
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
SHIRE OF COBAR HELD IN THE COBAR SHIRE COUNCIL
CHAMBERS ON THURSDAY 28 NOVEMBER 2013 COMMENCING AT
5.00PM**

PRESENT (FILE C13-2)

Councillors Lilliane Brady OAM (Mayor), John Harrison, Marsha Isbester, Tracey Kings, Jarrod Marsden, Greg Martin, Peter Maxwell, Bob Sinclair, Harley Toomey and Ray Wilson. Messrs Gary Woodman (General Manager), Kym Miller (Director Corporate and Community Services), Peter Graf (Director of Engineering Services), Garry Ryman (Director of Planning & Environmental Services), Mmes Angela Shepherd (Special Projects Officer) and Janette Booth (Executive Assistant to the General Manager).

APOLOGIES (C13-2)

254.11.2013 **RESOLVED:** That the apologies received from Councillors Pam Smith and Peter Yench be accepted and a leave of absence granted.
Clr Wilson/Clr Maxwell **CARRIED**

PUBLIC ACCESS SESSION

- Jeff Shanks – Partner Luka Group (Council’s External Auditor).
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DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.
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CONDOLENCES (FILE M2-3)

- Regena Wilson;
 - Les Harrison;
 - Grace Hann.
-

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

255.11.2013 **RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday 24 October 2013 be confirmed as a true and correct record of the proceedings of that meeting.
Clr Martin/Clr Isbester **CARRIED**

THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 NOVEMBER 2013

.....
GENERAL MANAGER

.....
MAYOR

CONFIRMATION OF MINUTES

FINANCE AND POLICY COMMITTEE MEETING (FILE C6-19)

256.11.2013 RESOLVED: That the minutes, and the following recommendations contained therein, of the Finance and Policy Committee Meeting held on Thursday 14 November 2013 be adopted by Council.

Clr Isbester/Clr Martin

CARRIED

APOLOGIES (C16-15-6)

78FP.11.2013 RECOMMENDATION: *That the apologies received from Councillors Lilliane Brady OAM (Mayor), Peter Maxwell and Ray Wilson be accepted and a leave of absence granted.*

Clr Yench/Clr Toomey

CARRIED

PUBLIC ACCESS SESSION

- *Coal Innovation NSW Department Trade & Investment – Division of Resources & Energy Rick Fowler, Program Director.*

DECLARATIONS OF INTEREST (FILE C6-15-7)

Nil.

REPORT 1A - NOTICE OF MOTION – INVITATION TO PARKES AND BARWON MP'S TO ATTEND COUNCIL MEETINGS

FILE: P5-31

AOP REFERENCE: 2.1.3.1

AUTHOR: *Clr Peter Yench*

79FP.11.2013 RECOMMENDATION:

- 1. That Council invite Mark Coultton MP and Kevin Humphries MP to attend a Council Meeting for a formal discussion on Cobar's economic position and associated matters.*
- 2. That prior to such attendance an agenda/strategy be formulated.*

Clr Yench/Clr Marsden

CARRIED

**REPORT 2A – PRESENTATION REGARDING THE DARLING
BASIN DRILLING PROGRAM**

FILE: M4-1

AOP REFERENCE: 2.1.6

AUTHOR: Land Management Officer, Heather Holder

80FP.11.2013 RECOMMENDATION:

1. That the information and presentation by Division of Resources & Energy be received and noted.
2. That Council thank the Representative from the Division of Resources and Energy for their presentation.

Clr Yench/Clr Martin

CARRIED

REPORT 3A– Q1 2013/2014 BUDGET VARIATION

FILE: L5-22

AOP REFERENCE: 3.3

AUTHOR: Director Corporate and Community Services, Kym Miller

81FP.11.2013 RECOMMENDATION: That the report on Q1 2013/2014 Budget Variation be moved for discussion.

Clr Yench/Clr Kings

CARRIED

82FP.11.2013 RECOMMENDATION:

1. That the operating budget be amended to reflect the following:

	General Fund	Waste Fund	Water Fund	Sewer Fund	Total
<i>Adopted</i>	-811,875	109,638	2,967	11,968	-687,302
<i>Carry Overs</i>	-56,750				-56,750
<i>Adjustments</i>	-11,707	47,976			36,269
<i>New Forecast</i>	-880,332	157,614	2,967	11,968	-707,773

(New Forecast with individual line items as per the attachment to this report)

2. That the capital budget be reduced by \$627,328 as per the attachment to this report.
3. That Council reinstate any of the deleted capital projects should the funding for them be received.

