

COBAR SHIRE COUNCIL



ORDINARY MEETING AGENDA

THURSDAY 28 FEBRUARY 2013

~ ORDER OF BUSINESS ~

Business for the meeting will be as follows:

- 1. Apologies**
 - 2. Public Access Session**
 1. John Dineen – Chair of the Cobar Tourism Advisory Committee and Leaseholder of the Cobar Caravan Park
 - 3. Declaration of Interests**
 - 4. Condolences**
 - 5. Confirmation of Minutes**
 - Ordinary Meeting of Council – Thursday 13 December 2012
 - Finance and Policy Committee Meeting – Thursday 14 February 2013
 - Works Committee Meeting – Thursday 14 February 2013
 - 6. Matters Arising from Minutes**
 - 7. Mayoral Report**
 - 8. General Manager's Report – Part A (Action)**
 - 9. General Manager's Report – Part B (Information)**
 - 10. General Manager's Report – Part C (Confidential)**
 - 11. Matters of Urgency**
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Clause 3C – Financial Sustainability Action Plan Progress Report February 2013(Refer to Confidential Agenda)	

(These reports are confidential in accordance with sections 10A (2) (a) (c) and (d) (i) of the Local Government Act 1993, as the matters are personnel matters concerning particular individuals (other than Councillors), contains commercial information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussions of this matter in open Council would prejudice the commercial position of the person who supplied it).

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~ COUNCIL'S VISION ~

Our Vision is for Cobar Shire to be an attractive, healthy and caring environment in which to live, work and play, achieved in partnership with the community through initiative, foresight and leadership.

~ COUNCIL'S MISSION ~

Our Mission is to provide sound and sensible government and ensure that works and services are delivered effectively and equitably to the community of Cobar Shire.

Council will also develop and constantly review its policy on the maintenance of its road network with current priorities to include the sealing of the following strategic roads within the Shire;

- Ivanhoe Road
 - Louth Road
 - Tilpa Road
-

~ COUNCIL'S VALUES ~

Council has adopted the following Values that should be reflected in how the whole organisation operates and interacts with others:

- Continually strive for improvement in every aspect of Council's activities and recognise initiative.
 - All activities are to be customer focused and provide equity for all.
 - Involve the community in decision making through open government and consultative processes.
 - Foster and promote sustainable ecological and economic development, rural pursuits and industries that contribute to the wealth of the region and in keeping with the environment and residents lifestyle.
 - Conserve and protect the natural beauty of the area.
 - Promote a spirit of regional cooperation particularly in regard to planning, infrastructure, economic development, tourism and employment.
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~ COUNCIL'S CHARTER ~

A Council has the following charter (Section 8, Local Government Act 1993):

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- To exercise community leadership.
- To exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity.
- To promote and to provide and plan for the needs of children.
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- To have regard to the long term and cumulative effects of its decisions.
- To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.
- To facilitate the involvement of Councillor's, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government.
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- To keep the local community and the State government (and through it, the wider community) informed about its activities.
- To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected.
- To be a responsible employer.

~ COUNCIL DIARY ~

DATE	ACTIVITY	INVOLVES
24-26 February 2013	Western Division of Councils of NSW Conference, Nyngan	Councillors / Senior Staff
26 February 2013 – 1 March 2013	Division of Local Government Better Practice Visit	Councillors / Senior Staff
7 March 2013	2013/2014 Budget Workshop (Meeting 1)	Councillors / Senior Staff
14 March 2013	2013/2014 Budget Workshop (Meeting 2)	Councillors / Senior Staff
14 March 2013	Committee Meeting	Councillors / Senior Staff
28 March 2013	Council Meeting	Councillors / Senior Staff

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

AOP REFERENCE: 3.1

ATTACHMENT: NO

AUTHOR: *Mayor, Councillor Lilliane Brady*

Report to be tabled.

RECOMMENDATION

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

**CLAUSE 2A – PUBLIC ADDRESS – CHAIRPERSON OF COBAR TOURISM
ADVISORY COMMITTEE AND LEASEHOLDER OF THE COBAR
CARAVAN PARK**

FILE: T4-1, T4-3, C1-2 AOP REFERENCE: 2.2, 2.2.3 ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

Purpose

To provide the opportunity for the Chairperson of the Cobar Tourism Advisory Committee and Leaseholder of the Cobar Caravan Park to address Council on tourism matters.

Background

Mr John Dineen, the Chairperson of the Cobar Tourism Advisory Committee and Leaseholder of the Cobar Caravan Park wishes to give Council a short and informal presentation on the future of Cobar tourism and its importance in the fabric of a regional town.

Issues

Mr Dineen is concerned about the implications of Council's financial situation and of any proposals to make major deductions of Council expenditure including tourism.

Mr Dineen has more than fifteen (15) years experience with caravan consumer shows and has advised that he has seen the awareness, demand and recognition of the Kidman Way and Cobar increase with the travelling public. It is believed that any decrease in destination marketing will naturally flow onto all businesses in Cobar and will obviously affect all spend budgets and returns.

Policy Implications

In accordance with Council Policy any matters raised by Mr Dineen should be noted for consideration by Council if required at the next Committee or Council Meeting.

Financial Implications

Council currently provides approximately \$360,000 for the Tourism and Museum budget per annum.

Options

It is appropriate for Council to receive an address from the Chairperson of the Cobar Tourism Advisory Committee and Leaseholder of the Cobar Caravan Park.

RECOMMENDATION

That Council thank the Chairperson of the Cobar Tourism Advisory Committee and Leaseholder of the Cobar Caravan Park for his address on tourism matters.

CLAUSE 3A – NOTICE OF RESCISSION MOTION – TENDERS FOR SUPPLY AND DELIVERY OF AND LEASE OF A RUBBER TYRED ROLLER

FILE: C13-7, T3-12-8, T3-12-7 AOP REFERENCE: 3.3.2.6 ATTACHMENT: NO
AUTHOR: *General Manager, Gary Woodman*

Purpose

To report on a notice of rescission on a matter from Council's 13 December Ordinary Meeting.

Background

A notice of rescission has been received from Councillors Kings, Brady and Isbester concerning the resolution from of Councils December 2012 Ordinary Meetings to adopt the relevant recommendation of the December 2012 Committee of the Whole Closed Council concerning the tenders for the supply and delivery of and lease of a rubber tyred roller which read as follows:

CLAUSE 1C - TENDERS FOR SUPPLY AND DELIVERY OF AND LEASE OF A RUBBER TYRED ROLLER

- 1. That Council not accept any Tender for the supply and Delivery of one Rubber Tyred Roller on the basis that both tenders were non – compliant.*
- 2. That under Regulation 178 (3) (e) of the Local Government Act 1993, the General Manager be authorised to enter negotiations with the suppliers of Rubber Tyred Road Rollers and negotiate an agreement to purchase on favourable terms and in accordance with the specification.*
- 3. The reason this action is proposed is that the tenders as submitted do not meet the specification relating to unballasted weight and this is seen by Council to be an important factor in extending the periods between grading on its rural road network.*
- 4. That on reaching an agreement a further report be submitted to Council for its consideration and approval.*
- 5. That details of the unsuccessful Tender remain in the Committee of the Whole*

CLAUSE 2C – TENDERS FOR THE PROVISION OF A OPERATING LEASE FINANCE (PURCHASE AND LEASEBACK ARRANGEMENT) FOR ONE RUBBER TYRED ROLLER

- 1. That the National Australia Bank accepted and that the final amount required be determined by the purchase price of the proposed roller as determined by Council at it's February 2013 Meeting.*
- 2. That details of the unsuccessful Tender remain in the Committee of the Whole (Closed Council)*

Reasons Provided

Councillors Kings, Brady and Isbester have advised the following reason for the proposed rescission:

- Due to the delay of the Audited Financial Statement to be presented by Jeff Shanks of Morse Group we feel it would be prudent to await his address of Council before making a final determination of this matter.

Council's Code of Meeting Practice – Rescinding or Altering Resolutions

The relevant section of Council's Code of Meeting Practice concerning rescinding or altering resolutions in Section 32 has been reproduced below for Councillors information:

- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given of the proposed further motion.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (3) If a notice of motion to rescind or alter a resolution is given:
 - (a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with provided that in the event of a formal notice of motion to rescind not being lodged in writing within 24 hours of the meeting the intent of the verbal notice be negated; or
 - (b) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- (4) Rescission motions are to be dealt with at the first available Council meeting after the notice of rescission motion has been lodged.
- (5) Provided there is a quorum, rescission motions may be moved and seconded by any Councillor. Moving and seconding rescission motions is not restricted to the signatories of the rescission motion.
- (6) That providing all Councillors have received proper notice of a rescission motion, it is not necessary for all Councillors to be present at a Council meeting to have a rescission motion dealt with.
- (7) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.

