
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON THURSDAY
24 SEPTEMBER 2020 COMMENCING AT 5:00PM**

PRESENT (FILE C13-2)

Councillors Lilliane Brady OAM (Mayor), 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), Garry Ryman (Director 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.

The General Manager was appointed the Chair in the absence of the Mayor.

**CLAUSE 1A – ELECTION OF THE MAYOR AND DEPUTY
MAYOR**

FILE: C12-1

AOP REFERENCE: 3.1.5

AUTHOR: *General Manager, Peter Vlatko*

177.9.2020

RESOLVED:

1. That the General Manager be appointed as the Returning Officer for the purpose of electing the Mayor and Deputy Mayor.
2. That the period of appointment of the Deputy Mayor be consistent with the period of the appointment of Mayor, being one (1) year and those appointed will hold the position until the General Election on 4 September 2021.
3. In the event of more than one (1) nomination that Council conduct the election of the Mayor and Deputy Mayor by ordinary ballot and in accordance with the Local Government (General) Regulations 2005.

**THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 24 SEPTEMBER 2020**

.....
GENERAL MANAGER

.....
MAYOR

-
4. That following the election the ballot papers used in the election of the Mayor be destroyed.

Clr Sinclair/ Clr Winders

CARRIED

The General Manager advised that at the close of nominations for Mayor there was two (2) nominations being:

Councillor Lilliane Olive Brady OAM;
Councillor Jarrod Wayne Marsden.

In accordance with the *Local Government (General) Regulations 2005* the General Manager declared Councillor Lilliane Olive Brady duly elected Mayor for the term ending September 2021.

The General Manager advised that at the close of nominations for Deputy Mayor there was one (1) nomination being:

Councillor Peter Richard Abbott.

In accordance with the *Local Government (General) Regulations 2005* the General Manager declared Councillor Peter Richard Abbott duly elected Deputy Mayor for the term ending September 2021.

Councillor Lilliane Brady OAM assumed the Chair as Mayor and proceeded with the remaining items of business.

APOLOGIES (FILE C13-2)

- Nil.

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.

CONDOLENCES (FILE M2-3)

- Colleen Mary Pinkstone;
- Pamela Joy Sikora;
- John Colin Farquhar;
- Peter George Arnold;
- James Nigel Bruce (Jim);
- Lealarna Isobel Keen (Larnie);
- Jean Kathleen Lowe;
- Kenneth Leonard Crotty;
- John Carl Mead.

A minutes silence was observed by those in attendance.

PUBLIC ACCESS SESSION

- Nil.

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

178.9.2020 **RESOLVED:** That the Minutes of the Ordinary Meeting of Council held on Thursday, 27 August 2020 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Payne/ Clr Abbott **CARRIED**

NOTICE OF MOTION – WARD OVAL COMMUNITY HUB

FILE: C13-7 & A9-13-3-1 **ATTACHMENT: NO**
Councillor, Peter Yench

MOTION: That no further action be taken on the Ward Oval Community Hub Project until such time as Councillors are supplied with a full project costing and a five year business plan to decide on the affordability of running and usage costs for user groups.
Clr Yench/ Clr Payne **LOST**

A Division was called:

Division:

For
Clr Yench

Against
Clr Brady OAM
Clr Abbott
Clr Lea-Barrett
Clr Marsden
Clr Maxwell
Clr Payne
Clr Sinclair
Clr Toomey
Clr Winders

MAYORAL REQUEST

1. Mayor Lilliane Brady OAM requested Councillor Peter Yench to apologise without reservation for comments he made at the July Ordinary Council Meeting. In accordance with clause 15.12 of Councils Code of Meeting Practice.
2. Councillor Peter Yench did not apologise and therefore the Mayor moved that he be expelled from the meeting in accordance with clause 15.16 of Councils Code of Meeting Practice.

THIS IS PAGE 3 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 24 SEPTEMBER 2020

.....
GENERAL MANAGER

.....
MAYOR

179.9.2020 **RESOLVED:** That Councillor Peter Yench be expelled from the meeting.
Clr Brady/ Clr Maxwell **CARRIED**

Councillor Yench left the meeting at 5:39pm.

CLAUSE 2A – MAYORAL REPORT

FILE: C13-1-5 **AOP REFERENCE: 3.1**

AUTHOR: Mayor, Lilliane Brady OAM

180.9.2020 **RESOLVED:** That Council accepts the information contained in the Mayoral Report for the month of September 2020.
Clr Toomey/ Clr Abbott **CARRIED**

CLAUSE 3A – MEETING DATES AND TIMES

FILE: C12-1 **AOP REFERENCE: 3.1.5**

AUTHOR: General Manager, Peter Vlatko

181.9.2020 **RESOLVED:** That the Ordinary Meetings of Council be held in the Council Chambers commencing at 5pm on the fourth Thursday of each month except for the December meeting which is to be held on the second Thursday of the month to stay clear of the Christmas period and January where no meeting is held.
Clr Sinclair/ Clr Maxwell **CARRIED**

CLAUSE 4A – 2019/2020 ANNUAL REPORT

FILE: A2-2 **AOP REFERENCE: 3.3.3**

AUTHOR: General Manager, Peter Vlatko

182.9.2020 **RESOLVED:**

1. That the information contained in the 2019/2020 Annual Report be received and noted.
2. That Council endorses the 2019/2020 Annual Report.
3. That a copy of Council's Annual Report be provided to the Minister and such other persons and bodies as the regulations may require.

