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

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**PRESENT (FILE C13-2)**

Jarrold Marsden (Mayor), Michael Prince (Deputy Mayor) Robert Sinclair, Lillian Simpson, Harley Toomey, Kain Neale, Tony Chaplain, Julie Payne, Janine Lea- Barrett, and Kate Winders.

**OBSERVERS**

Mr. Peter Vlatko (General Manager), Mr. Heinz Kausche (Acting Director of Engineering), Mr. Garry Ryman (Director Planning and Environmental Services), Ms. Kylie Smith (Director of Corporate and Community Services) and Miss Kelly Fairbank (Executive Assistant - General Manager/ Mayor).

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**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.*

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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 26 OCTOBER 2023**

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

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Mayor Marsden called for a minute's silence to acknowledge the passing of the former mayor, Councillor Peter Abbott.

**APOLOGIES (FILE C13-2)**

- Nil.

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

- Nil.
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**CONDOLENCES (FILE M2-3)**

- Kaye Louise Saddler
- Russell Dan Harry Johnson
- Patricia Elizabeth Knight

**PUBLIC ACCESS SESSION**

- Nil.
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**CONFIRMATION OF MINUTES**

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

**176.10.2023 RESOLVED:** That the Minutes of the Ordinary Meeting of Council held on Thursday, 28 September 2023 be confirmed as a true and correct record of the proceedings of that meeting.

*Clr Lea-Barrett / Clr Toomey*

**CARRIED**

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**THIS IS PAGE 2 OF THE MINUTES OF THE ORDINARY MEETING OF THE  
COUNCIL OF THE SHIRE OF COBAR HELD ON THURSDAY 26 OCTOBER 2023**

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**GENERAL MANAGER**

.....  
**MAYOR**

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**CLAUSE 1– COUNCIL COMMITTEES/DELEGATES**

**FILE: C6-15 AOP REFERENCE: 3.2.2.2 ATTACHMENT: NO**

**AUTHOR: *General Manager, Peter Vlatko***

**177.10.2023 RESOLVED:** That Council determine its delegates for each of the listed Committees/ Organisations and where an election is required it be by open voting by show of hands.

*Clr Payne /Clr Lea-Barrett*

**CARRIED**

**178.10.2023 RESOLVED:**

<b>Committee/Organisation</b>	<b>No. of Delegates</b>	<b>Current Delegate</b>
Murray Darling Association	2 Councillors	Councillor Payne Councillor Prince
Internal Audit	2 Councillors not being the Mayor, Independent Chair and Community Representative	Councillor Sinclair Councillor Lea - Barrett
Hera Mine/ Federation Community Consultative Committee	1 Councillor	Councillor Lea-Barrett
Cobar Water Board	3 Councillors (elected for a 5-year term)	Councillor Neale Councillor Prince Councillor Toomey

*Clr Sinclair /Clr Lea-Barrett*

**CARRIED**

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**CLAUSE 2 – MONTHLY STATUS REPORT**

**FILE: C13-10**

**ATTACHMENT: NO**

**AUTHOR: *General Manager, Peter Vlatko***

**179.10.2023 RESOLVED:** That the information contained in the monthly status report be received and noted, with the following items to be removed: 1478.

*Clr Lea- Barrett / Clr Chaplain*

**CARRIED**

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**CLAUSE 3– QUARTER 1 – 2023/2024 BUDGET REVIEW**  
**FILE: L5-22 AOP REFERENCE: 3.3 ATTACHMENT:**  
**YES(PAGE 39-43)**

**AUTHOR: *Finance Manager, Sandra Davey***

**180.10.2023 RESOLVED:** 1. That the report Quarter 1 2023/2024 Budget Review be received and noted, and the following capital expenditure adjustments be made to the adopted budget.

- a) Transfer internally funded budget of \$839,533 to the Local Roads and Community Infrastructure grant.
- b) Reduce Councils plant replacement budget by \$1,000,000.
- c) Introduce Miners Memorial Park – Adjacent Carpark of \$100,000.
- d) Introduce Regional Local Roads Repair Program of \$4,085,934.
- e) Reduce the capital budget by \$15,850,000 due to pending grant funded projects that are unlikely to be funded in this financial year.

2. and that the following adjustments be made to the operating budget.

- a) Increase capital grants and contribution revenue by \$21,610,731.
- b) Increase RMMC Heavy Patching by \$2,000,000.
- c) Increase the RMAP contract by \$741,659.
- d) Increase the LBV agency staffing costs by \$500,000.

*Clr Payne / Clr Lea-Barrett*

**CARRIED**

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**CLAUSE 4 – MEETING MINUTES**

**FILE: R5-36 AOP REFERENCE:3.1ATTACHMENT: YES (PAGE 44-50)**

**AUTHOR: *General Manager, Peter Vlatko***

**181.10.2023 RESOLVED:** That the Minutes of the Rural Roads Advisory Committee and Cobar Liquor Accord Committee be received and noted.

*Clr Toomey /Clr Payne*

**CARRIED**

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**THIS IS PAGE 4 OF THE MINUTES OF THE ORDINARY MEETING OF THE  
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.....  
**GENERAL MANAGER**

.....  
**MAYOR**

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**CLAUSE 5 – GRANT FUNDING**

**FILE: G4-17 AOP REFERENCE: 3.1.1.3 ATTACHMENT: NO**

**AUTHOR: *Grants Officer, Bethany Smtih***

**182.10.2023 RESOLVED:** That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.

*Clr Lea-Barrett / Clr Chaplain*

**CARRIED**

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**CLAUSE 6 – INVESTMENT REPORT AS OF 30 SEPTEMBER 2023**

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

**AUTHOR: *Finance Manager, Sandra Davey***

**183.10.2023 RESOLVED:** That Council receive and note the Investment Report as of 30 September 2023.

*Clr Sinclair / Clr Prince*

**CARRIED**

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**CLAUSE 7 - BANK RECONCILIATION, CASH FLOW & LOAN FACILITY SUMMARIES AS OF 30 SEPTEMBER 2023**

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

**AUTHOR: *Finance Manager, Sandra Davey***

**184.10.2023 RESOLVED:** That Council receive and note the Bank Reconciliation, Monthly Total Funds Available, Cash Flow and Loan Facility Report as of 30 September 2023.