Clr Sinclair/Clr Marsden

CARRIED

REPORT 1B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 31 OCTOBER 2013

FILE: B2-7

AOP REFERENCE: 3.1.1.5

AUTHOR: Manager Finance & Administration, Neil Mitchell

83FP.11.2013 **RECOMMENDATION:** *That Council receive and note the Bank Reconciliation, Cash Flow, Investment and Loan Facility for the month of October 2013.*
Clr Yench/Clr Marsden **CARRIED**

REPORT 2B – INVESTMENT REPORT AS AT 31 OCTOBER 2013

FILE: B2-7 **AOP REFERENCE:** 3.1.1.7

AUTHOR: *Manager Finance & Administration, Neil Mitchell*

84FP.11.2013 **RECOMMENDATION:** *That Council receive and note the Investment Report for the month of October 2013.*
Clr Marsden/Clr Toomey **CARRIED**

REPORT 3B – RATES RECONCILIATION TO 31 OCTOBER 2013

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

AUTHOR: *Rates Officer, Jo-Louise Brown*

85FP.11.2013 **RECOMMENDATION:** *That the Rates Reconciliation Report as at the 31 October 2013 be received and noted.*
Clr Sinclair/Clr Yench **CARRIED**

REPORT 4B – GRANT FUNDING

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

AUTHOR: *Special Projects Officer, Angela Shepherd*

86FP.11.2013 **RECOMMENDATION:**

1. *That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.*
2. *That Council agrees to apply for Country Libraries Funding to enclose the alcove at the Library as per last years grant application to increase library storage capacity and to provide a meeting space for the public.*

Clr Kings/Clr Sinclair **CARRIED**

CONFIRMATION OF MINUTES

WORKS COMMITTEE MEETING (FILE C6-20)

THIS IS PAGE 4 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 NOVEMBER 2013

.....
GENERAL MANAGER

.....
MAYOR

257.11.2013 RESOLVED: That the minutes, and the following recommendations contained therein, of the Works Committee Meeting held on Thursday 14 November 2013 be adopted by Council.
Clr Sinclair/Clr Marsden **CARRIED**

APOLOGIES (C16-15-6)

60WC.11.2013 RECOMMENDATION: *That the apologies received from Councillors Lilliane Brady OAM (Mayor), Peter Maxwell and Ray Wilson be accepted and a leave of absence granted.*
Clr Toomey/Clr Yench **CARRIED**

DECLARATIONS OF INTEREST (FILE C6-15-7)

Nil.

REPORT 1A– LIQUID TRADE WASTE POLICY RENEWAL

FILE: S3-8

AOP REFERENCE: 4.4.4.2

AUTHOR: Services Manager, Mr Timothy Wark

61WC.11.2013 RECOMMENDATION: *That Council adopt the Liquid Trade Waste Policy.*
Clr Sinclair/Clr Toomey **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

62WC.11.2013 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 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 Yench **CARRIED**

**REPORT 3A – MAJOR NON RATES DEBTOR COLLECTION
STRATEGY REPORT**

FILE: A5-3

AOP REFERENCE: 3.1

AUTHOR: Director Corporate and Community Services, Kym Miller

63WC.11.2013 RECOMMENDATION: *That the Major Non Rates Debtor Collection Strategy Report be considered in Committee of the Whole Closed Council with the press and public excluded for the reasons stated in Sections 10A(2)(d)(i) and (g) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it and 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 Yench **CARRIED**

REPORT 1B – ENGINEERING WORKS REPORT

FILE: C6-20-2

AOP REFERENCE: 4.3.2

AUTHOR: Director of Engineering Services, Peter Graf

64WC.11.2013 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 Sinclair/Clr Marsden **CARRIED**

REPORT 2B – EXPENDITURE FOR ROADS NETWORK

FILE: R5-31

AOP REFERENCE: 4.3.2

AUTHOR: Director of Engineering Services, Peter Graf

65WC.11.2013 RECOMMENDATION: *That the information detailing the Expenditure for Council's Roads Network be received and noted.*
Clr Sinclair/Clr Marsden **CARRIED**

COMMITTEE OF THE WHOLE (CLOSED COUNCIL) (FILE C13-11-1)

66WC.11.2013 RESOLVED: *That Council move into the Committee of the Whole Closed Council with the press and public excluded at 6:02pm as matters to be discussed are considered to be confidential vide 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 Toomey **CARRIED**

Council resumed in Open Council at 7:02pm.

