

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

- Councillor Jarrod Marsden declared a Pecuniary interest in Clause 1B – Development Approvals: 16 April 2019 – 14 May 2019;
- Councillor Peter Yench declared a Pecuniary interest in Clause 2A – Report on the Findings by the Independent Reviewer of the Code of Conduct Complaint by Councillors Against Cr P Yench.

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**CONDOLENCES (FILE M2-3)**

- Nil.

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)**

- 87.5.2019**      **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Wednesday, 24 April 2019 be confirmed as a true and correct record of the proceedings of that meeting.  
*Clr Abbott/ Clr Lea-Barrett* **CARRIED**
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**CLAUSE 1A – MAYORAL REPORT**

**FILE: C13-1-5**

**AOP REFERENCE: 3.1**

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

- 88.5.2019**      **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of May 2019.  
*Clr Lehmann/ Clr Maxwell* **CARRIED**
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Clr Peter Yench declared a pecuniary interest and left the meeting at 5:01pm.

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

**FILE: C12-5**

**AOP REFERENCE: 3.1.5**

**AUTHOR: General Manager, Peter Vlatko**

- 89.5.2019**      **RESOLVED:**
1. The Council establishes a committee consisting of Councillors Peter Abbott, Janine Lea-Barrett, Christopher Lehmann, Julie Payne and Kate Winders to be known as the Code of Conduct Report Consideration Committee.
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2. The functions of the Council under the “Procedures for the Administration of the Model Code of Conduct for Local Councils in New South Wales” dated March 2013 (“Procedures Document”) relating to considering the final investigation report prepared by Paul Crennan titled “Report Code of Conduct - Cobar Shire Council Complaint Against Councillor Peter Yench June 2018” and deciding whether or not to impose one or more of the available sanctions referred to in clause 8.56 of the Procedures Document are delegated to the Code of Conduct Report Consideration Committee.

*Clr Payne/ Clr Abbott*

**CARRIED**

Clr Peter Yench returned to the meeting at 5:04pm.

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**CLAUSE 3A – DETERMINATION OF FEES PAID TO MAYOR AND COUNCILLORS**

**FILE: C12-2 & L5-1**

**AOP REFERENCE: 3.1.5**

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

**90.5.2019**

**RESOLVED:**

1. That Councillors fees are set at \$12,160.00 per annum paid monthly in arrears for the twelve months commencing 1 July 2019.
2. That the Mayor’s fee is set at \$26,530.00 per annum, paid monthly in arrears for the twelve months commencing 1 July 2019.

*Clr Maxwell/ Clr Payne*

**CARRIED**

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**CLAUSE 4A – PUBLICATION GUIDE – GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009**

**FILE: A2-6-2**

**AOP REFERENCE: 3.1.5.2**

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

**91.5.2019**

**RESOLVED:** That Council adopts the Publication Guide dated 1 June 2019 as the current Policy of Council.

*Clr Sinclair/ Clr Payne*

**CARRIED**

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**CLAUSE 5A – CLASSIFICATION OF LAND AS OPERATIONAL – LOTS 170 & 171 DP1064650, COBAR**

**FILE: A10-27**

**AOP REFERENCE: 3.1.1**

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

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**92.5.2019 RESOLVED:** That Council, in accordance with section 31 of the *Local Government Act 1993*, Council resolves to classify Lots 170 & 171 DP1064650 as Operational Land.  
*Clr Payne/ Clr Lea-Barrett* **CARRIED**

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**CLAUSE 6A – QUARTER 3 - 2018/2019 BUDGET REVIEW**

**FILE: L5-22**

**AOP REFERENCE: 3.3**

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

Mayor Lilliane Brady OAM declared a pecuniary interest and left the meeting at 5:08pm.

Deputy Mayor Peter Abbott took the Chair in the absence of the Mayor.

**93.5.2019 RESOLVED:** That Council be provided a full report in regards to the write off of the \$586,686 for the Rural Fire Shed.  
*Clr Yench/ Clr Marsden* **CARRIED**

**94.5.2019 RESOLVED:**

1. That the operating budget for 2018/2019 be varied by incorporating an asset write off of \$586,686 and creating a specific doubtful debt provision of \$421,000.
2. That the capital expenditure budget for 2018/2019 be reduced by \$5,000 to incorporate some additional seating in Drummond Park and removing the lightning rod at Fort Bourke Hill.

*Clr Sinclair/ Clr Marsden*

**CARRIED**

Mayor Brady OAM returned to the meeting at 5:20pm and resumed the role of Chair.

