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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE  
OF COBAR HELD IN THE COUNCIL CHAMBERS ON THURSDAY 23  
OCTOBER 2014 COMMENCING AT 5:00PM**

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**PRESENT (FILE C13-2)**

Councillors Lilliane Brady OAM (Mayor), Tracey Kings (Deputy Mayor), Peter Abbott, Marsha Isbester, Jarrod Marsden, Greg Martin, Peter Maxwell, Bob Sinclair, Harley Toomey, Ray Wilson and Peter Yench. Messrs Gary Woodman (General Manager), Kym Miller (Director of Corporate and Community Services), Maurice Bell (Roads Manager), Stephen Poulter (Acting Director of Planning & Environmental Services) and Mmes Angela Shepherd (Special Projects Officer) and Adrienne Pierini (Trainee Civil Engineering Technician).

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**APOLOGIES (C13-2)**

**194.10.2014**     **RESOLVED:** That the apology received from Councillor John Harrison be accepted and a leave of absence granted.  
*Clr Martin/Clr Wilson* **CARRIED**

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

- Councillor Tracey Kings – Non-Pecuniary – Clause 5A – Dalton Park Horse Complex Licence Agreements – President of the Cobar Miners Race Club and Dalton Park User;
- Councillor Peter Yench – Non-Pecuniary – Clause 5A – Dalton Park Horse Complex Licence Agreements – Relation to the Griffiths Family.

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**CONDOLENCES (FILE M2-3)**

- Lynette Shanahan;
- Robert “Aka” Howlett.

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**CONFIRMATION OF MINUTES**

**TRAFFIC COMMITTEE MEETING OF COUNCIL (FILE C6-14)**

**195.10.2014**     **RESOLVED:** That the minutes and the following recommendations contained therein, of the Traffic Committee of Council held on Tuesday 26 August 2014 be adopted by Council.  
*Clr Yench/Clr Kings* **CARRIED**

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THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE  
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 OCTOBER 2014

.....  
GENERAL MANAGER

.....  
MAYOR





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**NEXT MEETING**

The date for the next Traffic Committee meeting will be Tuesday 25 November 2014, commencing at 9.30am.

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**CONFIRMATION OF MINUTES**

**FINANCE AND POLICY COMMITTEE MEETING (FILE C6-19)**

**196.10.2014** **RESOLVED:** That the minutes, and the following recommendations contained therein, of the Finance and Policy Committee Meeting held on Thursday 9 October 2014 be adopted by Council.  
*Clr Maxwell/ Clr Toomey* **CARRIED**

**APOLOGIES (C16-15-6)**

**56FP.10.2014** **RECOMMENDATION:** *That the apology received from Councillor John Harrison be accepted and a leave of absence granted.*  
*Clr Toomey/ Clr Yench* **CARRIED**

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**DECLARATIONS OF INTEREST (FILE C6-15-7)**

*Nil.*

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**NOTICE OF MOTION – REDUCTION IN THE NUMBER OF LOCAL GOVERNMENT COUNCILLORS AT COBAR SHIRE COUNCIL**

**FILE:** C13-1-5

**AOP REFERENCE:** 3.1

**AUTHOR:** *Councillor, Peter Abbott*

**~~RECOMMENDATION:~~** ~~*That a plebiscite (constitutional referendum) be held in conjunction with the next Local Government Elections in Cobar. With the plebiscite (constitutional referendum) to read:*~~

~~*“That the number of Local Government Councillors be reduced in number from the present twelve (12) to nine (9)”.*~~

~~*Clr Abbott/ Clr Kings*~~

~~**LOST**~~

**REPORT 1A – PUBLIC ACCESS ADDRESS BY ROD TOWNEY – TAFE NSW WESTERN INSTITUTE**

**FILE:** A11-2

**AOP REFERENCE:** 3.2

**AUTHOR:** *Special Projects Officer, Angela Shepherd*

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GENERAL MANAGER

.....  
MAYOR

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**57FP.10.2014 RECOMMENDATION:** *That Council resolves to thank Ms Amanda Spalding, Director Corporate Services from TAFE Western NSW for his time and presentation to Council.*

*Clr Sinclair/ Clr Kings*

**CARRIED**

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**REPORT 1B – BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS AT 30 AUGUST 2014**