-
- (8) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Clause 17.
 - (9) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by at least 3 Councillors if less than 3 months has elapsed since the resolution was passed or the motion was negated, as the case may be.
 - (10) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
 - (11) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
 - (12) The provisions of this clause concerning negated motions does not apply to motions of adjournment.
 - (13) Any notice of motion to rescind or alter a resolution should state the reasons
for the intention to move such rescission or alteration.

Legal Situation

Section 9 (2A) of the Local Government Act 1993 is as follows:

In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:

- a. The agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
- b. The requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

Advice has been obtained from the Division of Local Government in relation to the proposed rescission motion and in particular the subject material being a matter reported to and discussed in the Committee of the Whole (Closed Council) in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993 as the discussion of the information in open Council would prejudice the commercial position of the person who supplied it.

Accordingly it is appropriate if the rescission motion is considered in Committee of the Whole (Closed Council) with the press and public excluded in accordance with

Section 10 (2) (d) (i) of the Local Government Act, 1993 as discussion of information on the matter in open Council would prejudice the commercial position of the person who supplied it.

If the rescission motion is successful, Councillors will need to determine if a further appropriate resolution concerning the matter is required. Any motion however, needs to be in accordance with Section 32 (10) of Council's Code of Meeting Practice which is as follows:

- 10) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same

Financial Implications

It is expected that the 2011/2012 Audited Financial Statement will have been presented to Council by the Auditor either at the 14 February 2013 Committee Meetings or the 28 February 2013 Council Meeting.

Funds are available in the 2012/2013 Budget (\$170,000) for the purchase of a rubber tyred roller in accordance with Council's plant replacement program. This would be replacing a contract machine that Council has on permanent hire on maintenance and construction works.

However, due to the current financial situation it was determined more prudent to lease the machine like the other two (2) similar machines. This is more advantageous financially to Council than permanent contract hire and would reduce Council's capital expenditure by \$170,000 in 2012/2013.

RECOMMENDATION

That the rescission motion from Councillors Kings, Brady and Isbester concerning the resolutions at Council's December 2012 Ordinary Meeting to adopt the relevant recommendation of the December 2012 Committee of the Whole Closed Council concerning the tenders for the supply and delivery of and lease of a rubber tyred roller be considered in Committee of the Whole Closed Council with the press and public excluded for the reasons stated in section 10A (2) (d) (i) of the Local Government Act 1993 as the discussion of the information in open Council would prejudice the commercial position of the person who supplied it.

CLAUSE 4A – NOTICE OF RESCISSION MOTION – CONSIDERATION OF TOURISM COST CENTRE

FILE: C13-7, S5-28 AOP REFERENCE: 3.1.3

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

Purpose

To report on a notice of rescission on a matter from Council's 13 December Ordinary Meeting.

Background

A notice of rescission has been received from Councillors Yench, Toomey, Wilson and Sinclair concerning the resolution at Council's December 2012 Ordinary Meeting to adopt the relevant recommendations of the December 2012 Committee of the Whole (Closed Council) concerning Clause 4C – Consideration of Tourism Cost Centre which read as follows:

1. *That Council adopt the Action Plan concerning the Tourism Cost Centre.*
2. *That the report and discussion held remain in the Committee of the Whole (Closed Council).*

Reasons Provided

Councillors Yench, Toomey, Wilson and Sinclair have advised the following reason for the proposed rescission:

- The General Fund forecast to have a deficit of \$820k after adjusting for the grants paid early in 2012/2013 is incorrect, the net operating result is \$422k and no business plan for the service is in place.

Council's Code of Meeting Practice – Rescinding or Altering Resolutions

The relevant section of Council's Code of Meeting Practice concerning rescinding or altering resolutions in Section 32 has been reproduced below for Councillors information:

- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given of the proposed further motion.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (3) If a notice of motion to rescind or alter a resolution is given:
 - (a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration

has been dealt with provided that in the event of a formal notice of motion to rescind not being lodged in writing within 24 hours of the meeting the intent of the verbal notice be negated; or

- (b) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- (4) Rescission motions are to be dealt with at the first available Council meeting after the notice of rescission motion has been lodged.
- (5) Provided there is a quorum, rescission motions may be moved and seconded by any Councillor. Moving and seconding rescission motions is not restricted to the signatories of the rescission motion.
- (6) That providing all Councillors have received proper notice of a rescission motion, it is not necessary for all Councillors to be present at a Council meeting to have a rescission motion dealt with.
- (7) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (8) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Clause 17.
- (10) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by at least 3 Councillors if less than 3 months has elapsed since the resolution was passed or the motion was negated, as the case may be.
- (10) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
- (11) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- (12) The provisions of this clause concerning negated motions does not apply to motions of adjournment.
- (14) Any notice of motion to rescind or alter a resolution should state the reasons
for the intention to move such rescission or alteration.

Legal Situation

Section 9 (2A) of the Local Government Act 1993 is as follows:

In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:

- c. The agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
- d. The requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

Advice has been obtained from the Division of Local Government in relation to the proposed rescission motion and in particular the subject material being a matter reported to and discussed in the Committee of the Whole (Closed Council) in accordance with Sections 10 A (2) (a) and (c) of the Local Government Act, 1993 as the matters are personnel matters concerning particular individuals (other than Councillors) and would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Accordingly it is appropriate if the rescission motion is considered in Committee of the Whole Closed Council with the press and public excluded in accordance with Sections 10A(2) (a) and (c) of the Local Government Act 1993 as the information contains personnel matters concerning particular individuals (other than councillors) and would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

If the rescission motion is successful, Councillors will need to determine if a further appropriate resolution concerning the matter is required. Any motion however, needs to be in accordance with Section 32 (10) of Council's Code of Meeting Practice which is as follows:

- (10) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.

Financial Implications

Council Officers do not understand the financial information in the Councillors reasons provided.

However, the unaudited result for 2011/2012 is expected to be a surplus of approximately \$422k for all funds however this takes into account an early quarterly payment of the 2012/2013 FAGS of \$1,056k. If this payment did not happen the result for 2011/2012 for all funds would have been an approximate deficit of \$634k, a much

better result than 2010/2011 which was a deficit of \$1,520k for all funds. There is an argument that the 2011/2012 result will be even better than stated.

In early 2012/2013 Council budgeted for all funds as at the September Quarterly Review as a deficit of \$1,615k.

The following table further explains the situation:

2012/2013 Budget Position After Q1 Review			
		Adjust FAGS	After Adjustment
General	-1,876,132	1,056,000	-820,132
Water	44,354	0	44,354
Sewer	9,071	0	9,071
Waste	207,583	0	207,583
	-1,615,124	1,056,000	-559,124

Council at its May 2012 Ordinary Meeting adopted the Cobar Shire Council Financial Sustainability Action Plan that details that investigations will be undertaken on how to reduce Council's costs.

RECOMMENDATION

That the rescission motion from Councillors Yench, Toomey, Wilson and Sinclair concerning the resolution at Council's December 2012 Ordinary Meeting to adopt the relevant recommendations of the December 2012 Committee of the Whole Closed Council concerning Clause 4C – Consideration of Tourism Cost Centre be considered in the Committee of the Whole Closed Council in accordance with Sections 10 A (2) (a) and (c) of the Local Government Act, 1993 as the matters are personnel matters concerning particular individuals (other than Councillors) and would confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**CLAUSE 5A – FINANCIAL SUSTAINABILITY ACTION PLAN PROGRESS
REPORT FEBRUARY**

FILE: L4-29 AOP REFERENCE: 3.1 ATTACHMENT: YES (PAGE 82)

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

Background

A Financial Sustainability Action Plan was adopted by Council at the May meeting of the Committee of the Whole.

The Premier and Cabinet, Division of Local Government (DLG) have requested that a monthly update on progress against that plan be reported to Council and then provided to the Division.

Some of the details contained in the Financial Sustainability Action Plan are required to be considered in Committee of the Whole Closed Council because they are:

- a) Personnel matters concerning particular individuals (other than Councillors)
- b) Commercial information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Accordingly the attachment to this report addresses those components of the Plan that are able to be considered in Open Council.

A further report to the Committee of the Whole Closed Council addresses the components that are required under Section 10A of the Local Government Act 1993 to be considered in Committee of the Whole Closed Council.

RECOMMENDATION

1. That the components of the Financial Sustainability Action Plan Progress Report February 2013 which refer to:

- a. **Personal matters concerning particular individuals (other than Councillors);**
- b. **Commercial information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;**

be considered in Closed Council in the Committee of the Whole with the press and the public excluded in accordance with Section 10A(2)(a) and (c) of the Local Government Act 1993.

2. That Council receives and notes the information in the Financial Sustainability Action Plan Progress Report February 2013 as attached and forwards it to the Premier and Cabinet Division of Local Government.

CLAUSE 6A – NOTICE OF RESCISSION MOTION – PLANT REPLACEMENT PROGRAM, PROPOSED PURCHASE OF 34,000 LITRE WATER TANK TRAILER IN LIEU OF SIDE TIPPER TRAILER

FILE: C13-7, P3-7 AOP REFERENCE: 3.3.2.6 ATTACHMENT: YES (PAGE 91)

AUTHOR: *General Manager, Gary Woodman*

Purpose

To report on a notice of rescission on a matter from Council's 13 December 2012 Ordinary Meeting.

