
**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
SHIRE OF COBAR HELD IN COUNCIL CHAMBERS ON THURSDAY
28 SEPTEMBER 2023 COMMENCING AT 5:00PM**

PRESENT (FILE C13-2)

Peter Abbott (Mayor), Jarrod Marsden (Deputy Mayor), Robert Sinclair, Lillian Simpson, Harley Toomey, Michael Prince, Julie Payne, Janine Lea- Barrett, and Kate Winders.

OBSERVERS

Mr. Peter Vlatko (General Manager), Mr. Heinz Kausche (Acting Director of Engineering), Ms. Kylie Smith (Director of Corporate and Community Services) and Miss Kelly Fairbank (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.

THIS IS PAGE 1 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023

.....
GENERAL MANAGER

.....

MAYOR

APOLOGIES (FILE C13-2)

150.09.2023 RESOLVED: 1. That the apologies received from Councillor Kain Neale and Councillor Tony Chaplain be accepted.

2. That Councillor Kain Neale and Councillor Tony Chaplain be granted a leave of absence.

Clr Payne / Clr Lea-Barrett

CARRIED

DECLARATIONS OF INTEREST (FILE C12-3)

- Nil.

CONDOLENCES (FILE M2-3)

- Sheila May Higgins
- Kaylene Dulcie Boal
- Lancelot John McBride

PUBLIC ACCESS SESSION

- Nil.

CONFIRMATION OF MINUTES

ORDINARY MEETING OF COUNCIL (FILE C13-11)

151.09.2023 RESOLVED: That the Minutes of the Ordinary Meeting of Council held on Thursday, 24 August 2023 be confirmed as a true and correct record of the proceedings of that meeting.

Clr Payne / Clr Winders

CARRIED

THIS IS PAGE 2 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023

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GENERAL MANAGER

.....

MAYOR

MAYORAL MINUTE

FILE C13-1-5 AOP REFERENCE: 3.1 ATTACHMENT: NO

AUTHOR: *Mayor, Peter Abbott*

- 152.09.2023 RESOLVED:** 1. That the Mayor make appropriate representations requesting the continuation of the Resource for Regions Program in its current format as an acknowledgement of the significant economic contribution our community makes to the prosperity of NSW and the daily impact we are required to live with.
2. Cobar Shire Council collaborate with the Mayors of other affected Councils regarding the reinstatement of the Resources for Regions funding.

Clr Abbott /Clr Sinclair

CARRIED

CLAUSE 1 – ELECTION OF THE MAYOR AND DEPUTY MAYOR

FILE: C12-1AOP REFERENCE: 3.1.5 ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

- 153.09.2023 RESOLVED:** 1. That Council note that the General Manager or his nominee is 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 and will hold the position until the General Election (Scheduled on 14 September 2024).
3. In the event of more than one (1) nomination that Council conducts the election of the Mayor and Deputy Mayor by ordinary ballot and in accordance with the Local Government (General) Regulations 2005.
4. That following the election the ballot papers used in the election of the Mayor and Deputy Mayor be destroyed.

Clr Lea- Barrett /Clr Sinclair

CARRIED

Mayor Peter Abbott vacated the Chair for the Election of the Mayor. General Manager Mr. Peter Vlatko took the chair as the Returning Officer.

The Returning Officer Mr. Peter Vlatko called for any further nominations.

**THIS IS PAGE 3 OF THE MINUTES OF THE ORDINARY MEETING OF THE
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GENERAL MANAGER

.....

MAYOR

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

Councillor Jarrod Marsden

In accordance with the *Local Government (General) Regulations 2005* the General Manager declared Councillor Jarrod Marsden duly elected Mayor for the term ending at the General Elections.

The General Manager advised that at the close of nominations for Deputy Mayor there was Three (3) nomination being:

Councillor Michael Prince
Councillor Julie Payne
Councillor Lillian Simpson

Councillor Lillian Simpson withdrew her nomination.