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**CLAUSE 7A – 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*

**95.5.2019 RESOLVED:**

1. That Council places the draft 2019/2020 Annual Operational Plan, Budget, 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 on Wednesday, 12 June 2019 at 6:00pm to present the documents and seek community input into them and to identify possible future projects.

*Clr Sinclair/ Clr Abbott*

**CARRIED**

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***A Division was called:***

***For:***

*Clr Lilliane Brady OAM  
Clr Peter Abbott  
Clr Janine Lea-Barrett  
Clr Christopher Lehmann  
Clr Jarrod Marsden  
Clr Peter Maxwell  
Clr Julie Payne  
Clr Harley Toomey  
Clr Bob Sinclair  
Clr Kate Winders*

***Against:***

*Clr Peter Yench*

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**CLAUSE 8A – CROWN LAND MANAGEMENT ACT 2016 –  
INITIAL CATEGORISATION OF RESERVES**

**FILE: A9-17**

**AOP REFERENCE: 5.2.3**

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

**WITHDRAWN**

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**CLAUSE 9A – THE NEWHEY PLAN OF MANAGEMENT -  
COMMUNITY ENGAGEMENT**

**FILE: T5-17**

**AOP REFERENCE: 4.4.3**

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

**MOTION:**

1. That the General Manager be authorised to prepare and proceed with a community engagement proposal in respect of the management options identified in the “Newey Reserve, Management option considerations – for consultation, May 2019” document prepared by Eco Logical Australia Pty Ltd.
2. That a report be presented to the Ordinary Meeting of Council, in July 2019 detailing progress and outcomes of the Newey Reserve community engagement project.

***Clr Abbott/ Clr Lea-Barrett***

**LOST**

***A Division was called:***

***For:***

*Clr Julie Payne  
Clr Peter Yench*

***Against:***

*Clr Lilliane Brady OAM  
Clr Peter Abbott  
Clr Janine Lea-Barrett  
Clr Christopher Lehmann  
Clr Jarrod Marsden*

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*Clr Peter Maxwell  
Clr Harley Toomey  
Clr Bob Sinclair  
Clr Kate Winders*

**96.5.2019**      **RESOLVED:** That the Newey Plan of Management be implemented as written, with Option 2 accepted.  
*Clr Marsden / Clr Sinclair*      **CARRIED**

*A Division was called:*

**For:**

*Clr Lilliane Brady OAM  
Clr Peter Abbott  
Clr Janine Lea-Barrett  
Clr Christopher Lehmann  
Clr Jarrod Marsden  
Clr Peter Maxwell  
Clr Harley Toomey  
Clr Bob Sinclair  
Clr Kate Winders*

**Against:**

*Clr Julie Payne  
Clr Peter Yench*

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**CLAUSE 10A – PLUMBING REGULATOR FUNCTION DELEGATIONS**

**FILE: A2-5**

**AOP REFERENCE: 1.6.3.1**

**AUTHOR: *Manager Planning and Environment, Stephen Poulter***

**97.5.2019**      **RESOLVED:** That Council resolve to accept the delegated functions from NSW Fair Trading and arrange for the signing of the attached Instrument of Delegation.  
*Clr Sinclair/ Clr Marsden*      **CARRIED**

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**CLAUSE 11A – GRAVEL PRODUCTION TENDER**

**FILE: T3-19-2**

**AOP REFERENCE: 4.3.1**

**AUTHOR: *Roads Manager, Adrienne Pierini***

**98.5.2019**      **RESOLVED:** That the tenders received for Gravel Production be considered in Closed Council in the Committee of a Whole 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 Payne/ Clr Marsden*      **CARRIED**

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**CLAUSE 12A – DISABILITY INCLUSION ACTION PLAN 2019**

**FILE: L5-22-1**

**AOP REFERENCE: 3.3**

**AUTHOR: *Economic Development Manager, Kerry Grant-Mackay***

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**99.5.2019**      **RESOLVED:** That Council places the draft Disability Inclusion Action Plan 2019 on public exhibition seeking input from the community for a period of 28 days.  
*Clr Sinclair/ Clr Abbott*      **CARRIED**

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Clr Jarrod Marsden declared a pecuniary interest and left the meeting at 6:02pm.

