
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
SHIRE OF COBAR HELD IN THE NYMAGEE HALL ON THURSDAY 24
OCTOBER 2013 COMMENCING AT 2:00PM**

PRESENT (FILE C13-2)

Councillors Lilliane Brady OAM (Mayor), Marsha Isbester (Deputy Mayor), Tracey Kings, Greg Martin, Peter Maxwell, Harley Toomey and Peter Yench. Messrs Gary Woodman (General Manager), Peter Graf (Director of Engineering Services), Kym Miller (Director of Corporate and Community Services), Mmes Angela Shepherd (Special Projects Officer) and Janette Booth (Executive Assistant to the General Manager).

APOLOGIES (C13-2)

- 236.10.2013** **RESOLVED:** That the apologies received from Councillors Jarrod Marsden, Bob Sinclair, John Harrison, Pam Smith and Ray Wilson be accepted and a leave of absence granted.
Clr Toomey /Clr Yench **CARRIED**

PUBLIC ACCESS SESSION

- Nymagee Progress Association – Secretary, Des (David) Hill.

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.

CONDOLENCES (FILE M2-3)

- Hayley Karen Rose Riches;
- Robb Gilligan;
- Patrick Thomas.

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

- 237.10.2013** **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday, 26 September 2013 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Isbester /Clr Yench **CARRIED**

CONFIRMATION OF MINUTES

WORKS COMMITTEE MEETING (FILE C6-20)

238.10.2013 **RESOLVED:** That the minutes and the following recommendations contained therein, except 59WC.10.2013 (Report 1C) of the Works Committee Meeting held on Thursday, 10 October 2013 be adopted by Council with 59WC.10.2013 (Report 1C) being replaced by:

That a further report be provided to the next Works Committee Meeting concerning all leasing arrangements of the CMSC car park land.

Clr Yench /Clr Kings

CARRIED

APOLOGIES (C16-15-6)

51WC.10.2013 **RECOMMENDATION:** *That the apologies received from Councillor Marsha Isbester (Deputy Mayor), John Harrison, Bob Sinclair and Pam Smith be accepted and a leave of absence granted.*

Clr Marsden/Clr Maxwell

CARRIED

DECLARATIONS OF INTEREST (FILE C6-15-7)

Nil.

REPORT 1A – TRIPLE ROAD TRAINS ON THE COBAR SHIRE ROAD NETWORK

FILE: R5-1

AOP REFERENCE: 4.3.1

AUTHOR: Contracts Manager, Maurice Bell

52WC.10.2013 **RECOMMENDATION:** *That Council discuss the Triple Road Trains on the Cobar Shire Road Network Report.*

Clr Martin/Clr Marsden

CARRIED

53WC.10.2013 **RECOMMENDATION:** *That Council not support the move to allow Triple Road Trains to use the Cobar Shire road network due to the inadequacy of the road network within the area.*

Clr Yench/Clr Wilson

CARRIED

REPORT 2A – COBAR MEMORIAL SERVICES CLUB CAR PARK LEASE AGREEMENT

FILE: L6-2

AOP REFERENCE: 4.3.2

AUTHOR: Director of Engineering Services, Peter Graf

54WC.10.2013 RECOMMENDATION: *That the discussion 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) and (g) of the Local Government Act 1993, as the discussion would prejudice the commercial position of the person who supplied it and the matter contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
Clr Marsden/Clr Kings **CARRIED**

REPORT 1B – ENGINEERING WORKS REPORT

FILE: C6-20-2 **AOP REFERENCE: 4.3.2**
AUTHOR: Director of Engineering Services, Peter Graf

55WC.10.2013 RECOMMENDATION: *That the information contained in the Engineering Works Report detailing maintenance on shire and regional roads, state highways and water and sewers mains be received and noted.*
Clr Maxwell/Clr Toomey **CARRIED**

REPORT 2B – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31 **AOP REFERENCE: 4.3.2**
AUTHOR: Director of Engineering Services, Peter Graf

56WC.10.2013 RECOMMENDATION: *That the information detailing the Expenditure for Council's Roads Network be received and noted.*
Clr Marsden/Clr Toomey **CARRIED**

REPORT 3B – TRAFFIC COUNTS ON SHIRE ROADS AND CLASSIFIED ROADS (SR42, RR7522 AND MR416)

FILE: R5-34 **AOP REFERENCE: 4.3.2**
AUTHOR: Construction Supervisor, Brett Hallcroft

57WC.10.2013 RECOMMENDATION: *That the information in relation to traffic counts on Shire roads and classified roads (SR42, RR7522 and MR416) be received and noted.*
Clr Yench/Clr Marsden **CARRIED**