**FILE: B2-7**

**AOP REFERENCE: 3.1.1.7**

**AUTHOR: Manager Finance & Administration, Neil Mitchell**

**58FP.10.2014 RECOMMENDATION:** *That Council receive and note the Bank Reconciliation, Cash Flow and Loan Facility Report as at 30 September 2014.*

*Clr Sinclair/ Clr Abbott*

**CARRIED**

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**REPORT 2B – RATES RECONCILIATION REPORT AS AT 30 SEPTEMBER 2014**

**FILE: R2-1**

**AOP REFERENCE: 3.1.1.6**

**AUTHOR: Rates Officer, Jo-Louise Brown**

**59FP.10.2014 RECOMMENDATION:** *That the Rates Reconciliation Report as at the 30 September 2014 be received and noted.*

*Clr Isbester/ Clr Kings*

**CARRIED**

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**REPORT 3B – GRANT FUNDING**

**FILE: G4-17**

**AOP REFERENCE: 3.1.1.4**

**AUTHOR: Special Projects Officer, Angela Shepherd**

**60FP.10.2014 RECOMMENDATION:** *That the information contained in the grant funding report detailing grants applied for, grants announced and grants available, as well as the updates on Council's grant capital projects, be received and noted.*

*Clr Martin/ Clr Kings*

**CARRIED**

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**CONFIRMATION OF MINUTES**

**WORKS COMMITTEE MEETING (FILE C6-20)**

**197.10.2014 RESOLVED:** *That the minutes, and the following recommendations contained therein, of the Works Committee Meeting held on Thursday 9 October 2014 be adopted by Council.*

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THIS IS PAGE 5 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 OCTOBER 2014

.....  
GENERAL MANAGER

.....  
MAYOR

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*Clr Sinclair/ Clr Maxwell*

**CARRIED**

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**APOLOGIES (C13-2)**

- 41WC.10.2014** **RESOLVED:** *That the apology received from Councillor John Harrison be accepted and a leave of absence granted.*  
*Clr Martin/Clr Wilson* **CARRIED**
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**DECLARATIONS OF INTEREST (FILE C6-15-7)**

*Nil.*

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**REPORT 1A – QUOTATION FOR THE SUPPLY OF TRADE AND MISCELLANEOUS SERVICES 2012/2015 UPDATE**

**FILE:** T3-12-5

**AOP REFERENCE:** 3.3.4.1

**AUTHOR:** *Engineering Support Manager, Kingsley Page*

- 42WC.10.2014** **RECOMMENDATION:** *That Regional Crushing & Screening Pty Ltd be included in Council's Register of Approved Contractors for the Supply of Plant and Equipment Hire Rates 2012/2015.*  
*Clr Sinclair/ Clr Maxwell* **CARRIED**
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**REPORT 1B – ENGINEERING WORKS REPORT**

**FILE:** C6-20-2

**AOP REFERENCE:** 4.3.2

**AUTHOR:** *Director of Engineering Services, Peter Graf*

- 43WC.10.2014** **RECOMMENDATION:** *That the information contained in the Engineering Works Report detailing maintenance on shire and regional roads, state highways and water and sewer mains be received and noted.*  
*Clr Isbester/ Clr Marsden* **CARRIED**
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**REPORT 2B – EXPENDITURE FOR ROADS NETWORK**

**FILE:** R5-31

**AOP REFERENCE:** 4.3.2

**AUTHOR:** *Director of Engineering Services, Peter Graf*

- 44WC.10.2014** **RECOMMENDATION:** *That the information detailing the Expenditure for Council's Roads Network be received and noted.*  
*Clr Maxwell/ Clr Martin* **CARRIED**
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**MATTER OF URGENCY – DETAILS OF COUNCILLOR NON-ATTENDANCE**

***Councillor, Peter Yench***

*Councillor Peter Yench expressed concern about the Mayor detailing Councillor non-attendance at meetings in her Report to the Newspapers.*

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**CONFIRMATION OF MINUTES**

**ORDINARY MEETING OF COUNCIL (FILE C13-11)**

**198.10.2014 RESOLVED:** That the minutes of the Ordinary Meeting of Council held on Thursday 25 September 2014 be confirmed as a true and correct record of the proceedings of that meeting.  
*Clr Abbott/Clr Isbester* **CARRIED**

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**CLAUSE 1A – MAYORAL REPORT**

**FILE: C13-1-5**

**AOP REFERENCE: 3.1**

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

**199.10.2014 RESOLVED:**

1. That Council accepts the information contained in the Mayoral Report for the month of October 2014.
2. That Council write and speak to Minister Kevin Humphries and Deputy Premier Troy Grant outlining our concerns at the ability of the justice system to adequately deal with juvenile crime offenders to reduce the chance of reoffending.