Background

A notice of rescission has been received from Councillor Kings, Brady and Isbester concerning the resolution from Clause 12A – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank Trailer in lieu of side tipper trailer at Council's 13 December 2012 Ordinary Meeting.

A copy of the report to the December 2012 Council Meeting is attached. Council resolved as follows:

- 1. That the Plant Replacement Program be altered to provide for the purchase of one only 34,000 litre trailer road tanker in lieu of the side tipper trailer.*
- 2. That quotations be called for the supply and purchase of one only 34,000 litre trailer water tanker suitable for use as the lead trailer in a road train configuration at an estimated cost of \$100,000.*

Reasons provided

Councillors Kings, Brady and Isbester have advised the following reasons for the proposed rescission:

- Due to the delay of the Audited Financial Statements to be presented by Jeff Shanks of Morse Group we feel it would be prudent to await his address of Council before making a final determination of this matter.

Council's Code of Meeting Practice – Rescinding or Altering Resolutions

The relevant section of Council's Code of Meeting Practice concerning rescinding or altering resolutions in Section 32 has been reproduced below for Councillors information:

- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given of the proposed further motion.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.

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- (3) If a notice of motion to rescind or alter a resolution is given:
 - (a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with provided that in the event of a formal notice of motion to rescind not being lodged in writing within 24 hours of the meeting the intent of the verbal notice be negated; or
 - (b) at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
 - (4) Rescission motions are to be dealt with at the first available Council meeting after the notice of rescission motion has been lodged.
 - (5) Provided there is a quorum, rescission motions may be moved and seconded by any Councillor. Moving and seconding rescission motions is not restricted to the signatories of the rescission motion.
 - (6) That providing all Councillors have received proper notice of a rescission motion, it is not necessary for all Councillors to be present at a Council meeting to have a rescission motion dealt with.
 - (7) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
 - (8) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Clause 17.
 - (9) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by at least 3 Councillors if less than 3 months has elapsed since the resolution was passed or the motion was negated, as the case may be.
 - (10) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
 - (11) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
 - (12) The provisions of this clause concerning negated motions does not apply to motions of adjournment.

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- (13) Any notice of motion to rescind or alter a resolution should state the reasons for the intention to move such rescission or alteration.

Legal Situations

If the rescission motion is successful, Councillors will need to determine if a further appropriate resolution concerning the matter is required, any motion however, needs to be in accordance with Section 32 (10) of Council's Code of Meeting Practice.

Financial Implications

It is expected that the 2011/2012 audited Financial Statements will have been presented to Council by the Auditor either at the 14 February Committee Meetings or the 28 February 2013 Council Meeting.

Funds are available in the 2012/2013 Budget for the required purchase of either the side tipping trailer or water trailer.

RECOMMENDATION

For Council's consideration and decision.

CLAUSE 7A – SECOND QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2012-2013

FILE: L5-22

AOP REFERENCE: 3.3.3.1

**ATTACHMENT: YES
(TO BE TABLED)**

AUTHOR: *Special Projects Officer, Angela Shepherd*

Purpose

To provide Council with a detailed review of all actions outlined in the Annual Operational Plan 2012-2013 for the second quarter (ie October to December 2012).

Background

At the June 2012 Council meeting, Council adopted the 2012/2013 Annual Operational Plan and budget. Council is obligated to review the AOP and budget each quarter, under the NSW Integrated Planning and Reporting legislation and guidelines. The budget review is presented as a separate paper. It should be remembered that this review is only for the period October to December and does not cover actions or activities that have occurred since then.

Issues

Each responsible officer has provided the attached review of their operations. All actions outlined in the AOP have been addressed. This quarterly review replaces the community services quarterly reports and thus it contains many of the statistics previously presented in these reports.

In summary a number of observations can be made.

Community Services

- The LBV is operating at 100% capacity. Protocols and legislation are being followed. No tenders were received for the management of the LBV. Bathroom upgrades have not yet commenced.
- Children's Services are working hard to recruit new Family Day Care educators, and investigating innovative ways of increasing the service. COOSH services are fully subscribed most days, there has been a shortage of staff and numbers cannot be increased due to the size of facility.
- The Library and Youth and Fitness Centre provided school holiday activities which were well attended. Statistics show strong use of the library and library services.
- Festival of the Miners Ghost successfully held and enjoyed by the community. Two new displays on exhibition at the Great Cobar Heritage Centre. The Kidman Way Promotional Committee has resolved that Cobar will act as the Secretariat for the Committee for the next two years.

Engineering

-
- Management of the pool has been excellent, the community has been happy with the new managers and the managers have worked well with Council staff. There has been good participation in learn to swim programs.
 - Council is undertaking road works as scheduled. The 'Hillview' project was completed.
 - The airport meets all statutory obligations following the completion of regulatory works. The introduction of the larger RPT service has increased concerns on the serviceability of the sealed runway. Additional funding sources are being sought for its refurbishment. Replacement of gable markers is required at the village airstrips.

Planning and Environmental Services

- Regulatory functions are generally being undertaken, however there has been a reduction in service levels due to the resignation of the Manager of Planning and Environmental Services (particularly in regard to some inspection activities). It is planned to cover this work in future quarters.
- Council is meeting all obligations under legislation and grant contracts for the management of noxious weeds in the Shire.
- EOI's have been called for the use of the Cobar Town Hall Cinema.
- Draft licence agreements have been prepared for the management and occupation of village community facilities.
- Draft Cobar Local Infrastructure Contributions Plan 2012 placed on public exhibition.

Governance

- Extensive community consultation and preparation work undertaken regarding Council's Special Rate Variation proposal.
- Council continued to provide full secretariat services to the Cobar Interagency. A strategic planning session was held in conjunction with Dept. Premier and Cabinet in a bid to increase the Interagency's effectiveness and improve outcomes.
- Council's website has been maintained to a high standard and new reporting software has been installed to allow staff to concentrate their efforts in the future on maintaining and enhancing the most popular pages/areas.
- Numerous grant opportunities sought, including grants for sport and recreation, the skate park and community events, and community groups assisted to prepare grants.
- Council took part in the successful mining conference in Cobar in December, exploring the feasibility of a number of new mining projects around Cobar, the future of mining in the area and issues that mining has on our town and community.
- Debt recovery action has reduced the amount of arrears rates to acceptable levels. Sale of land for unpaid rates commenced.

Legal Situation

Council must review the AOP quarterly as per the NSW Integrated Planning and Reporting guidelines.

Policy Implications

The report outlines what has been achieved to date, what has not been achieved and why, and highlights any concerns regarding the actions in the AOP. Councillors are encouraged to read through the report to get an understanding of where each of the actions has progressed to and to understand any possible issues that may need addressing in future quarters.

Financial Implications

Any financial implications are outlined in the budget review. Some issues highlighted in the report should be considered during the development of the 2013/14 AOP and budget.

Risk Implication

Any risks to achieving outcomes are listed in the report.

RECOMMENDATION

That Council receives and endorses the second quarterly review of the 2012-2013 Annual Operational Plan, covering the period October to December 2012.

CLAUSE 8A – SECOND QUARTER 2012-2013 BUDGET REVIEW

FILE: F2-3-18

AOP REFERENCE: 3.1.1

ATTACHMENT: YES

(TO BE TABLED)

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

Purpose

To report on the financial performance for the second quarter of the 2012-2013 Financial Year and to recommend changes to the 'Budget' as a consequence of that review.

Background

The Local Government Act 1993 requires that a quarterly budget performance review be conducted at the end of each financial quarter. Sound financial management practices also require such reviews.

Councillors are aware that senior Council officers have a formal fortnightly review process.

RECOMMENDATION

- 1. That the Annual Operating Plan budget forecast for 2012-2013 be amended to reflect the changes recommended in the Q2 Budget review.**
- 2. That the summary of Budget amendments be included as a footnote to this report.**
- 3. That Council as part of its 2013-2014 budget preparation consider the overall level of services that it can provide.**

CLAUSE 9A – AMENDMENT TO THE POLICY FOR THE PROVISION AND USE OF COUNCIL’S CORPORATE CREDIT CARD

FILE: P5-50 AOP REFERENCE: 3.3.2.6 ATTACHMENT: YES (PAGE 93)

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

Background

The ‘Policy for the Provision and use of Council’s Corporate Credit Card’ details Council positions authorised access to and use of a Council credit card.

Currently these positions are:

- General Manager – maximum limit \$10,000
- Mayor – maximum limit \$10,000
- Director of Corporate and Community Services – maximum limit \$10,000
- Director of Planning and Environmental Services – maximum limit \$5,000
- Director of Engineering Services – maximum limit \$5,000
- Director of Nursing – maximum limit \$5,000
- Manager of Tourism and Public Relations – maximum limit \$5,000
- Services Manager – maximum limit \$5,000
- Plant Supervisor - maximum limit \$5,000

There is however a need for an additional position to use a card. The Manager Children’s Services is required to be ‘on the road’ for a week several times a year as the area of responsibility stretches from Nyngan to the South Australian border and sites are required to be visited twice a year. Currently the occupier of that position is funding the trips herself.