COMMITTEE OF THE WHOLE (CLOSED COUNCIL) (FILE CI3-11-1)

58WC.10.2013 RESOLVED: *That Council move into the Committee of the Whole Closed Council with the press and public excluded at 5:21pm as matters to be discussed are considered to be confidential vide*

THIS IS PAGE 3 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 24 OCTOBER 2013

Sections 10A (2)(d)(i) and (g) of the Local Government Act 1993, as the matters contain commercial information that would prejudice the commercial position of the person who supplied it and the matter contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and if disclosed in Open Council would prejudice the commercial and legal position of the person who supplied it.

Clr Yench/Clr Kings

CARRIED

Council resumed in Open Council at 5:45pm.

RECOMMENDATIONS TO COUNCIL

~~59WC.10.2013 RESOLVED: That the following recommendations of the Committee of the Whole Closed Council be adopted by the Council.~~

~~Clr Martin/Clr Marsden~~

CARRIED

**REPORT 1C – COBAR MEMORIAL SERVICES CLUB CAR
PARK LEASE AGREEMENT**

FILE: L6-2

AOP REFERENCE: 4.3.2

AUTHOR: Director of Engineering Services, Peter Graf

~~87COW.10.2013 RESOLVED:~~

~~1. That Council accept the legal advice received from Marsdens Law Group and advise the CMSC that Council has investigated their concerns and found them to be invalid. Council therefore is not prepared to negotiate in regard to the conditions of the lease.~~

~~2. That an investigation be undertaken to determine that all users of Crown Land where Cobar Shire Council is the trustee and Council Owned Land are being charged appropriately for the use of the land and that they hold appropriate insurances with an appropriate report to be provided in the near future.~~

~~3. That the Mayor and General Manager have discussions with the Manager of the Cobar Memorial Services Club and explain the situation that Cobar Shire Council is in.~~

~~4. That the details of the discussion remain in the Committee of the Whole Closed Council.~~

~~Clr Yench/Clr Kings~~

CARRIED

~~Councillor Marsden asked to have his name recorded as voting against the resolution.~~

CONFIRMATION OF MINUTES

FINANCE AND POLICY COMMITTEE MEETING (FILE C6-19)

239.10.2013 **RESOLVED:** That the minutes, and the following recommendations contained therein, of the Finance and Policy Committee Meeting held on Thursday, 10 October 2013 be adopted by Council.
Clr Yench/Clr Toomey **CARRIED**

APOLOGIES (C16-15-6)

74FP.10.2013 **RECOMMENDATION:** *That the apology received from Councillor Marsha Isbester (Deputy Mayor), John Harrison, Bob Sinclair and Pam Smith be accepted and a leave of absence granted.*
Clr Martin/Clr Wilson **CARRIED**

DECLARATIONS OF INTEREST (FILE C6-15-7)

Nil.

REPORT 1B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 SEPTEMBER 2013

FILE: B2-7

AOP REFERENCE: 3.1.1.5

AUTHOR: Manager Finance & Administration, Neil Mitchell

75FP.10.2013 **RECOMMENDATION:** *That Council receive and note the Bank Reconciliation, Cash Flow, Investment and Loan Facility Report for the month of September 2013.*
Clr Toomey/Clr Martin **CARRIED**

REPORT 2B – INVESTMENT REPORT AS AT 30 SEPTEMBER 2013

FILE: B2-7

AOP REFERENCE: 3.1.1.7

AUTHOR: Manager Finance & Administration, Neil Mitchell

76FP.10.2013 **RECOMMENDATION:** *That Council receive and note the Investment Report for the month of September 2013.*
Clr Maxwell/Clr Wilson **CARRIED**

REPORT 3B – RATES RECONCILIATION TO 30 SEPTEMBER 2013

FILE: R2-1

AOP REFERENCE: 3.1.1.6

AUTHOR: Rates Officer, Jo-Louise Brown

77FP.10.2013 RECOMMENDATION: *That the Rates Reconciliation Report as at the 30 September 2013 be received and noted.*

Clr Marsden/Clr Wilson

CARRIED

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

AOP REFERENCE: 3.1

AUTHOR: Mayor, Councillor Lilliane Brady OAM

240.10.2013 RESOLVED:

1. That Council accepts the information contained in the Mayoral Report for the month of October 2013.

2. Appropriate advice be provided to the Local Government NSW on the disappointing and poor behaviour of Metropolitan Councillors at the Inaugural Conference.