*Clr Marsden/Clr Abbott*

**CARRIED**

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**CLAUSE 2A – MAYORAL REPORT – GENERAL MANAGER'S CONTRACT OF EMPLOYMENT**

**FILE: S5-10-7, Personnel**

**AOP REFERENCE: 3.3.2.1**

**AUTHOR: Mayor, Lilliane Brady OAM**

**200.10.2014 RESOLVED:**

1. That Council advise Mr Gary John Woodman that it proposes to renew his Contract of Employment for a period of five (5) years commencing 12 July 2015.
2. That authority be given to the Mayor and Deputy Mayor to negotiate the new Contract of Employment with Mr Gary John Woodman as General

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.....  
GENERAL MANAGER

.....  
MAYOR

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Manager in the approved format and report back to Council for formal adoption.

*Clr Yench/Clr Maxwell*

**CARRIED**

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**CLAUSE 3A – MEETING ARRANGEMENTS – CHRISTMAS AND NEW YEAR**

**FILE: C6-16**

**AOP REFERENCE: 3.1.5**

**AUTHOR: *General Manager, Gary Woodman***

**201.10.2014 RESOLVED:**

1. That the following Meeting arrangements be adopted for the Christmas and New Year period:
  - Ordinary Council Meeting – Thursday 11 December 2014 (including Committee Meetings);
  - No Meetings to be held during January 2015;
  - The normal Meeting cycle to resume in February 2015.
2. That the Mayor and General Manager be delegated authority, jointly, to deal with matters of an urgent nature for the period commencing 12 December 2014 to 12 February 2015, and further that if any urgent matters are dealt with under this authority that they be reported to the February 2015 Ordinary Meeting of Council.

*Clr Martin/Clr Sinclair*

**CARRIED**

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**CLAUSE 4A – EXPRESSION OF INTEREST – PILOT JOINT ORGANISATION – ORANA REGIONAL ORGANISATION OF COUNCILS (OROC) UNDER THE FIT FOR THE FUTURE PROGRAM**

**FILE: L5-4-3, L5-24**

**AOP REFERENCE: 3.1**

**AUTHOR: *General Manager, Gary Woodman***

- 202.10.2014 RESOLVED:** That Council endorse the position taken that Cobar Shire Council agrees to be involved and supportive with the other existing Orana Regional Organisation of Councils (OROC) Councils in the proposed Expression of Interest (EOI) to participate as a pilot group for a Joint Organisation under the 'Fit for the Future' Program of the NSW Government.

*Clr Kings/Clr Sinclair*

**CARRIED**

**Councillor Peter Yench requested that his name be recorded voting against the motion.**

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**CLAUSE 5A – DALTON PARK HORSE COMPLEX LICENCE AGREEMENTS**

**FILE: P1-4-3**

**AOP REFERENCE: 3.3.4.2**

**AUTHOR: *Land Management Officer, Heather Holder***

**203.10.2014 RESOLVED:**

That Council acting as Trust Manager for the Dalton Park Racecourse (R630019) Reserve Trust, resolve to affix the Trusts seal to the 12 month temporary licence agreements for the following organisations and individuals to cover the period 1 July 2014 to 30 June 2015:

- Mr S & C Griffiths;
- Ms Sharon Whitehurst;
- Cobar Pony Club;
- Cobar Miners Race Club;
- Cobar Rodeo Committee

***Clr Marsden/Clr Martin***

**CARRIED**

*Councillors Kings and Yench declared an interest and left the meeting at 5:36pm.*

*Councillors Kings and Yench returned to the meeting at 5:37pm.*

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**CLAUSE 6A – BATHURST STREET RESERVE LICENCE AGREEMENT**

**FILE: P1-2-2**

**AOP REFERENCE: 3.3.4.2**

**AUTHOR: *Land Management Officer, Heather Holder***

**204.10.2014 RESOLVED:** That Council acting as Trust Manager for the Bathurst Street (R64199) Reserve Trust, resolve to affix the Trusts seal to a 12 month temporary licence agreement for the Cobar Tennis Club to cover the period 1 July 2014 to 30 June 2015.