The proposed revised Policy is attached.

RECOMMENDATION

- 1. That the position of Manager Children’s Services be delegated access to use a Council Corporate Credit Card with a maximum limit of \$5,000.**
- 2. That the Policy for the Provision and Use of Council’s Corporate Credit Cards as amended be adopted.**

**CLAUSE 10A – RE-ADOPTION OF COMMUNITY STRATEGIC PLAN,
LONG TERM FINANCIAL PLAN, DELIVERY PROGRAM AND ANNUAL
OPERATIONAL PLAN**

FILE: L5-22 AOP REFERENCE: 3.3.3.1 ATTACHMENT: YES (TO BE TABLED)

AUTHOR: *Special Projects Officer, Angela Shepherd*

Purpose

For Council to re-adopt the Community Strategic Plan – *Cobar Shire 2025*, the Long Term Financial Plan 2012/13 – 2021/2022, the Delivery Program 2012/2013 - 2015/2016 and Annual Operational Plan 2012/2013.

Background

Under the Integrated Planning and Reporting framework, Council is required to develop and adopt a series of planning documents, including the Community Strategic Plan, Resource Strategy, Delivery Program and Annual Operational Plan. These documents were all adopted by Council by 30 June 2012. Following the Council elections in September 2012, the new Council is required to re-adopt these documents to ensure that they reflect what the current Council hopes to achieve over their four year term.

Council has had the Community Strategic Plan and Delivery Program on public exhibition for 28 days seeking public input and has also held a public meeting on 14 February 2013 to explain the documents to those interested and to receive feedback from the community. The community was notified through the newspapers (both editorial stories and weekly adverts) and Council's website. Copies of the documents were available at the Council Administration Building and the library. Only three members of the public came to the information session. It is believed that the lack of feedback reflects the fact that the documents are still relevant and community priorities have not changed, given the short time period since they were first adopted.

In addition, all government departments were invited to comment via the Department of Premier and Cabinet who forwarded the documents to relevant officers in January 2013. No comments have been received from government departments.

In addition to the consultations outlined above, Council ran 11 workshops during October and November 2012 regarding the proposed Special Rate Variation, with 313 residents attending the workshops. The comments received during this time have been taken into consideration when reworking these documents.

Issues

The only changes that have been made to the Community Strategic Plan (CSP) are an update of Councillors following the elections. The rest of the document still reflects the vision, values and priorities of the community. It is anticipated the CSP will remain relevant throughout this Council term unless there is a significant change in the social or economic outlook for our community, such as a severe impact on the mining industry or changes in the provision of health services. Should this occur, Council can choose to update the CSP.

The Long Term Financial Plan (LTFP) has been updated with new assumptions to reflect the Special Rate Variation proposal and a recent reworking of depreciation. There are four scenarios:

- Current business model reflecting a successful application for a 25% Special Rate Variation (with \$300,000 to be used for the running of the Cobar Memorial Swimming Pool and \$350,000 for bitumen reseals and gravel re-sheeting on Shire Roads. The depreciation on roads and infrastructure assets is based upon the 2012 audited accounts (approximately \$2m in 2013).
- Current business model reflecting no special rate variation increase and the same depreciation as above (\$2m).
- Current business model with depreciation on roads and infrastructure assets based upon a recent reconsideration of the Asset Management Plan (depreciation around \$8m pa)
- Current business model, reflecting a successful 25% special rate variation application and depreciation of around \$8m annually.

The other asset management plans have not been used in the calculation of the new annual depreciation value due to time constraints and the fact that the majority of depreciation takes place on the roads network. The land and buildings AMP will need to be updated later this year after the revaluation. The main differences between these models will be discussed by the Director Corporate and Community Services at the Council meeting.

The Delivery Program has also been updated to reflect the change in Councillors and the budgets have been changed to reflect the changes in the LTFP. The introduction by the Mayor and General Manager has been re-written to reflect Council's financial sustainability issues, the proposed Special Rate Variation and the need to focus on generating other sources of income, such as adequate funding for Regional Roads.

There have been no changes in the Annual Operational Plan 2012/2013. The quarterly review of the AOP and budget for 2012/2013 will be tabled at this meeting. A new Annual Operational Plan for 2013/2014 is currently under development and will reflect any necessary changes.

Financial Implications

The financial implications are set out in the Long Term Financial Plan.

RECOMMENDATION

- 1. Council notes the changes made to the draft Community Strategic Plan – Cobar Shire 2025, the Long Term Financial Plan 2012/13 – 2021/2022, the Delivery Program 2012/2013 - 2015/2016 and Annual Operational Plan 2012/2013 following the period of public exhibition and consultation.**
- 2. Council adopts the draft Community Strategic Plan – Cobar Shire 2025, the Long Term Financial Plan 2012/13 – 2021/2022, the Delivery Program 2012/2013 - 2015/2016 and Annual Operational Plan 2012/2013.**
- 3. Council forwards a copy of the new documents to the DLG.**

CLAUSE 11A – HARDSHIP ASSISTANCE POLICY

**FILE: R2-3, P5-84 AOP REFERENCE: 3.1.1.2, 3.1.1.6 ATTACHMENT: YES
(PAGE 101)**

AUTHOR: *Rates Officer, Jo-Louise Brown*

Purpose of this report

The purpose of this report is to provide Council with the information it requires to adopt the Hardship Assistance Policy.

Background

A rates hardship policy outlines how council may help residents who experience genuine financial difficulties to pay their rates and charges (financial hardship). The Local Government Shires Association has issued guidelines for a Council Rates Hardship Policy and IPART requires council to have a Hardship Assistance Policy when applying for a Special Rate Variation.

Council currently assists ratepayers who are experiencing hardship by agreeing to payment arrangements and granting pensioner rebates, and adoption of this policy would formalise existing procedures.

Issues

This policy was placed on public exhibition on 23 January 2013 for 28 days, and submissions were invited from the general public. No submissions have been received and therefore no amendments have been made to the attached draft policy.

Legal Situation

The attached draft policy complies with the requirements of the Local Government Act 1993.

Policy Implications

Once adopted by Council, the attached policy will formalise existing procedures and ensure Council is providing assistance to ratepayers which meets the guidelines.

Financial Implications

Any financial implications have been considered in the preparation of the 2012/2013 budget.

RECOMMENDATION

That the attached draft Hardship Assistance Policy be adopted by Council.

CLAUSE 12A – REGIONAL PROCUREMENT INITIATIVE (DIVISION OF HUNTER COUNCILS) – PROPOSED REVERSE AUCTION FOR SUPPLY OF CONTESTABLE ELECTRICITY AND ASSOCIATED SERVICES INCLUDING STREET LIGHTING – RA 16 12 13 COB

FILE: E3-1

AOP REFERENCE: 3.3.4.1

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

Purpose

To inform Council of the processes required to arrange a new contract for the provision of electricity for Council's large electricity using sites and street lighting.

Background

Council contracts for the provision of electricity for large use sites such as the Sewerage Treatment Works, Swimming Pool and Lilliane Brady Village (>160 MWH) and street lighting energy are due to finish 30 June 2013.

Accordingly arrangements have been made with Regional Procurement Initiative (Division of Hunter Councils) in association with their partner Energy Action to test the market using a reverse auction process with a view to obtaining the very best possible result for the next contract for provision of electricity for large sites and street lighting for Council.

Because of the nature of the reverse auction process Council will need to be able to make a decision within approximately 5-6 days of the auction as retailers of electricity will only hold their prices firm for a maximum period of several days and then 'pull' their offers

The process will be as follows;

- This pre-emptive report to advise Council of the process;
- Open Council report to the 28 March 2013 Council Meeting;
- Undertaking of the reverse auction approximately 22/23/25/26 March 2013;
- Provision of Reverse Auction Evaluation Report and Recommendation by Regional Procurement Initiative/Energy Action in Closed Council to the 28 March 2013 Council Meeting (will be delivered late or even provided on the day);
- Following a positive resolution being obtained at the 28 March 2013 Council Meeting the signing of the applicable contracts with the energy retailer/s it allow for the supply of electricity to commence once Council's existing contracts have expired (must be signed and sent the evening of 28 March 2013 as Friday 29 March 2013 is Easter Friday)

Issues

Regional Procurement Initiative have advised that they are able to obtain the best outcomes for their member Councils by meeting the above requirements.

Legal Situation

Regional Procurement Initiative have advised that the process to be used is in accordance with the Local Government Act 1993, Section 55 and the Local Government (General) Regulations 2005, Part 7.

Policy Implications

Nil.

Financial Implications

Regional Procurement Initiative have advised that in association with their partner Energy Action that they have achieved very successful results for a number of member Council's though the reverse auction process and as a result Councils have realised savings in excess of 9% - 23% compared to available current electricity contract rates. I am advised that Energy Action has called over 2,000 Reverse Auctions with proven results.