An ordinary ballot was provided for councillors voting, at the end of the ballot the General Manager declared:

In accordance with the *Local Government (General) Regulations 2005* the General Manager declared Councillor Michael Prince duly elected Deputy Mayor for the term ending at the General Elections.

Councillor Jarrod Marsden assumed the Chair as Mayor and proceeded with the remaining items of business.

CLAUSE 2 – RESIGNATION OF COUNCILLOR MAXWELL

FILE: C12-1

ATTACHMENT: NO

AUTHOR: *General Manager, Peter Vlatko*

154.09.2023 RESOLVED: 1. That the Council makes an application under *Section 294 (2)* seeking the Minister to order that the vacancy of Councillor Maxwell resigning not be filled as it is within the 18 months before the next ordinary election of Council.

2. That Mr. Peter Maxwell be thanked for this contribution of the past 11 years for the people of Cobar Shire Council in his role as Councillor.

Clr Payne /Clr Lea-Barrett

CARRIED

THIS IS PAGE 4 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 29 SEPTEMBER 2023

GENERAL MANAGER


MAYOR

CLAUSE 3 – MEETING ARRANGEMENTS – CHRISTMAS AND NEW YEAR (INCLUDING NOTIFICATION OF STAFF CHRISTMAS PARTY)

FILE: C6-16 AOP REFERENCE: 3.1.5 ATTACHMENT: NO
AUTHOR: *General Manager, Peter Vlatko*

- 155.09.2023 RESOLVED:** That the Mayor and General Manager be delegated authority, jointly, to deal with matters of an urgent nature for the period commencing 15 December 2023 to 22 February 2024 and that if any urgent matters are dealt with under this authority that they be reported to the February 2023 Ordinary Meeting of Council.
Clr Payne / Clr Prince **CARRIED**

CLAUSE 4 – DISCLOSURE OF INTEREST – COUNCILLORS AND DESIGNATED PERSONS

FILE: C12-3-1 AOP REFERENCE: 3.1 ATTACHMENT: NO
AUTHOR: *General Manager, Peter Vlatko*

- 156.09.2023 RESOLVED:** That Council note the Annual Disclosure of Interest Returns for Councillors and Designated Persons for the period 1 July 2022 to 30 June 2023.
Clr Payne /Clr Abbott **CARRIED**

CLAUSE 5 – GENERAL MANAGERS OPERATIONAL REPORT

FILE: C6-20-2 AOP REFERENCE: 4.3.2 ATTACHMENT: NO
AUTHOR: *General Manager, Peter Vlatko*

- 157.09.2023 RESOLVED:** That the General Managers Operational Report be received and noted.
Clr Payne/ Clr Simpson **CARRIED**

CLAUSE 6–MONTHLY STATUS REPORT

FILE: C13-10 ATTACHMENT: NO
AUTHOR: *General Manager, Peter Vlatko*

- 158.09.2023 RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed:
1473,1474, 1475 & 1476.
Clr Lea- Barrett / Clr Payne **CARRIED**

THIS IS PAGE 5 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023

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GENERAL MANAGER


.....
MAYOR

CLAUSE 7 – LOCAL TRAFFIC COMMITTEE

**FILE: C6-14 AOP REFERENCE: 3.1 ATTACHMENT: YES
(PAGE 46-48)**

AUTHOR: *General Manager, Peter Vlatko*

- 159.09.2023 RESOLVED:** That the recommendations from the Local Traffic Committee be received and noted.
Clr Toomey / Clr Payne **CARRIED**

**CLAUSE 8 – RURAL ROADS ADVISORY COMMITTEE
MEETING MINUTES**

FILE: C6-14 ATTACHMENT: YES (PAGE 49-52)

AUTHOR: *General Manager, Peter Vlatko*

- 160.09.2023 RESOLVED:** That the minutes from the Local Rural Roads Advisory Committee be received and noted.
Clr Simpson / Clr Lea-Barrett **CARRIED**