**CLAUSE 1B – DEVELOPMENT APPROVALS: 16 APRIL 2019 – 14 MAY 2019**

**FILE: T5-1**      **AOP REFERENCE: 1.6.3.1**  
**AUTHOR: *Director of Planning & Environmental Services, Garry Ryman***

**100.5.2019**      **RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 16 April 2019 – 14 May 2019 be received and noted.  
*Clr Lea-Barrett/ Clr Payne*      **CARRIED**

Clr Marsden returned to the meeting at 6:05pm.

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**CLAUSE 2B – MONTHLY STATUS REPORT**

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

**101.5.2019**      **RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 1092 Part 1, 1176, 1179, 1241, 1270, 1271, 1278, 1279, 1280, 1281 and 1282.  
*Clr Yench/ Clr Lea-Barrett*      **CARRIED**

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**CLAUSE 3B – INVESTMENT REPORT AS AT 30 APRIL 2019**

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

**102.5.2019**      **RESOLVED:** That Council receive and note the Investment Report as at 30 April 2019.  
*Clr Abbott/ Clr Payne*      **CARRIED**

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**CLAUSE 4B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 APRIL 2019**

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

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**103.5.2019**      **RESOLVED:** That Council receive and note the Bank Reconciliation, Cash Flow and Loan Facility Report as at 30 April 2019.  
*Clr Abbott/ Clr Lea-Barrett* **CARRIED**

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**CLAUSE 5B – ENGINEERING WORKS REPORT**

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

**AUTHOR: *Acting Director of Engineering Services, Ken Wilson***

**104.5.2019**      **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 Lea-Barrett/ Clr Abbott* **CARRIED**

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**CLAUSE 6B – EXPENDITURE FOR ROADS NETWORK**

**FILE: R5-31** **AOP REFERENCE: 4.3.2**

**AUTHOR: *Acting Director of Engineering Services, Ken Wilson***

**105.5.2019**      **RESOLVED:** That the information detailing the Expenditure for Council's Roads Network be received and noted.  
*Clr Maxwell/ Clr Marsden* **CARRIED**

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**CLAUSE 7B – 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, Ken Wilson***

**106.5.2019**      **RESOLVED:** That Council receive and note the information contained within this report.  
*Clr Maxwell/ Clr Sinclair* **CARRIED**

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**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, Eric Poga***

**107.5.2019**      **RESOLVED:** That the information contained in the Enterprise Risk Register be received and noted.  
*Clr Lea-Barrett/ Clr Abbott* **CARRIED**

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**CLAUSE 9B – GRANT FUNDING**

**FILE: G4-17** **AOP REFERENCE: 3.1.1.4**

**AUTHOR: *Economic Development Manager, Kerry Grant-Mackay***

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**108.5.2019 RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.  
*Clr Payne/ Clr Lea-Barrett* **CARRIED**

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**CLAUSE 10B – RATES RECONCILIATION REPORT AS AT 30 APRIL 2019**

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

**109.5.2019 RESOLVED:** That the Rates Reconciliation Report as at the 30 April 2019 be received and noted.  
*Clr Abbott/ Clr Lea-Barrett* **CARRIED**

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**COMMITTEE OF THE WHOLE (CLOSED COUNCIL)**

**110.5.2019 RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 6:41pm 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 Marsden/ Clr Sinclair* **CARRIED**

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**Council resumed in Open Council at 6:45pm.**

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

**111.5.2019 RESOLVED:** That the recommendations of the Committee of the Whole be adopted.  
*Clr Lea-Barrett/ Clr Sinclair* **CARRIED**

**CLAUSE 1C – GRAVEL PRODUCTION TENDER**

**FILE: T3-19-2** **AOP REFERENCE: 4.3.1**  
**AUTHOR: *Roads Manager, Adrienne Pierini***

**15COW.5.2019 RESOLVED:**

1. That Council approve the following companies to be part of the panel of preferred suppliers for Gravel Production services:
  - Crushrite Pty Ltd, Leeton;
  - J R May Earthmoving Pty Ltd, Cobar;
  - Maas Group Pty Ltd, Dubbo;
  - Milbrae Quarries, Leeton;
  - Morrison Rock Drilling Services, Cowra;

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- Stefanutti Construction Pty Ltd, Wollongong; and
  - JN Harbison Earthmoving & Electrical, Cobar.

2. That on each occasion the engagement of the successful companies as part of this panel will be determined on a situational basis taking into consideration factors such as price, availability and performance.
3. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

*Clr Sinclair/ Clr Toomey*

**CARRIED**

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<b>THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:45PM</b>
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**CONFIRMED.....**

**MINUTE NO.....**

**MAYOR.....**