Options

Council is committed to participating in the process but not accepting any final results.

RECOMMENDATION

That Council note the report and processes involved in the proposed reverse auction for supply of the contestable electricity and association services including street lighting – RA 16 12 13 COB by Regional Procurement Initiative (Division of Hunter Councils).

CLAUSE 13A – 2013 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

FILE: L5-6 AOP REFERENCE: 3.1, 3.1.5 ATTACHMENT: YES (PAGE 110)

AUTHOR: *General Manager, Gary Woodman*

Purpose

To arrange approval of attendance of the Mayor and General Manager to the 2013 National General Assembly of Local Government to arrange appropriate motions of national significance.

Background

The 2013 National General Assembly (NGA) of Local Government (Australian Local Government Association (ALGA)) is going to be held from the 16 to 19 June 2013 at the National Convention Centre, Canberra.

Normally the NGA is attended by the Mayor and General Manager.

The theme of the 2013 Assembly is 'Foundations for the Future'. A copy of the relevant Discussion Paper is contained within the attachments to this agenda to help develop motions for the 2013 Assembly. Council will need to consider motions that are linked to the assembly theme with say a deadline of 1 April 2013 for Council to enable submitted to the ALGA by the motion deadline of 26 April 2013.

Financial Implications

Apart from normal travelling costs it would be expected that it will cost \$2,000 for registration, accommodation, meals etc for each person attending. These costs are contained within normal Council budgets for delegate's expenses and conferences.

Options

Council does not need to attend the ALGA NGA however it is considered appropriate the Council does allow the Mayor and General Manager to attend to network with other Local Government Officers, Commonwealth Ministers and Senators, Special Interest Groups and to ensure that the voice of Cobar Shire Council is heard in Canberra when it is such a critical time for the move to have a referendum on the recognition of Local Government in the Constitution particularly financially and 2013 Commonwealth Election. This year the Assembly will be considering particularly important issues such as regional development, broadband, roads and recovery renewal, Cost Shifting, Infrastructure – roads, services, etc, Planning, Engineering Management, Financial Assistance Grants Reviews, etc.

RECOMMENDATION

- 1. That Council approve the attendance of the Mayor and General Manager to the 2013 National General Assembly of Local Government – Australian Local**

Government Association 16-19 June 2013 at the National Convention Centre, Canberra.

- 2. That Councillors consider motions in the form required to be forwarded to the National General Assembly with information to be provided to the General Manager by 1 April 2013 to allow submittal to the Australian Local Government Association by the deadline of 26 April 2013.**

CLAUSE 14A – COBAR SHIRE COUNCIL INTERNAL AUDIT COMMITTEE – COMMUNITY REPRESENTATIVES (INDEPENDENT EXTERNAL MEMBERS)

FILE: A12-4 AOP REFERENCE: 3.1.4.2 ATTACHMENT: YES (PAGE 120)

AUTHOR: *General Manager, Gary Woodman*

Purpose

One of Cobar Shire Council's Internal Audit Committee – Community Representatives Mr George Warne has resigned from Brewarrina Shire Council and is no longer able to fulfil the role on Council's Committee. An alternative Brewarrina Shire Council Officer has been nominated, Ms Lynn Moore, the Director of Corporate and Community Services and is recommended as a suitable candidate to fill vacancy.

Background

In September 2010, pursuant to Section 23A of the Local Government Act 1993, the Department of Premier and Cabinet, Division of Local Government released Internal Audit Guidelines (Guidelines) for Local Government in NSW.

The Guidelines advise all councils to develop an Internal Audit Committee to act as an independent and objective oversight of council systems and processes.

As per the Division of Local Government Internal Audit Guidelines, the broad responsibilities for a best practice Internal Audit Committee include the following:

- Risk Management;
- The control framework;
- External accountability (including the Council's annual audited financial reports);
- Legislative compliance;
- Internal audit;
- External audit;
- Approving the internal audit charter that guide the activities of an internal audit committee;
- Having input into and approving an internal audit's long-term strategic plan and annual audit plan;
- Having input into the appointment and remuneration of the internal auditor;
- Making enquiries of management and the internal audit to determine if there is scope or budgetary limitations that impede an internal auditor's ability to function properly;
- Approving the scope of an external assessments or equipment internal assessment of internal audit to be undertaken every 5 years.

The Internal Audit Committee is fundamental to assisting the General Manager and Council with their oversight functions to:

- Ensure all keys controls are opening effectively;
- Ensure all key controls are appropriate for achieving corporate goals and objectives.
- Meet their statutory and fiduciary duties;

-
- Provide a forum for discussing problems and issues that may effect the operations of the internal audit group and acting as a forum for discussion;
 - Provide a forum for discussion to identify areas worthy of examination by an internal audit group;
 - Review the implementation of the annual audit plan and implementation of audit recommendations.

The Morse Group are Council's Internal Auditors as well as Council's External Auditors.

Council at it's meeting on the 26 August 2010 adopted as policy the Audit Committee Charter and Internal Audit Charter. At Council's Extraordinary Meeting on the 9 September 2010, Council amended these policies to take into account the new Guidelines (September 2010) and in particular the Audit Committee's structure that now is as follows:

Members (voting)

- Two (2) Councillors (one of whose role will include chairing the Committee in the absence of the independent external member) (currently Councillors Sinclair and Isbester);
- Independent external member with financial expertise (not a member of Council, whose role will include chairing the Committee – Currently Mr Rod Shaw, General Manager Brewarrina Shire Council);
- Independent external member (currently vacant due to resignation from Brewarrina Shire Council).

Attendee (non-voting)

- General Manager;
- Director of Corporate and Community Services;
- Internal Auditor (currently Morse Group).

Invitees (non-voting) for specific agenda items

- Representatives of the external auditors;
- Other Officers or Councillors may attend by invitation only as requested by the Committee.

Over time appropriate advertising has been undertaken for the two (2) independent external members and due to the inability to attract suitable interested members of the community Council has opted to appoint Senior Officers from Brewarrina Shire Council on a reciprocal arrangement.

On the 15 January 2013 the General Manager of Brewarrina Shire Council advised that Mr George Warne, the Assistant General Manager was no longer employed by the Council and was no longer available to sit on the Cobar Shire Council Internal Audit Committee as an independent external member. Mr Shaw has recommended that Ms Lynn Moore, the Director of Corporate and Community Services would be a suitable candidate to fulfill the vacancy.

Attached is a copy of Ms Moore's Resume. Ms Moore has extensive experience in Local Government Management, Finances and Accounting.

Legal Situations

- Local Government Act, 1993 – Section 23A – Internal Audit Guidelines, September 2010;
- Audit Committee Charter Policy;
- Internal Audit Charter Policy.

Financial Implications

The swapping of Senior Council Officers as Independent External Member positions on both the Cobar and Brewarrina Shire Council's Internal Audit Committees will ensure the positions are filled by competent persons with only staff time and travelling costs being expended.

Council has provided \$23,050.00 in the 2012/2013 Budget for the Internal Auditor (Morse Group) costs.

Options

Council does not need to accept any recommended expressions of interest for the vacant independent external member of its Internal Audit Committee.

RECOMMENDATION

That Council appoint for a period of three (3) years from the date of appointment, Ms Lynn Moore as a Community Representative (Independent External Member) of Council's Internal Audit Committee, with the appointment being dependent on Ms Moore continuing in her position as Director of Corporate and Community Services or other Senior Position at Brewarrina Shire Council.

CLAUSE 15A – WARD OVAL USERS GROUP MEETING

FILE:C6-29 AOP REFERENCE: 1.5.3.4 ATTACHMENT: YES (PAGE 129)

AUTHOR: *Services Manager, Timothy Wark*

Purpose

To provide Council with the minutes of the Ward Oval Users Advisory Committee and provide their recommendations for the Crown Land licence fees and 2013/14 user fees and charges for Ward Oval.

Background

On Wednesday 6 February 2013 the Ward Oval Users Advisory Committee had a meeting with two key agenda items discussed;

1. The licensing requirements at Ward Oval on Crown Land Reserve;
2. The 2013/14 user fees and charges for Ward Oval.

There was some very good points raised during the meeting on both of these items and clarification was clearly provided by the Chair and key Council Officers as required.

Suggestions were discussed in regards to agenda item 2 about the re - wording of two items within the fees and charges table for 2013/14 as follows;

- That the “*overnight per person per night*” become “*overnight per vehicle per night*”.
- That the “*overnight per animal per night*” become “*overnight per large animal per night*”.

These were both sensible decisions as it makes two items that were subjectable more clear.

I will emphasise Council is by no means encouraging camping at this facility these charges are purely for people that are required to stay on site for special functions/events. Council accepts that Cobar has a Caravan Park and it should be the primary place to service camping requirements within the Cobar Township.