Clr Sinclair/ Clr Winders **CARRIED**

CLAUSE 5A – CALL FOR EXPRESSION OF INTEREST FOR BUILDING UPGRADES TO THE COBAR YOUTH AND FITNESS CENTRE (T3-20-10)

FILE: T3-20-10 **AOP REFERENCE: 1.5.2.1 & 4.4.2.5**

AUTHOR: Project Coordinator, Carly Hunter

183.9.2020 **RESOLVED:** That a further report regarding the Expression of Interest for the Building Upgrades to the Cobar Youth and Fitness Centre (T3-20-10) 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 Marsden/ Clr Sinclair **CARRIED**

**CLAUSE 6A – COBAR HERITAGE CENTRE STAGE 1 TENDER
(T3-30-8)**

FILE: T3-20-8 **AOP REFERENCE: 1.5.2.4 & 4.4.2.4**

AUTHOR: *Project Coordinator, Carly Hunter*

184.9.2020 **RESOLVED:** That a further report regarding the Cobar Heritage Centre Stage 1 Tender (T3-20-8) 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 Marsden/ Clr Sinclair **CARRIED**

**CLAUSE 7A – PENSIONERS RATE REBATE 2020/2021 –
CLAIM 137**

FILE: R2-9 **AOP REFERENCE: 3.1.1.2**

AUTHOR: *Office Coordinator, Jo-Louise Brown*

185.9.2020 **RESOLVED:**

1. That Council writes off rates in respect of eligible pensioners in the sum of \$105,346.91 as detailed in the summary listed below, subject to Council’s Auditor’s approval:

| | |
|---|---------------------|
| | \$ |
| General Rates..... | 64,812.55 |
| Cobar Water Supply Access Rate..... | 19,687.49 |
| Euabalong Water Supply Access Rate | 1,487.50 |
| Euabalong West Water Supply Access Rate | 546.88 |
| Nymagee Water Supply Access Rate | 525.00 |
| Mount Hope Water Supply Access Rate | 0.00 |
| Cobar Sewerage Access Rate | 18,287.49 |
| TOTAL | <u>\$105,346.91</u> |

2. That Council apply for a subsidy of \$57,940.80 summarised below and further that Council undertake that in the event of a subsidy not being paid to Council in respect of the rates written off, then Council will not subsequently take proceedings for recovery thereof:

| | |
|--|--------------------|
| | \$ |
| General Rates..... | 35,646.90 |
| Cobar Water Supply Local Rate..... | 10,828.12 |
| Euabalong Water Supply Local Rate | 818.13 |
| Euabalong West Water Supply Local Rate | 300.78 |
| Nymagee Water Supply..... | 288.75 |
| Mount Hope Water Supply..... | 0.00 |
| Cobar Sewerage Local Rate | 10,058.12 |
| TOTAL | <u>\$57,940.80</u> |
| <i>Clr Sinclair/ Clr Payne</i> | CARRIED |

CLAUSE 1B – DEVELOPMENT APPROVALS: 19 AUGUST 2020 – 18 SEPTEMBER 2020

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

186.9.2020 **RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 19 August 2020 – 18 September 2020 be received and noted.
Clr Payne/ Clr Abbott **CARRIED**

CLAUSE 2B – MONTHLY STATUS REPORT

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

187.9.2020 **RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 1131, 1291, 1380, 1396, 1398 1399, 1401, 1402 and 1403.
Clr Lea-Barrett/ Clr Payne **CARRIED**

CLAUSE 3B – INVESTMENT REPORT AS AT 31 AUGUST 2020

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

188.9.2020 **RESOLVED:** That Council receive and note the Investment Report as at 31 August 2020.
Clr Payne/ Clr Abbott **CARRIED**

CLAUSE 4B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 31 AUGUST 2020

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

189.9.2020 **RESOLVED:** That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as at 31 August 2020.
Clr Abbott/ Clr Toomey **CARRIED**

CLAUSE 5B – MEETING MINUTES

FILE: P6-11, C6-14 & R5-36 AOP REFERENCE: 3.1

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

190.9.2020 **RESOLVED:**

1. That the Minutes of the Rural Roads Advisory Committee, General Manager’s Performance Appraisal and Local Traffic Committee and their Status Reports be received and noted.
2. That the General Manager’s Performance Appraisal be adopted.
3. That following recommendations from the Rural Roads Advisory Committee be adopted:
 - a) That Council investigate and action raising sections of the Fifty Two Mile Road that isolated Tilpa from the end of February through to July after a recent rain event.
 - b) That Council strongly consider securing funding to strategically sink bores to be utilised for road works as soon as possible.
4. That following recommendations from the Local Traffic Committee be adopted:
 - a) Council to install no stopping signs along section of Woodiwiss Avenue directly in front of Hospital. Enforcement required.
 - b) Council to arrange installation of reflectors to kerb to raise driver awareness of kerb height when entering supermarket driveway on Linsley Street.