Clr Yench /Clr Isbester

CARRIED

CLAUSE 2A – SENIOR CITIZENS CHRISTMAS PARTY 2013

FILE: S5-27

AOP REFERENCE: 1.3.4.1

AUTHOR: Special Projects Officer, Angela Shepherd

241.10.2013 RESOLVED: That the Council Senior Citizens Christmas Party be held in the Cobar Shire Council Chambers on Friday 13 December 2013.

Clr Kings/Clr Toomey

CARRIED

CLAUSE 3A – MEETING ARRANGEMENTS – CHRISTMAS AND NEW YEAR

FILE: C6-16

AOP REFERENCE: 3.1.5

AUTHOR: General Manager, Gary Woodman

242.10.2013 RESOLVED:

1. That the following meeting arrangements be adopted for the Christmas and New Year period:

- Ordinary Council meeting – Thursday 12 December (including committee meetings);
 - No meetings to be held during January 2014;
 - The normal meeting cycle to resume in February 2014.
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THIS IS PAGE 6 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 24 OCTOBER 2013

.....
GENERAL MANAGER

.....
MAYOR

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2. That the Mayor and General Manager be delegated authority, jointly, to deal with matters of an urgent nature for the period commencing 13 December 2013 to 13 February 2014, and further that if any urgent matters are dealt with under this authority that they be reported to the February 2014 Ordinary Meeting of Council.

Clr Martin /Clr Yench

CARRIED

CLAUSE 4A – PART-TIME AND LONG TERM AIRCRAFT PARKING AT COBAR REGIONAL AIRPORT

FILE: A5-3

AOP REFERENCE: 4.3.2

AUTHOR: *Works Manager, Kingsley Page*

243.10.2013 RESOLVED:

That Council approve the new fee structure to allow for Part-Time and Long Term Aircraft Parking by issuing Apron Parking Permits at Cobar Regional Airport as outlined below:

All aircraft other than RPT/Charter:

- Non-Commercial locally based aircraft (aircraft considered by Council to be permanently based at Cobar Regional Airport) up to 2,000 kg MTOW are to pay an Annual Charge of \$400.00;
- Commercial locally based aircraft (aircraft considered by Council to be permanently based at Cobar Regional Airport) up to 2,000 kg MTOW are to pay an Annual Charge of \$800.00;
- Casual – All aircraft (other than RPT/Charter) parked more than 7 days in a 4 week period \$26.00 per engine/per week;
- Casual – All aircraft (other than RPT/Charter) parked less than 7 days in a 4 week period \$15.00 per night.

Clr Yench /Clr Maxwell

CARRIED

CLAUSE 5A – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY

FILE: C12-2, P5-4

AOP REFERENCE: 3.1.5.2

AUTHOR: *Human Resources Officer, Karen Walsh*

244.10.2013 RESOLVED:

1. That the attached draft policy, Payment and Expenses and Provision of Facilities to the Mayor and Councillors, be adopted by Council.

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2. That a copy of the adopted policy be submitted to the Division of Local Government.

Clr Yench /Clr Maxwell

CARRIED

CLAUSE 6A – CHILDRENS’ SERVICES’ SUITE OF POLICY DOCUMENTS

FILE: C8-5.2.6

AOP REFERENCE: 1.3.1

AUTHOR: *Manager Children’s Services Karen Lennon*

- 245.10.2013 RESOLVED:** That Council adopt the Far West Family Day Care and Cobar Outside of School Hours services suite of policy documents as per the schedule in the ‘Policy Booklets’.

Clr Martin /Clr Toomey

CARRIED

CLAUSE 7A – ECONOMIC DEVELOPMENT STRATEGY TASKFORCE REPORT

FILE: P5-31

AOP REFERENCE: 2.1.3.1

AUTHOR: *General Manager, Gary Woodman*

MOTION:

1. That Council prepares a submission to Planning NSW outlining a case for removing the cap in Local Infrastructure Contributions Plans and to remove impediments to allow DA consent conditions to require developers to provide recurrent funding to ensure the provision of essential local infrastructure.
2. That a Senior Marketing Team of Councillors, staff and two key community representatives be formed to identify opportunities with the mines to enable them to work with Council and the community for mutual interest.
3. That Council write to the Australian Government outlining key changes required to the taxation rules to reduce the current incentives for FIFO workers in a bid to encourage more residential workers in Cobar.
4. To develop a Cobar profile/prospectus suitable for both the private sector and government to highlight the key areas where infrastructure and commercial development is required in Cobar.
5. For Council to form a key Senior Marketing Team of Councillors and staff to use the prospectus to hold a summit in Cobar of key politicians to implement the prospectus.
6. To allocate \$30,000 in the Q1 budget review to support the development of the prospectus and its implementation with a separate financial report on the expenditure to be presented to Council as at June 2014.