*Clr Payne / Clr Neale*

**CARRIED**

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**CLAUSE 8 –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***

**185.10.2023 RESOLVED:** That the Rates Reconciliation Report as at the 30 September 2023 be received and noted.

*Clr Chaplain / Clr Lea- Barrett*

**CARRIED**

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GENERAL MANAGER

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MAYOR

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**CLAUSE 9 – PURCHASING ANALYSIS OF CONTRACTORS**

**FILE: T3-15-6 AOP REFERENCE:3.3.4 ATTACHMENT: NO**

**AUTHOR: *Finance Manager, Sandra Davey***

- 186.10.2023 RESOLVED:** That Council receive and note the information contained in this report.  
*Clr Payne / Clr Lea-Barrett* **CARRIED**

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**CLAUSE 10 – ENGINEERING WORKS REPORT**

**FILE: C6-20-2AOP REFERENCE: 4.3.2 ATTACHMENT: NO**

**AUTHOR: *Acting Director Engineering Services – Heinz Kausche***

- 187.10.2023 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 Lea- Barrett / Clr Payne* **CARRIED**

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**CLAUSE 11 – EXPENDITURE FOR ROADS NETWORK**

**FILE: R5-31 AOP REFERENCE: 4.3.2 ATTACHMENT: YES  
(PAGE 51-59)**

**AUTHOR: *Acting Director of Engineering, Heinz Kausche***

- 188.10.2023 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 12 – DEVELOPMENT APPROVALS: 20 SEPTEMBER 2023 – 17 OCTOBER 2023**

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

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

- 189.10.2023 RESOLVED:** That the information detailing the Local Development and Construction Certificate approvals for the period 20 September 2023 – 17 October 2023 be received and noted.  
*Clr Winders / Clr Prince* **CARRIED**

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GENERAL MANAGER

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MAYOR

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**CLAUSE 13- REQUEST NOT TO INVITE TENDERS FOR WORKS  
ON SR26**

**FILE: SR26 AOP REFERENCE: 4.3.1.1 ATTACHMENT: NO**

**AUTHOR: *Reba Nicholson, Cadet Engineer***

- 190.10.2023 RESOLVED:** That a further report regarding the contract for the construction of a floodway on SR26 be considered in 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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**CLAUSE14- ACTIVE TRANSPORT FOOTPATH  
CONSTRUCTION (T3-23-3)**

**FILE: T3-23-3**

**ATTACHMENT: NO**

**AUTHOR: *Reba Nicholson, Cadet Engineer***

- 191.10.2023 RESOLVED:** That a further report regarding the Active Transport Footpath Construction (T3-23-3) be considered in 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**

- 192.10.2023 RESOLVED:** That Council move into the Closed Council with the press and public excluded at 5.36pm in accordance with Section 10A (2) (a) of the *Local Government Act 1993* as the matter and information relates to personnel matters concerning particular individuals (not Councillors).  
*Clr Chaplain / Clr Payne* **CARRIED**

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**CLAUSE 1C REQUEST NOT TO INVITE TENDERS FOR WORKS ON SR26**

**FILE: SR26 AOP REFERENCE: 4.3.1.1 ATTACHMENT: NO**

**AUTHOR: *Reba Nicholson, Cadet Engineer***

**193.10.2023 RESOLVED:** That Council:

1. Resolve in accordance with Section 55 (3)(i) of the Local Government Act 1993 not to invite tenders for the construction of one floodway along SR26 Wilga Downs Road because of the following extenuating circumstances:
  - a. Remoteness of the locality of the worksite.
  - b. Short timelines associated with the availability of the funding to complete the works.
  - c. Poor condition of the roadway and need to rehabilitate the roadway for reasons of road safety.
2. Resolve to engage Cynend Building & Construction Pty Ltd for the construction of Floodway one for the amount of \$ 349,975.00 excluding GST.
3. Authorise the General Manager to enter into a contract with Cynend Building & Construction Pty Ltd for the construction of Floodway one located along SR26 Wilga Downs Road.
4. That the information contained within this report remains confidential within the Closed Council.

*Clr Sinclair / Clr Payne*

**CARRIED**

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**CLAUSE 2C- ACTIVE TRANSPORT FOOTPATH CONSTRUCTION (T3-23-3)**

**FILE: T3-23-3**

**ATTACHMENT: NO**

**AUTHOR: *Reba Nicholson, Cadet Engineer***

**194.10.2023 RESOLVED:** 1. That Council award the contract for Active Transport Footpath Construction to As Per Plan Construction to the value of \$515,705 plus GST (\$51,570.50) and authorise the General Manager and Mayor to sign the contract.

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

*Clr Sinclair / Clr Lea- Barrett*

**CARRIED**

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**195.10.2023 RESOLVED:** That the meeting resumed in open council at 5.31pm.

*Clr Simpson / Clr Neale*

**CARRIED**

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**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.33 PM**

**CONFIRMED.....**

**MINUTE NO.....**

**MAYOR.....**

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**THIS IS PAGE 9 OF THE MINUTES OF THE ORDINARY MEETING OF THE  
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**GENERAL MANAGER**

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**MAYOR**