***Clr Isbester/ Clr Toomey***

**CARRIED**

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**CLAUSE 7A – REVISION OF COMMUNITY ENHANCEMENT PROGRAM**

**FILE: P5-78**

**AOP REFERENCE: 3.1.2**

**AUTHOR: *Special Projects Officer, Angela Shepherd***

**205.10.2014 RESOLVED:** That Council adopts the draft Community Enhancement Program.

***Clr Marsden/Clr Sinclair***

**CARRIED**

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**CLAUSE 8A – BUILDING STRONGER REGIONS FUND**

**FILE: G4-17, G4-31**

**AOP REFERENCE: 3.1.1.3**

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.....  
GENERAL MANAGER

.....  
MAYOR

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**AUTHOR:** *Special Projects Officer, Angela Shepherd*

**206.10.2014 RESOLVED:** That the report on Building Stronger Regions Fund be discussed.

*Clr Sinclair/Clr Toomey*

**CARRIED**

**207.10.2014 RESOLVED:**

1. That Council's three priorities for the National Stronger Regions Fund, Round 1 be the Cobar Youth and Fitness Centre, Cobar Shire Park Playground Upgrade and Museum Building Preservation and Enhancement.
2. That the Cobar Youth and Fitness Centre be Council's priority one project for the National Stronger Regions Fund, Round 1 and that an application be lodged under the National Stronger Regions Funding.
3. That Council allocate 50% of the required funding for the project.
4. That Council write to the local Federal Member expressing our concern at the need to provide matching funding under the National Stronger Regions Fund as it severely limits the ability of smaller Councils such as Cobar Shire Council to meet eligibility criteria for funding.

*Clr Sinclair/Clr Kings*

**CARRIED**

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**CLAUSE 9A – VISIT BY CITY OF CANTERBURY TO COBAR SHIRE**

**FILE: S10-2**

**AOP REFERENCE: 3.3.2.8**

**AUTHOR:** *Special Projects Officer, Angela Shepherd*

**208.10.2014 RESOLVED:** That Councillors note the visit by the City of Canterbury delegation to further strengthen the relationship between the two Councils and that Councillors attend where possible the events organised as part of the visit.

*Clr Martin/Clr Marsden*

**CARRIED**

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**CLAUSE 10A – FIRST QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2014-2015**

**FILE: L5-22**

**AOP REFERENCE: 3.1**

**AUTHOR:** *Special Projects Officer, Angela Shepherd*

**209.10.2014 RESOLVED:** That Council receives and endorses the first quarterly review of the 2014-2015 Annual Operational Plan, covering the period July to September 2014.

*Clr Maxwell/Clr Marsden*

**CARRIED**

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**CLAUSE 11A – CODE OF CONDUCT ANNUAL REPORT**

**FILE: P5-8**

**AOP REFERENCE: 3.1.5**

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

**210.10.2014 RESOLVED:**

1. That the Code of Conduct Annual Report be received and noted.
2. That the statistics contained in the Report be reported to the Office of Local Government.

***Clr Wilson/Clr Martin***

**CARRIED**

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**CLAUSE 12A – TENDER FOR THE SUPPLY OF ROAD PATCHING MACHINE**

**FILE: P3-13-3**

**AOP REFERENCE: 3.3.4**

**AUTHOR: *Engineering Support Manager, Kingsley Page***

**211.10.2014 RESOLVED:** That the report regarding the supply of a Tar Patching body fitted to a cab chassis truck 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 discussions of this information in Open Council would prejudice the commercial position of the person who supplied it.

***Clr Martin/Clr Sinclair***

**CARRIED**

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**CLAUSE 1B – DEVELOPMENT APPROVALS 17 SEPTEMBER 2014 – 15 OCTOBER 2014**

**FILE: T5-1**

**AOP REFERENCE: 1.6.3.1**

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

**212.10.2014 RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 17 September 2014 - 15 October 2014 be received and noted.

***Clr Kings/Clr Marsden***

**CARRIED**

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**CLAUSE 2B – MONTHLY STATUS REPORT**

**FILE: C13-10**

**AOP REFERENCE: 3.1**

**AUTHOR: *General Manager, Gary Woodman***

**213.10.2014 RESOLVED:** That the information contained in the monthly status report be received and noted and that items 61, 556, 568, 604 Part 1, 609 Part 2, 610, 615, 616, 617, 618, 619, 620, 621, 622 Part 1, 625 Part 1, and 627 Part 1, 2 and 3 be removed.