CLAUSE 9 – INVESTMENT REPORT AS OF 31 AUGUST 2023

FILE: B2-7 AOP REFERENCE: 3.1.1.7 ATTACHMENT: NO

AUTHOR: *Finance Manager, Sandra Davey*

- 161.09.2023 RESOLVED:** That Council receive and note the Investment Report as of 31 August 2023.
Clr Abbott / Clr Lea-Barrett **CARRIED**

**CLAUSE 10 - BANK RECONCILIATION, CASH FLOW & LOAN
FACILITY SUMMARIES AS OF 31 AUGUST 2023**

FILE: B2-7 AOP REFERENCE: 3.1.1.5 ATTACHMENT: NO

AUTHOR: *Finance Manager, Sandra Davey*

- 162.09.2023 RESOLVED:** That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as of 31 August 2023.
Clr Abbott / Clr Sinclair **CARRIED**

THIS IS PAGE 6 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023

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GENERAL MANAGER


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MAYOR

CLAUSE 11 – RATES RECONCILIATION REPORT AS AT 31 AUGUST 2023

FILE: R2-1 AOP REFERENCE: 3.1.1.6 ATTACHMENT: NO
AUTHOR: *Customer Service Manager, Jo-Louise Brown*

163.09.2023 RESOLVED: That the Rates Reconciliation Report as at the 31 August 2023 be received and noted.
Clr Lea-Barrett / Clr Toomey **CARRIED**

CLAUSE 12 – PURCHASING ANALYSIS OF CONTRACTORS

FILE: T3-15-6 AOP REFERENCE:3.3.4 ATTACHMENT: NO
AUTHOR: *Finance Manager, Sandra Davey*

164.09.2023 RESOLVED: That Council receive and note the information contained in this report.
Clr Payne / Clr Lea-Barrett **CARRIED**

CLAUSE 13 – GRANT FUNDING

FILE: G4-17 AOP REFERENCE: 3.1.1.3 ATTACHMENT: NO
AUTHOR: *Grants Officer, Bethany Smith*

165.09.2023 RESOLVED: That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.
Clr Simpson / Clr Lea-Barrett **CARRIED**

CLAUSE 14 – ENGINEERING WORKS REPORT

FILE: C6-20-2AOP REFERENCE: 4.3.2 ATTACHMENT: NO
AUTHOR: *Acting Director Engineering Services, Heinz Kausche*

166.09.2023 RESOLVED: That the information contained in the Engineering Works Report detailing construction and maintenance activities on Shire and Regional Roads, State Highways, Water and Sewer Mains, Parks and Gardens, and other Council assets be received and noted.
Clr Payne / Clr Winders **CARRIED**

CLAUSE 15 – EXPENDITURE FOR ROADS NETWORK

**FILE: R5-31 AOP REFERENCE: 4.3.2 ATTACHMENT: YES
(PAGE 53-60)**

AUTHOR: Acting Director of Engineering, Heinz Kausche

- 167.09.2023 RESOLVED:** *That the information detailing the Expenditure for Council's Roads Network be received and noted.*
Clr Lea-Barrett / Clr Simpson **CARRIED**
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**CLAUSE 16 – DEVELOPMENT APPROVALS: 16 AUGUST 2023 –
20 SEPTEMBER 2023**

FILE: T5-1 AOP REFERENCE: 1.6.3.1 ATTACHMENT: NO

AUTHOR: Director of Planning & Environmental Services, Garry Ryman

- 168.09.2023 RESOLVED:** *That the information detailing the Local Development and Construction Certificate approvals for the period 16 August 2023 - 20 September 2023 be received and noted.*
Clr Sinclair / Clr Abbott **CARRIED**
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CLAUSE 17 – MANAGEMENT OF COUNCILS IT SERVICES

FILE: 2400 AOP REFERENCE: 3.3.2.5 ATTACHMENT: NO

AUTHOR: Finance Manager, Sandra Davey

- 169.09.2023 RESOLVED:** *That a further report regarding the Contract for IT services 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 Lea-Barrett / Clr Payne **CARRIED**
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CLAUSE 18- ROAD MAINTENANCE TRUCK