The recommendations from the Advisory Committee for the two agenda items are as follows:

- 1. That all Crown Land Reserve licence fees for Ward Oval be incorporated into the 2013/14 Ward Oval fees and charges.**
- 2. That all 2013/14 Ward Oval User fees and charges increase only by CPI.**

Options

Crown Land Reserve licence fees for Ward Oval

1. Council accept the Advisory Committees recommendation.
2. Council request further information on Crown Land Reserve licence fees this would include further investigations by Councils Land Management Officer. This would also entail consultation with other users of Crown Land licensed areas such as Dalton Park Racecourse, tennis club, etc to ensure uniformity for all Crown Land Reserve users.

2013/2014 Ward Oval fees and charges

1. Council accept the Advisory Committees recommendation.
2. Council initially increase all items in the 2013/2014 Ward Oval fees and charges schedule in line with CPI. Then review individual items that have increased substantially due to such things as electricity increases, replacement costs etc, for example the Lights Main Oval and Lights Netball Courts and make appropriate increases.

RECOMMENDATION

1. **Council request further information on Crown Land Reserve licence fees this would include further investigations by Councils Land Management Officer. That would also entail consultation with other users of Crown Land licensed areas such as Dalton Park Racecourse, tennis club, etc to ensure uniformity for all Crown Land Reserve users.**
2. **Council increase all items in the 2013/2014 Ward Oval fees and charges schedule in line with CPI and then review individual items that have increased substantially due to such things as electricity increases, replacement costs etc, for example the Lights Main Oval and Lights Netball Courts and make appropriate increases.**
3. **Council approve the re - wording of two items within the fees and charges table for 2013/2014 as follows:**
 - **That the “*overnight per person per night*” become “*overnight per vehicle per night*”.**
 - **That the “*overnight per animal per night*” become “*overnight per large animal per night*”.**

CLAUSE 16A – DALTON PARK RACECOURSE (D630019) RESERVE TRUST

FILE: P1-4-4

AOP REFERENCE: 3.3.4.2

ATTACHMENT: NO

AUTHOR: *Land Management Officer, Heather Holder*

Purpose

To renew the temporary licences for the users of Dalton Park Racecourse Reserve Trust.

Background

Council has in place signed licence agreements for the following users of the Dalton Park Racecourse, being for the occupation of designated areas of the Reserve:

- Ms Sharon Whitehurst

The above licence expired on the 31 December 2012.

As per Council Resolution on 22 March 2012, the annual licence fee is \$432 plus GST.

In regards to the resolution involving a long term licence, this will be negotiated during the period January to June 2013. This will mean that licences will be valid from 1 July 2013 and be as per a financial year (July-June) period instead of a calendar year (January – December) period.

RESOLVED:

1. *That Council set the annual Dalton Park Racecourse Reserve licence fees for all users to the minimum of \$432.00 plus GST for the Draft 2012/2013 Fees and Charges.*
2. *That the General Manager be authorised to negotiate a licence term of up to seven (7) years but no less than two (2) years with all licence users.*

Issues

Council acting as Trust Manager for the Reserve needs to renew the above licence for a period of 6 months from 1 January to 30 June 2013.

In accordance with Ministerial instructions, licences of 12 months or less do not require Ministerial consent on renewal.

As per Council's 2012/2013 Annual Operational Plan and in accordance with Council Resolution, annual fees for each licence are set at \$432 plus GST and will be adjusted accordingly for a 6 month licence.

RECOMMENDATION

That Council acting as Trust Manager for the Dalton Park Racecourse (D630019) Reserve Trust, resolve to affix the Trusts seal to the licence agreements for Ms Sharon Whitehurst.

**CLAUSE 17A – EXHIBITION DRAFT – DEVELOPMENT SERVICING
PLANS FOR WATER SUPPLY AND SEWERAGE SERVICES 2013**

**FILE: T3-12-1 AOP REFERENCE: 3.1.2.2 ATTACHMENT: YES
(UNDER SEPARATE COVER)**

AUTHOR: *Services Manager, Mr Timothy Wark*

Purpose

The purpose of this report is to seek approval of Council to adopt the draft Cobar Shire Council Development Servicing Plans for Water Supply and Sewerage Services 2013.

Background

Council's current Development Contributions Plan was adopted by Council on 26 October 2000. Under Council's Annual Operational Plan and Financial Sustainability Action Plan the current Plan is identified for review.

The draft Plan has been prepared in accordance with the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002) issued by the Minister for Land and Water Conservation pursuant to section 306 (3) of the Water Management Act 2000. This document is to be registered with the NSW Office of Water.

Legal Situation

Council has publically exhibited the draft contributions plan for a period of at least 28 days from the 21 January 2013 to 19 February 2013.

Following exhibition of the Plan Council must consider any submissions that have been made and then may:

- a) approve the plan in form in which it was publicly exhibited, or
- b) approve the plan with such alterations as the Council thinks fit, or
- c) decide not to proceed with the plan.

No submissions from the public have been received.

Financial Implications

The draft Development Servicing Plans for Water Supply and Sewerage Services 2013 identifies contributions that may be imposed on a development requiring contribution towards the provision, extension or augmentation of infrastructure in the area or the recoupment of the cost of existing local infrastructure.

The adoption of a revised Plan will progress actions in Council's Annual Operational Plan and Financial Sustainability Action Plan.

RECOMMENDATION

That Council adopts the draft Development Servicing Plans for Water Supply and Sewerage Services 2013.

CLAUSE 19A – COBAR LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2012

FILE: T-3-12-1 AOP REFERENCE: 3.1.2.1 ATTACHMENT: YES (PAGE 132)

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

Purpose

The purpose of this report is to recommend to Council that the Cobar Local Infrastructure Contributions Plan 2012 be approved in the form in which it was publicly exhibited.

Background

Council at the Ordinary Meeting of Council held on 22 November 2012 approved the public exhibition of the draft Plan.

Legal Situation

Public exhibition of the draft Plan included giving public notice in the Cobar Weekly newspaper on 5, 12 and 19 December 2012. The draft Plan was publicly exhibited at Council's Administration Office and available for viewing on Council's website.

At the close of the nominated exhibition period on 17 January 2013 no submissions had been received. Further, no late submissions have been received as at close of business on 19 February 2013.

Under clause 31 of the *Environmental Planning Assessment Regulation 2000* the Council may either approve the plan in the form which it was publicly exhibited or approve the plan with such alterations as the Council thinks fit. Alternatively, the Council may decide not to proceed with the plan.

Council must give public notice of its decision in respect of making the Plan in a local newspaper within 28 days after its decision. Notice of a decision not to proceed with the draft Plan must include the Council's reasons for the decision.

If approved the Cobar Local Infrastructure Plan 2012 will come into effect on the date that public notice of such approval is given in a local newspaper, or on a later if specified in the notice.

Policy Implications

If the draft Plan is approved in the form as exhibited contributions and levies will be imposed on development as set out in the Plan.

A summary of contribution and levy rates is provided on page 2 of the draft Plan and the three different development types subject to the Plan are detailed on pages 3 and 4.

A development can only be the subject of either a section 94 contribution or a section 94A levy, not both.

Financial Implications

Approval of the draft Plan will progress actions in the Annual Operational Plan and Financial Sustainability Action Plan.

RECOMMENDATION

- 1. That Council approves the Cobar Local Infrastructure Contributions Plan 2012 in the form in which it was publicly exhibited.**
- 2. That Council gives public notice of its approval of the Cobar Local Infrastructure Contributions Plan 2012 in the Cobar Weekly newspaper and thereby giving effect to the Plan on the date of such public notice.**

**CLAUSE 20A – COPPER CITY MEN’S SHED – ADDITIONS TO THE WARD
OVAL SHEARING SHED**

**FILE: 2012/LD-00066 AOP REFERENCE: 1.6.3.1 ATTACHMENT: YES
(PAGE 198)**

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

Purpose

The purpose of this report is for Council to consider the assessment report prepared in respect of the Development Application 2012/LD-00066 for an addition to the shearing shed at Ward Oval.

Background

The existing shearing shed and proposed work is predominantly located on a crown recreation reserve, however it appears that it is likely that the proposed work encroaches on the adjoining Council land which is classified as community land under the *Local Government Act 1993*.

The assessment report has been prepared on the basis of s47E of the *Local Government Act 1993* applying to this development proposal which means the application can not be determined under delegated authority.

RECOMMENDATION

That Council determines Development Application 2012/LD-00066 by granting conditional consent recommended in the Development Application Assessment Report contained in attachments to Clause 20A – Copper City Mens Shed – Additions to the Ward Oval Shearing Shed.

CLAUSE 21A – HERA MINE PROJECT – PLANNING AGREEMENT
FILE: M4-13 AOP REFERENCE: 1.6.4, 3.1.2, & 4.3.2 ATTACHMENT: YES
(PAGE 205)

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

Purpose

The purpose of this report is to seek approval of Council to enter into a Planning Agreement in respect of the Hera Mine Project at Nymagee.