RECOMMENDATIONS TO COUNCIL

67WC.11.2013 RESOLVED: *That the following recommendations of the Committee of the Whole Closed Council be adopted by the Council.*
Clr Marsden/Clr Martin **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

91COW.11.2013 RESOLVED: *That the Cobar Memorial Services Club Car Park Lease Agreement Report be moved for discussion.*
Clr Yench/Clr Kings **CARRIED**

92COW.11.2013 RESOLVED:

1. *That Council accept the legal advice received from Marsdens Law Group and advise the Cobar Memorial Services Club that Council has investigated their concerns and found them to be invalid and therefore Council is not prepared to negotiate in regards to the conditions of the lease.*
2. *That the Memorial Services Club be advised that Council will consider concession in regard to payment of general rates on the car park land which is of concern during the Budget Deliberation process for the 2014/2015 budget.*
3. *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.*
4. *That the information and discussions held remain in the Committee of the Whole Closed Council.*

Clr Marsden/Clr Sinclair

CARRIED

**REPORT 2C – MAJOR NON RATES DEBTOR COLLECTION
STRATEGY REPORT**

FILE: A5-3

AOP REFERENCE: 3.1

AUTHOR: Director Corporate and Community Services, Kym Miller

92COW.11.2013 RESOLVED:

1. *That the Major Non Rates Debtor Collection Strategy Report be received and noted.*

2. *That the information and discussions held remain in the Committee of the Whole Closed Council.*

Clr Marsden/Clr Sinclair

CARRIED

CONFIRMATION OF MINUTES

TRAFFIC COMMITTEE MEETING (FILE C6-14)

258.11.2013 **RESOLVED:** That the minutes, and the following recommendations contained therein, of the Traffic Committee Meeting held on Tuesday 10 September 2013 be adopted by Council.
Clr Kings/Clr Martin **CARRIED**

APOLOGIES

John Bennett (NSW Police)

REPORT 1 - CONFIRMATION OF MINUTES

23TC.09.2013 **RECOMMENDATION:** *That the minutes of the Traffic Committee Meeting held on Tuesday 3 July 2013 be confirmed as a true and correct record of the proceedings of that meeting.*
Tracey Kings/Ann Crossing **CARRIED**

MATTERS ARISING FROM THE MINUTES

Nil.

REPORT 2 – STATUS REPORT

24TC.09.2013 **RECOMMENDATION:** *That the information contained in the status report be received and noted with items 4, 6, 8 and 11 being removed from the report.*
Tracey Kings/Ann Crossing **CARRIED**

REPORT 3 – PARKING BAY AT YANDILLA STATION

BACKGROUND: *Council received a complaint regarding an unofficial parking area at Yandilla Station with road users wandering onto private property that has no fences.*

25TC.09.2013 **RECOMMENDATION:** *That a means of stopping motorists from entering the area used for parking be installed to stop access to Yandilla Station.*
Voting Unanimous **CARRIED**

MATTERS OF URGENCY

BACKGROUND: *Concerns were raised regarding the possible number of heavy vehicles using the intersection of Manuka Road SR14 and Kidman Way South MR410.*

26TC.09.2013 **RECOMMENDATION:** *That an assessment of the number of heavy vehicles using the intersection of Manuka Road SR 14 and Kidman Way MR410 be undertaken to see if the terms of the development application are being adhered to.*
Voting Unanimous **CARRIED**

BACKGROUND: *Concerns were raised regarding the number and placement of heavy vehicles parking in front of the Crossroads Motel blocking sight of vehicles on Kidman Way North MR421 and Louth Road,*

27TC.09.2013 **RECOMMENDATION:** *That a letter be written to the owners of the Crossroads Motel requesting that they speak to heavy vehicle drivers (that stay at the motel) in regard to parking prime movers in front of the motel restricting site distance.*
Voting Unanimous **CARRIED**

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5 **AOP REFERENCE: 3.1**
AUTHOR: Mayor, Councillor Lilliane Brady

259.11.2013 **RESOLVED:** *That Council accepts the information contained in the Mayoral Report for the month of November 2013.*
Clr Marsden/Clr Wilson **CARRIED**

CLAUSE 2A – PRESENTATION OF COUNCIL’S AUDITED FINANCIAL REPORTS AND AUDITOR’S REPORTS FOR 2012/2013

FILE: A12-2, F2-2-17 **AOP REFERENCE: 3.3.3.3**
AUTHOR: Director of Corporate and Community Services, Kym Miller

260.11.2013 **RESOLVED:**

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1. That the audited financial reports and Auditor's reports for the year ended 30 June 2013 be received and noted.
 2. That Council thanks Mr Jeff Shanks of Luka Group for his presentation.