FILE: VP374377 AOP REFERENCE: 3.3.2.4 ATTACHMENT: NO

AUTHOR: Meike Griffiths, Administration Coordinator

- 170.09.2023 RESOLVED:** *That a further report regarding the Supply of one (1) Road Maintenance Truck (VP374377) 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 Payne / Clr Lea-Barrett **CARRIED**
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**THIS IS PAGE 8 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023**

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GENERAL MANAGER

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MAYOR

**CLAUSE 19- REQUEST NOT TO INVITE TENDERS FOR WORKS
ON SR46**

FILE: SR46 AOP REFERENCE: 4.3.1.1 ATTACHMENT: NO

AUTHOR: *Meike Griffiths, Administration Coordinator*

171.09.2023 RESOLVED: That a further report regarding the contract for the spreading of gravel on SR46 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 Payne / Clr Lea-Barrett

CARRIED

COMMITTEE OF THE WHOLE

172.09.2023 RESOLVED: That Council move into the Committee of the Whole with the press and public excluded at 5.29pm in accordance with Section 10A (2) (a) of the *Local Government Act 1993* as the matter and information relates to personnel matters concerning individuals (not Councillors).

Clr Payne / Clr Lea-Barrett

CARRIED

CLAUSE 1C – MANAGEMENT OF COUNCILS IT SERVICES

FILE: 3.3.2.5 AOP REFERENCE: 2400 ATTACHMENT: NO

AUTHOR: *Finance Manager, Sandra Davey*

173.09.2023 RESOLVED: 1. Council resolves not invite tenders due to the remoteness of locality and the unavailability of competitive tenderers.

2. Council authorises the General Manager to negotiate with Tronic Group to provide IT services to Council, with a view to enter a contract, and authorise the General Manager to sign the contract

Clr Lea-Barrett / Clr Simpson

CARRIED

THIS IS PAGE 9 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023

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GENERAL MANAGER

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MAYOR

CLAUSE 2C ROAD MAINTENANCE TRUCK

FILE: VP374377

ATTACHMENT: NO

AUTHOR: *Meike Griffiths, Administration Coordinator*

174.09.2023 RESOLVED: 1. That Council award the contract for the Supply of one (1) Road Maintenance Truck to Ausroad Manufacturing Pty Ltd to the value of \$633,525 plus GST (\$63,352.50) and authorise the General Manager and Mayor to sign the contract.

2. That the information contained within this report remains confidential within the Committee of the Whole Closed Council.

Clr Payne / Clr Lea-Barrett

CARRIED

CLAUSE 3C REQUEST NOT TO INVITE TENDERS FOR WORKS ON SR46

FILE: SR46 AOP REFERENCE: 4.3.1.1

ATTACHMENT: NO

AUTHOR: *Meike Griffiths, Administration Coordinator*

175.09.2023 RESOLVED: That Council:

1. Resolve in accordance with Section 55 (3)(i) of the Local Government Act 1993 not to invite tenders for the spreading of gravel for the Rosevale Road Rehabilitation Project (SR46) because of the following extenuating circumstances:

- a. Remoteness of the locality of the worksite.
- b. Unavailability of suitability qualified and experienced contractors to undertake the works.
- c. Short timelines associated with the availability of the funding to complete the works.
- d. Poor condition of the roadway and need to rehabilitate the roadway for reasons of road safety.

2. Resolve to engage Nicholson's of Nymagee for the spreading of gravel for the Rosevale Road Rehabilitation Project for the amount of \$464,650 excluding GST.

3. Authorise the General Manager to enter into a contract with Nicholson's of Nymagee for the spreading of gravel for the Rosevale Road Rehabilitation Project

Clr Lea-Barrett / Clr Payne

CARRIED

The meeting resumed in open council at 5.39pm.

THIS IS PAGE 10 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023

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GENERAL MANAGER

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MAYOR

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.40 PM

CONFIRMED

MINUTE NO.

MAYOR 

**THIS IS PAGE 11 OF THE MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 28 SEPTEMBER 2023**

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GENERAL MANAGER