Background

Council at its meeting on 3 May 2012 resolved to:

19COW.3.2012 RESOLVED:

1. *That the General Manager be authorised to negotiate development contributions with YTC Resources in respect of the Hera Mine Project.*
2. *That the negotiations are to progress as a matter of urgency so as to not unreasonably delay the determination of the Hera Mine Project development application.*
3. *That the matters for negotiation as contained in the report are to remain in the committee of the whole until negotiations are finalised.*

Clr Sinclair/Clr Toomey

CARRIED

For

*Clr Brady
Clr Cox
Clr Marsden
Clr Martin
Clr Sinclair
Clr Toomey
Clr Yench*

Against

Clr Isbester

On 31 July 2012 the Department of Planning and Infrastructure issued Project Approval under s75 J of the *Environmental Planning and Assessment Act 1979*. Condition 14 of the Approval requires the proponent of the mine development to enter into a Planning Agreement with Council. The terms of the Agreement are to be consistent with the general terms outlined in Appendix 2 of the Approval which were negotiated in line with Council's resolution on 3 May 2012.

A copy of the Project Approval is provided as an attachment to this report.

Public notice was given of the proposed Planning Agreement and Explanatory Note with the documents being available for inspection by the public for a period of not less than 28 days.

At the close of the public exhibition on 24 January 2013 and to the date of drafting this report no submissions had been received.

A copy of the proposed Planning Agreement and Explanatory Note are provided as an attachment to this report.

Legal Situation

The following is a brief summary of the legislative requirements relative to entering into and administering a Planning Agreement under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Section 93G

- Public exhibition for not less than 28 days.
- Within 14 days of entering a planning agreement provide a copy to the Minister.
- While any Planning Agreement remains in force, include in the annual report particulars of compliance with and effect of Planning Agreements.

Clause 25B

- The agreement must be in writing and signed by parties to the Agreement.

Clause 25E

- An explanatory note must be prepared and exhibited together with the proposed agreement.

Clause 25F

- Keep a Planning Agreement Register.
- Planning Agreement Register, Planning Agreements and Explanatory Notes must be made available for public inspection during ordinary office hours.

Financial Implications

The proposed Planning Agreement identifies development contributions to be made to Council. The contributions are set out in Schedule 1 of the proposed Planning Agreement.

Entering into the proposed Planning Agreement will progress actions in Council's Annual Operational Plan and Financial Sustainability Action Plan.

RECOMMENDATION

- 1. That Council enters into the proposed Planning Agreement with Hera Resources Pty Ltd (Developer) and YTC Resources Pty Ltd (Guarantor) and authorises the Mayor and General Manager to sign all relevant documentation under the Common Seal of Council.**

-
2. That the Planning Agreement Register required by clause 25F of the *Environmental Planning Assessment Regulation 2000* be posted on the Cobar Shire Council website.
 3. That required reporting on the Hera Mine Planning Agreement be include in future Annual Reports.

CLAUSE 22A – PROPOSED HANGER CONSTRUCTION AND LEASE OF LAND AT COBAR REGIONAL AIRPORT BY SULLIVANS MINING AND HARDWARE

FILE: A5 - 4 AOP REFERENCE: 2.3.1.1 ATTACHMENT: YES (PAGE 265)

AUTHOR: *Works Manager, Peter Morgan*

Purpose

The Director of Sullivans Mining and Hardware Mr D Sullivan has made application to Council for the approval to construct an aircraft hanger of approximate size 22m wide by 18m deep adjacent to Hanger No. 3 on the current site of the “aero club” hut. Mr Sullivan is an aircraft owner and operator and has recently purchased a new aircraft and wishes to be able to provide all weather protection to his aircraft whilst being able to provide further under cover parking to other aircraft as required.

Background

Council currently has three constructed privately owned hangers on leased land owned by Council at Cobar Regional Airport. Council has adopted charges under its Fees and Charges for this purpose and is currently in the process of formalising the lease documents with each of the hanger owners.

Issues

The applicant has inspected the site in company of the Works Manager and has opted for the site that is currently occupied by the Aero Club. The applicant has agreed to move the club building at his cost to be established elsewhere on the airfield - exact position yet to be determined.

Legal Situation

In approving the application the applicant will be required to enter a formal lease of the land and be subject to the fees and charges applicable at the time and the standard conditions of lease. The lease period is proposed to be a 5 x 5 x 5 years.

Policy Implications

The applications is within the current policy of Council.

Financial Implications

There are no negative implications financially known at this time and will in fact increase the income of the airport.

Risk Implication

There are no known risks associated with the proposal.

RECOMMENDATION

- 1. That Council approve the construction of a hanger (subject to the building regulations) to be known as Hanger No. 2, on the current site of the “Aero Club”.**
- 2. That the applicant, Sullivans Mining and Hardware be responsible for the cost of relocation of the Aero Club to a site determined by the Works Manager.**
- 3. That Council enter into a lease with the applicant for a 5 x 5 x 5 year lease with the annual fees being in line with the Fees and Charges as determined by Council.**

CLAUSE 23A – TRANSPORT ASSET MANAGEMENT PLAN – 2012 / 2013

FILE: L5-22

AOP REFERENCE: 3.3.3.1

ATTACHMENT: YES

(UNDER SEPARATE COVER)

AUTHOR: Works Manager, Peter Morgan

Purpose

The Transport Asset Management Plan has been developed to assist in the development of a financial plan of management to demonstrate the responsive management of assets (and services provided from the assets), compliance with regulatory requirements, and to communicate funding required to provide the required level of service.

Background

The Transport Asset Management Plan provides information in order to develop the Annual Operational Plan and identify funding requirements to maintain the Transport Assets of Council which include the following infrastructure assets :-

- Regional Roads and Bridges
- Shire Roads and Bridges
- Town and Village Streets.
- Footpaths including Cobar Main Street.
- Kerb and Gutter
- Cobar Regional Airport and Village Airstrips.

Issues

As per previous Asset Management Plans, this plan identifies the funding requirements to maintain the assets in a similar condition as to that which exists today. The plan as presented also identifies that Council as in previous Budgets is unable to provide sufficient budget to maintain those assets in a similar condition and identifies an **Asset Consumption Rate of 3.29%** or an **Annual Depreciation Expense of \$7.9 million**. This means that the Council Asset Base is deteriorating each year with no likelihood of improvement.

Legal Situation

Council is required under the Integrated Planning and Reporting Framework to develop and report the results of the Transport Asset Management Plan.

Policy Implications

From the information contained in the Transport Asset Management Plan, Council is able to develop Policy relating to the Levels of Service to the community based on sound financial information and available funding including the implications on future generations.

Financial Implications

The Transport Asset Management Plan clearly identifies the funding requirements to maintain the asset base. This funding requirement has a direct impact on Councils ability to service the community to the desired level of service. In future years with a similar level of funding Council will be faced with the decision to either continue to maintain the asset, develop a policy on the reduced level of service or abandon the asset entirely.

RECOMMENDATION

That the Transport Asset Management Plan 2012/2013 be adopted and the information contained therein is noted.

CLAUSE 24A – ROLLING 15 YEAR PLANT REPLACEMENT PROGRAM
FILE: P3-7 AOP REFERENCE: 3.3.2.6 ATTACHMENT: YES (PAGE 266)
AUTHOR: *Works Manager, Peter Morgan*

Purpose

This report is submitted for Council to consider the proposed Plant Replacement Program over a 15 year period. This program has been developed based on current usage of each item and an attempt made to predict the most economical time to dispose and replace equipment operated by Council. Under this program future works and use have been considered. No allowance has been made for inflation.

Background

By considering a 15 year replacement program Council is able to level out or reduce the severity of funding requirements over the long term whilst attempting to keep the equipment in sound operating condition and not allow it to deteriorate below economic levels. This will allow a maximum return on the old equipment when sold and therefore reduce the downtime of each item with the consequence of increased productivity.

Issues

As can be seen within the program some years attract a higher level of funding seen as optimum to Councils requirements. Expenditure on plant replacement can be reduced by Council formulating a policy on structured rebuilding or refurbishment of major items of plant such as motor graders. These rebuilding programs will effectively extend the useful life of the affected machine and delay its eventual replacement. No allowance in the program has been made for any refurbishment.

Legal Situation

Council is required under the Integrated Planning and Reporting Framework to develop and report the results of the Plant Replacement Program and this is to be taken into consideration when developing the Annual Operational Plan.

Policy Implications

The replacement of Councils fixed and mobile Plant has a large impact on the operating budget of Council. Council should be mindful of the implications of delaying the replacement of plant from either viewpoint. i.e. too soon or too late. Whilst markets conditions can vary widely and severely impact on either the trade in value or the purchase value over a period of time, Council by reviewing its plan on an annual basis will reduce the likelihood of getting it wrong.

As reported earlier, Council by reviewing its policy can delay large expenditure items such as graders by adopting a policy of rebuilding and refurbishment which will effectively give another life to the machine.