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**THIS IS PAGE 11 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 OCTOBER 2014**

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

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*Clr Martin/Clr Kings*

**CARRIED**

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**CLAUSE 3B – MEETING MINUTES**

**FILE: C6-31**

**AOP REFERENCE: 3.1**

**AUTHOR: *General Manager, Gary Woodman***

**214.10.2014 RESOLVED:** That the minutes of the meeting of Airport Advisory Committee be received and noted.

*Clr Kings/Clr Yench*

**CARRIED**

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**CLAUSE 4B – INTERNAL AUDIT UPDATE**

**FILE: A12-4**

**AOP REFERENCE: 3.1.4**

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

**215.10.2014 RESOLVED:** That the Internal Audit Update Report be received and noted.

*Clr Isbester/Clr Toomey*

**CARRIED**

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**CLAUSE 5B – INVESTMENT REPORT AS AT 30 SEPTEMBER 2014**

**FILE: B2-7**

**AOP REFERENCE: 3.1.1.7**

**AUTHOR: *Manager Finance & Administration, Neil Mitchell***

**216.10.2014 RESOLVED:** That Council receive and note the Investment Report as at 30 September 2014.

*Clr Marsden/Clr Sinclair*

**CARRIED**

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

**217.10.2014 RESOLVED:** That Council move into the Committee of the Whole with the press and public excluded at 6:12pm as matters to be discussed are considered to be confidential vide Section 10A (2) (d) (i) of the Local Government Act 1993, as discussions of this information in Open Council would prejudice the commercial position of the person who supplied it and also Section 10A (2)(a) as it would involve matters and information that are personnel matters concerning particular individuals (other than Councillors)).

*Clr Marsden/Clr Martin*

**CARRIED**

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Council resumed in Open Council at 6:26pm.

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**RECOMMENDATIONS TO COUNCIL**

**218.10.2014 RESOLVED:** That the following recommendations of the Committee of the Whole Closed Council be adopted by the Council.  
*Clr Sinclair/Clr Kings* **CARRIED**

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**CLAUSE 1C – CODE OF CONDUCT ANNUAL REPORT**

**FILE: P5-8**

**AOP REFERENCE: 3.1.5**

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

**The matter was considered in open Council.**

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**CLAUSE 2C – TENDER FOR THE SUPPLY OF ROAD  
PATCHING MACHINE**

**FILE: P3-13-3**

**AOP REFERENCE: 3.3.4**

**AUTHOR: *Engineering Support Manager, Kingsley Page***

**28COW.10.2014 RESOLVED:**

1. That Council defers the replacement of the CAT 140 H Grader and allocates these funds to purchase the Paveline Autopatch Isuzu FXY1500 Auto Tar Patching Machine for \$358,260 including GST.
2. That Council purchase the Paveline Autopatch Isuzu FXY1500 Auto Tar Patching Machine for \$358,260 including GST.
3. That the existing Paveline truck and machine be disposed of at the best commercial option to Council.
4. That details of the unsuccessful tender remain in the Committee of the Whole Closed Council.

*Clr Sinclair/Clr Martin*

**CARRIED**

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**MATTER OF URGENCY – CARBON FARMING INITIATIVE**

**FILE: E6-12**

**AOP REFERENCE: 5.2.1.1**

**AUTHOR: *Councillor, Peter Yench***

**RECOMMENDATION:**

1. That Cobar Shire Council confirms its support for the Carbon Farming Initiative.
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**THIS IS PAGE 13 OF THE MINUTES OF THE ORDINARY MEETING OF THE  
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 23 OCTOBER 2014**

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

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2. That Cobar Shire Council manages its position on Carbon Farming through the Economic Task Force.

*Clr Yench/Clr Sinclair*

**LOST**

*Councillor Martin left the meeting at 6:51pm.*

*Councillor Martin returned to the meeting at 6:52pm.*

**Councillor Jarrod Marsden called a Division.**

**For: Councillors Sinclair, Marsden, Toomey, Martin and Yench.**

**Against: Councillors Kings, Wilson, Maxwell, Abbott, Isbester and Brady.**

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**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6:59PM**

**CONFIRMED.....**

**MINUTE NO.....**

**MAYOR.....**