Clr Marsden/Clr Toomey

CARRIED

CLAUSE 3A – PROPOSAL TO FACILITATE FINANCIAL ISSUES IN LOCAL GOVERNMENT WORKSHOP FOR COBAR SHIRE COUNCIL COUNCILLORS AND SENIOR STAFF AND OTHER INTERESTED COUNCILS

FILE: C12-7

AOP REFERENCE: 3.1.5.1

AUTHOR: *General Manager, Gary Woodman*

261.11.2013 RESOLVED:

1. That Council participate in a Financial Issues in Local Government Workshop in Cobar as detailed in the Report on Thursday 13 February 2014.
2. That Councillors who wish to attend the Financial Issues in Local Government Workshop in Cobar advise the General Manager by close of business on 29 November 2013.

Clr Sinclair/Clr Martin

CARRIED

CLAUSE 4A – EXPRESSION OF INTEREST FOR EXECUTIVE CERTIFICATE FOR ELECTED MEMBER COURSE

FILE: C12-7

AOP REFERENCE: 3.1.5.1

AUTHOR: *General Manager, Gary Woodman*

262.11.2013 RESOLVED: That the report Expression of Interest for Executive Certificate for Elected Members Course be moved for discussion.

Clr Marsden/Clr Toomey

CARRIED

263.11.2013 RESOLVED: That no action be taken at this time.

Clr Marsden/Clr Isbester

CARRIED

CLAUSE 5A – EQUAL EMPLOYMENT OPPORTUNITY POLICY

FILE: P5-93

AOP REFERENCE: 3.3.2.6

AUTHOR: *Human Resources Officer, Karen Walsh*

264.11.2013 RESOLVED: That the draft Equal Employment Opportunity Policy be adopted by Council.

Clr Sinclair/Clr Marsden

CARRIED

THIS IS PAGE 10 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 NOVEMBER 2013

.....
GENERAL MANAGER

.....
MAYOR

CLAUSE 6A – DONATIONS POLICY

FILE: P5-48

AOP REFERENCE: 1.4.5

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

- 265.11.2013 RESOLVED:** That the attached draft Donations Policy be adopted by Council.
Clr Isbester/Clr Sinclair **CARRIED**
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CLAUSE 7A – REVIEW OF WEED MANAGEMENT IN NEW SOUTH WALES

FILE: N1-1

AOP REFERENCE: 5.2.4

AUTHORS: *Noxious Weeds Officer, Melissa Gunn*

Land Management Officer, Heather Holder

- 266.11.2013 RESOLVED:** That Council makes an appropriate submission to the Natural Resource Commission about the review of weed management in NSW indicating that Council advocates for and supports the continued management of weeds by local government with appropriate levels of funding from the NSW Government that it is much more than the current level and uses our achievements through the current funded Weed Action Program (WAP) to answer concerns and issues raised in the Natural Resource Commission's Issues Paper.
Clr Sinclair/Clr Maxwell **CARRIED**
-

CLAUSE 8A – SWIMMING POOL UTILISATION REPORT

FILE: S9-1

AOP REFERENCE: 1.5.3.2

AUTHOR: *Services Manager, Timothy Wark*

- 267.11.2013 RESOLVED:**
1. That Council receive and note the information contained within the report.
 2. That Council take into consideration the final season financial results or part thereof in determining the entrance fees for the Cobar Memorial Swimming Pool for the 2014 – 2015 pool season.
- Clr Toomey/Clr Kings* **CARRIED**
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CLAUSE 9A – ECONOMIC TASKFORCE COMMUNITY REPRESENTATIVES

FILE: P5-31

AOP REFERENCE: 2.1.3.1

AUTHOR: *Special Projects Officer, Angela Shepherd*

268.11.2013 RESOLVED:

1. That Council accepts Mr Peter Abbott's nomination as a Community Representative on Council's Economic Taskforce.
2. That following the development of the Terms of Reference of the Taskforce that Council again calls for Community Representatives to sit on the group.