Clr Maxwell/ Clr Payne **CARRIED**

CLAUSE 6B – PURCHASING ANALYSIS OF CONTRACTORS

FILE: T3-15-6 AOP REFERENCE: 3.3.4

AUTHOR: *Financial Accountant, Sandra Davey*

191.9.2020 **RESOLVED:** That Council receive and note the information contained in this report.
Clr Maxwell/ Clr Payne **CARRIED**

CLAUSE 7B – ENGINEERING WORKS REPORT

FILE: C6-20-2

AOP REFERENCE: 4.3.2

AUTHOR: *General Manager, Peter Vlatko*

- 192.9.2020 RESOLVED:** That the information contained in the Engineering Works Report detailing maintenance on Shire and Regional Roads, State Highways, Water Sewer Mains, Resources for Regions Projects and other Major Grant Works be received and noted.
Clr Payne/ Clr Lea-Barrett **CARRIED**

CLAUSE 8B – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31

AOP REFERENCE: 4.3.2

AUTHOR: *General Manager, Peter Vlatko*

- 193.9.2020 RESOLVED:** That the information detailing the Expenditure for Council's Roads Network be received and noted.
Clr Maxwell/ Clr Payne **CARRIED**

CLAUSE 9B – 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*

- 194.9.2020 RESOLVED:** That Council receive and note the updated financial information for the three Restart NSW Resources for Regions infrastructure projects.
Clr Payne/ Clr Abbott **CARRIED**

CLAUSE 10B – GRANT FUNDING

FILE: G4-17

AOP REFERENCE: 3.1.1.3

AUTHOR: *Grants Officer, Brytt Moore*

- 195.9.2020 RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.
Clr Abbott/ Clr Lea-Barrett **CARRIED**

CLAUSE 11B – RATES RECONCILIATION REPORT AS AT 31 AUGUST 2020

FILE: R2-1

AOP REFERENCE: 3.1.1.6

AUTHOR: *Office Coordinator, Jo-Louise Brown*

- 196.9.2020 RESOLVED:** That the Rates Reconciliation Report as at the 31 August 2020 be received and noted.
Clr Payne/ Clr Abbott **CARRIED**

COMMITTEE OF THE WHOLE (CLOSED COUNCIL)

- 197.9.2020 RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 5:57pm 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 6:12pm.

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

- 198.9.2020 RESOLVED:** That the recommendations of the Committee of the Whole be adopted.
Clr Lea-Barrett/ Clr Payne **CARRIED**

CLAUSE 1C – CALL FOR EXPRESSION OF INTEREST FOR BUILDING UPGRADES TO THE COBAR YOUTH AND FITNESS CENTRE (T3-20-10)

FILE: T3-20-10 AOP REFERENCE: 1.5.2.1 & 4.4.2.5

AUTHOR: *Project Coordinator, Carly Hunter*

37COW.9.2020 RESOLVED:

1. The following companies who supplied submissions that meet the evaluation criteria are invited to Tender for the upgrades at the Cobar Youth and Fitness Centre:

1. North Construction and Building (Dubbo, NSW);
2. Stanaway Pty Ltd TA David Payne Constructions (Dubbo, NSW);
3. J. Hutchinson Pty Ltd TA Hutchinson Builders (Coolangatta, QLD);
4. CD Commercial Projects Pty Ltd TA CD Construction Group (Botany, NSW);
5. Cynend Building and Construction (Cobar, NSW);
6. Maas Constructions Pty Ltd (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 2C – COBAR HERITAGE CENTRE STAGE 1 TENDER

FILE: T3-20-8

AOP REFERENCE: 1.5.2.4 & 4.4.2.4

AUTHOR: *Project Coordinator, Carly Hunter*

THIS IS PAGE 9 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 24 SEPTEMBER 2020

GENERAL MANAGER

MAYOR

38COW.9.2020 RESOLVED:

1. That the preferred tender by David Payne Constructions, for the tender amount of \$1,804,987.05 (exclusive of GST) be awarded and the Mayor and General Manager be authorised to sign the contract.
2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Sinclair/ Clr Payne

CARRIED

| |
|---|
| THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:07PM |
|---|

CONFIRMED.....

MINUTE NO.....

MAYOR.....