Clr Yench/Clr Maxwell

LOST

246.10.2013 RESOLVED:

1. That a Senior Marketing Team of Councillors, staff and two key community representatives be formed to identify opportunities to improve the economic stability of Cobar Shire.

Clr Kings/Clr Isbester

CARRIED

CLAUSE 8A– FIRST QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2013/2014

FILE: L5-22

AOP REFERENCE: 3.1

AUTHOR: *Special Projects Officer, Angela Shepherd*

- 247.10.2013 RESOLVED:** That Council receives and endorses the first quarterly review of the 2013/2014 Annual Operational Plan covering the period July to September 2013.

Clr Martin /Clr Toomey

CARRIED

CLAUSE 9A– CODE OF CONDUCT STATISTICAL REPORT (SEPTEMBER 2013)

FILE: C12-5

AOP REFERENCE: 3.1

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

248.10.2013 RESOLVED:

1. That the Code of Conduct Statistical Report (September 2013) be received and noted.
2. That the information contained there-in be made available to the Division of Local Government via their collection form by 31 December 2013.

Clr Yench /Clr Kings

CARRIED

CLAUSE 10A – SIGNIFICANT VARIATIONS TO THE BUDGET AS AT 30 SEPTEMBER 2013

FILE: F2 3 18

AOP REFERENCE: 3.1.1

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

249.10.2013 RESOLVED:

1. That the Significant Variations to the Budget Report as at 30 September 2013 be received and noted.
2. That the appropriation of the forecast increase in income be considered at the November 2013 Finance and Policy Committee meeting as part of the overall Quarter 1 Budget Review.

Clr Maxwell /Clr Yench

CARRIED

CLAUSE 11A – EXPRESSIONS OF INTEREST FOR RESOURCES FOR THE REGIONS PROGRAM ROUND 2

FILE: G4-29

AOP REFERENCE: 3.1.1

AUTHOR: *Special Projects Officer, Angela Shepherd*

250.10.2013 RESOLVED:

That Council resolves to submit Expressions of Interest to the Resources for Regions program Round 2 for the following projects and that they be listed in this priority order:

1. Pavement strengthening works and lighting upgrades at the Cobar Regional Airport - \$2.3m;
2. Sewerage works upgrades (including expansion of the network to the Industrial Estate, Ward Oval sewer pump station refurbishment, treatment plant refurbishment and effluent reuse upgrade works - \$1.2m;
3. Reseal of the Mulya Road (RR 407), CSA Access Road (SR38) and Endeavor Access Road (SR42) - \$2.45m;
4. Refurbishment of the Cobar Community Facilities (Youth and Fitness Centre and Town Hall Cinema) - \$0.55m;
5. Reseal Hera Mine Access Road – Priory Tank Road (RR461) and Burthong Road (SR19) - \$2m.

Clr Isbester/Clr Kings

CARRIED

CLAUSE 1B– REVIEW OF WEED MANAGEMENT IN NEW SOUTH WALES

FILE: N1-1

AOP REFERENCE: 5.2.4

AUTHORS: *Director of Planning and Environmental Services, Garry Ryman, Noxious Weed Officer, Melissa Gunn and Land Management Officer, Heather Holder*

251.10.2013 RESOLVED: That Council receives and notes the information about the review of Weed Management in NSW.

Clr Maxwell /Clr Martin

CARRIED

CLAUSE 2B – MONTHLY STATUS REPORT

FILE: C13-10

AOP REFERENCE: 3.1

AUTHOR: *General Manager, Gary Woodman*

252.10.2013 RESOLVED: That the information contained in the monthly status report be received and noted with items 397, 426, 427 part 1, 432, 443, 446, 447 part 1 and 2, 448, 449, 450, 451, 453, 454, 455, 456, 458, 459, 460, 461, 462 part 1, 463, 464 and 465 being removed from the report.

Clr Martin /Clr Toomey

CARRIED

CLAUSE 3B – MEETING MINUTES

FILE: WB1-22, C8-6-4

AOP REFERENCE: 3.1

AUTHOR: *General Manager, Gary Woodman*

253.10.2013

RESOLVED: That the minutes of the meetings of the Cobar Water Board and Cobar Youth Council be received and noted.

Clr Toomey /Clr Isbester

CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3:53PM.

CONFIRMED.....

MINUTE NO.....

MAYOR.....