Clr Martin/Clr Harrison

CARRIED

CLAUSE 10A – DONATION REQUESTS FROM SCHOOLS IN COBAR SHIRE

FILE: D3.1

AOP REFERENCE: 1.4.5

AUTHOR: Director of Corporate and Community Services, Kym Miller

269.11.2013 RESOLVED: That the report Donation Requests from Schools in Cobar Shire be moved for discussion.

Clr Sinclair/Clr Kings

CARRIED

270.11.2013 RESOLVED:

1. That Council make end of year donations of \$100.00 each to the schools (cash or Cobar Quids as required) in the Cobar Shire (including Euabalong) for 2013.
2. That Council assist the schools to apply for donations for the 2014/2015 year.

Clr Martin/Clr Kings

CARRIED

CLAUSE 1B – DEVELOPMENT APPROVALS FOR THE PERIOD 18 SEPTEMBER 2013 – 15 OCTOBER 2013

FILE: T5-1

AOP REFERENCE: 1.6.3.1

AUTHOR: Director of Planning & Environmental Services, Garry Ryman

271.11.2013 RESOLVED: That the information detailing the Local Development and Construction Certificate approvals for the period 18 September 2013 – 15 October 2013 be received and noted.

Clr Martin/Clr Wilson

CARRIED

CLAUSE 2B – DEVELOPMENT APPROVALS FOR THE PERIOD 16 OCTOBER 2013 – 19 NOVEMBER 2013

FILE: T5-1

AOP: REFERENCE: 1.6.3.1

AUTHOR: Director of Planning & Environmental Services, Garry Ryman

272.11.2013 RESOLVED: That the information detailing the Local Development and Construction Certificate approvals for the period 16 October 2013 – 19 November 2013 be received and noted.
Clr Martin/Clr Wilson **CARRIED**

CLAUSE 2B (A) – MONTHLY STATUS REPORT

FILE: C13-10 **AOP REFERENCE: 3.1**
AUTHOR: General Manager, Gary Woodman

273.11.2013 RESOLVED: That the information contained in the monthly status report be received and noted and that items 266, 411, 414, 424, 425, 428, 434, 435 part 2 and 3, 445, 452, 457 part 1 and 2, 462, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476 and 477 be removed.
Clr Sinclair/Clr Martin **CARRIED**

CLAUSE 3B – MEETING MINUTES

FILE: L5-4-3, WB1-22, C8-17, R5-36, C8-6-4
AOP REFERENCE: 3.1
AUTHOR: General Manager, Gary Woodman

274.11.2013 RESOLVED: That the minutes of the meetings of OROC, Cobar Water Board, Cobar Liquor Accord, Rural Roads Advisory and Cobar Youth Council Committees be received and noted.
Clr Martin/Clr Toomey **CARRIED**

CLAUSE 4B – 2012/2013 ANNUAL REPORT

FILE: A2-2 **AOP REFERENCE: 3.3.3**
AUTHOR: General Manager, Gary Woodman

275.11.2013 RESOLVED: That the information contained in the 2012/2013 Annual Report be received and noted.
Clr Marsden/Clr Isbester **CARRIED**

CLAUSE 5B – 2014/2015 ANNUAL OPERATIONAL PLAN AND ASSOCIATED DOCUMENTS

FILE: L5-22 **AOP REFERENCE: 3.3.3**
AUTHOR: Director of Corporate and Community Services, Kym Miller

276.11.2013 RESOLVED: That the 2014/2015 Annual Operational Plan and Associated Documents Report be received and noted.
Clr Kings/Clr Isbester **CARRIED**

**CLAUSE 6B – COMPARISON OF VARIOUS ACTIVITIES
CONTROLLED BY COUNCIL FOR YEAR ENDED JUNE 2013**

FILE: A10-1-6

AOP REFERENCE: 3.1.3

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

277.11.2013 RESOLVED: That the Comparison of Various Activities Controlled by Council for Year Ended June 2013 Report be received and noted.
Clr Sinclair/Clr Toomey **CARRIED**

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:25PM

CONFIRMED.....

MINUTE NO.....

MAYOR.....