Financial Implications

Should machines be “run into the ground” so that their residual value is negligible, Council will be subjected huge costs of replacement which in the short term may be attractive, but in the long term be prohibitively expensive. Alternately machines traded early rarely attract pro rata values and consequently result in an overall loss to Council. Predicting the “right” time to dispose of equipment is fraught with financial consequences but by educated investigation and discussion will usually limit any disadvantage.

Risk Implication

The risk of market changes and exchange rates is always present and should always be taken into consideration prior to any decision to dispose of or acquire new equipment.

Options

Council has previously opted to acquire equipment by lease and this always remains an option with Council other than direct purchase. The leasing of equipment allows the machine to be paid for by the works it is employed on. Alternatively Council can opt to hire equipment as and when required.

RECOMMENDATION

That the Rolling 15 Year Plant Replacement Program 2012/2013 - 2027/2028 be adopted and the information contained therein be noted.

CLAUSE 1B - DISCLOSURE OF INTEREST – COUNCILLORS AND DESIGNATED PERSONS

FILE: C12-3-1 AOP REFERENCE: 3.1

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

Background

The Annual Disclosure of Interest Returns in accordance with section 449 of the Local Government Act 1993 for the following new staff have been completed for the relevant period:

- Director of Engineering Services, Peter Graf.

The document is tabled and will be held in Council's Records.

RECOMMENDATION

That Council note the Annual Disclosure of Interest Return for the following new staff who are Designated Persons.

- Director of Engineering Services, Peter Graf.

CLAUSE 2B – JULY – DECEMBER 2012 REPORT ON THE IMPLEMENTATION OF THE COBAR SHIRE COUNCIL DELIVERY PROGRAM

FILE: L5-22

AOP REFERENCE: 3.3.3

ATTACHMENT: NO

AUTHOR: *Special Projects Officer, Angela Shepherd*

Purpose

To provide Council with the required six monthly report on the implementation of the Council's Delivery Program 2012/13 – 2015/16.

Background

The Delivery Program directly addresses the objectives and strategies of the Community Strategic Plan and identifies the principal activities Council will undertake across all operations. The Delivery Program aims to give a focus to Council's activities for their four year term in office. Council is provided with a six monthly update on the implementation of the Delivery Program.

Issues

This report outlines the main achievements of Council for the period July – December 2012, by Department.

General Manager

- Introductory workshop undertaken for all newly elected and re-elected Councillors following the September Local Government elections. Information manuals provided to all Councillors, including all IP&R documentation. Most Councillors also attended LGSA Councillor training courses.
- Electronic quarterly AOP reporting system installed and implemented, with timely and informative reports provided to Council.
- Grants applied for where appropriate. Funds were sought for a Youth Engagement Officer (unsuccessful), additional shade at the Cobar Memorial Swimming Pool (successful), road safety awareness (successful), arts projects (successful), restoration of the cemetery (pending), redevelopment of the Cobar Skate Park area (pending), Festival of the Miners Ghost (successful), community awareness campaign to save power (successful), enclosing the library arcade (pending) and to erect a disability toilet at Ward Oval (successful). Community organisations also assisted to prepare grant applications.
- Cobar Shire Economic Development Strategy 2012-2016 adopted and implementation commenced.
- Cobar Youth Development Plan 2012-2016 adopted and implementation commenced.

Engineering Services

- New contract managers engaged to run the Cobar Memorial Swimming Pool. Higher numbers of patrons attending the pool compared to the same time last year and managers providing regular reports to Council.
- New Drinking Water Management Systems formulated by Council staff in conjunction with NSW Office of Water (funded by NSW Health) and being implemented.
- Investigative bores sunk in Euabalong and Euabalong West in search of new water supplies to drought proof these villages. Chemistry analysis undertaken approval granted to use these bores which are now being equipped to service village residents.
- Cobar's water supply fluoridated.
- Flood damage road works completed. Work mostly undertaken along the river roads.
- Reconstruction works on SR 13 commenced.
- Gravelling works on SR21 completed.
- 4.7kms of the Kidman Way at 'Hillview' widened and overlaid under a \$1.2m contract with the RMS.
- Introduction of J41, 30 seat aircraft to the Cobar – Sydney route, replacing the 18 seat aircraft, with 11 services provided a week.
- The airport suffered a major failure of the lighting control system. A replacement PAALC/AFRU control unit has been installed which is now fully compliant with CASA standards.
- Liquid Trade Waste policy adopted and being implemented.

Department of Corporate and Community Services

- Adoption and implementation of the Engagement Strategy for the Special Rate Variation proposal. Council took the options of a one-off 25% rate rise or a 13% per year, for seven years rate rise to the community for feedback. Council held 11 separate community information sessions across the Shire, with 313 people attending and 113 survey responses received. With community support, Council has resolved to apply for a one-off 25% rate rise. Council has notified IPART of the proposal and development of the business case has commenced.
- A number of youth activities have been held at the Library and Youth and Fitness Centre, particularly during the school holiday periods.
- Children's Services continue to provide a valuable community service. In particular, approval was granted to increase the capacity of COOSH from 25 to 30 placements. Despite the increase, most days are run at full capacity. Additional Family Day Care Educators are required to meet the high demand for child care in Cobar.
- The 2012 Festival of the Miners Ghost was successfully held, despite a reduction in the budget allocation.
- Council sought Expressions of Interest to find a new management or ownership model for the Lilliane Brady Village in order to improve service delivery and reduce the cost to ratepayers. Due to the size of the facility, remoteness of Cobar and difficulty in staffing the facility, none of the four companies that put in an EOI responded to the tender. Work continues to find

options to funding the ageing asset and to improve efficiencies in its operations.

- The number of workplace incidents and workers compensation claims has been reduced from the same period in previous years. It is believed that the proactive approach to injury management is having a positive impact.

Planning and Environmental Services

- The new 2012 LEP was gazetted and implemented.
- The new Local Infrastructure Contributions Plan 2012 (to replace the old s94 plans) was developed and is currently on public exhibition.
- The Western Land Precinct Strategic Plan was developed and presented to Council.

Legal Situation

Council has a legislative requirement to report to Council at least every six months on the implementation of the Delivery Program.

Policy Implications

Implementation is on track where resourcing is adequate.

Financial Implications

The Delivery Program is being implemented in accordance with the four year budget.

Risk Implication

Some projects will not progress until adequate funding and staff resources are found.

RECOMMENDATION

That the information contained in the six monthly report on the implementation of the Delivery Program – July to December 2012, be received and noted.

CLAUSE 3B – MONTHLY STATUS REPORT

FILE: C13-10

AOP REFERENCE: 3.1

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

COUNCIL RESOLUTIONS 24 SEPTEMBER 2009				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
1	Council – Clause 2B – The Wool Track Project	GM / SPO / DES / WM	Council be kept informed of progress.	Letter and copy of report sent to K Humphries, J Cobb, S Ley, J Williams, M Coulton and F Nash. Letters sent to trucking companies seeking support for sealing. Information provided to all OROC councils. Initial contact undertaken with Central Darling Shire Council and Balranald Shire Council in regard to arrangements for a delegation to the Minister for Regional Services. Wool Track Development Advisory Committee has met and formulated an Action Plan for 2013.

COUNCIL RESOLUTIONS 22 JULY 2010				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
3	Council – Clause 3A – Delegations of Authority to the GM	GM	The General Manager's delegations be adopted.	Delegations communicated to staff. New Delegations Register expected to be finalised in 2013, subject to work with OROC.
4	Council – Clause 1B – Lachlan River Water	DES	Advertisements be placed for the bore construction work at Euabalong.	Drilling program complete - reports to be provided. Investigation

	Allocation			commenced on proposals to drought proof Euabalong that will be reported to Council.
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COUNCIL RESOLUTIONS 28 APRIL 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
14	Council – Clause 1C – Cobar Caravan Park Business Development Strategy	GM / LMO	<p>Arrange acquisition of Lot 317 DP 755649 from the Crown subject to the availability of funds from the 2011/2012 budget.</p> <p>Following successful acquisition of the above land, classify this land as Operational under the Local Government Act 1993.</p>	<p>Acquisition arrangements commenced with Land and Property Management Authority with acquisition subject to allocation of funds. Application provided to the Division of Local Government in regard to acquisition. Finalisation of purchase processes will not be undertaken until funds are confirmed in a Council budget.</p> <p>Will be undertaken at time of acquisition.</p>

COUNCIL RESOLUTIONS 23 JUNE 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
28	Council – Clause 3C – Plant and Equipment Utilisation Improvement Report	GM / DES	Undertake actions in accordance with the relevant recommendations of the report.	Appropriate communication strategy and action plan instigated.

COUNCIL RESOLUTIONS 28 JULY 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
30	Finance & Policy – Report 2A – Cemetery Maintenance – Set Up of a Cemetery Committee under Section 355, Local Government Act 1993	DCCS	<p>That Council arrange for the creation of an appropriate Section 355 Committee Manual for use of Council’s Section 355 Committees;</p> <p>That the Cemetery Committee formulate and recommend an appropriate constitution for Council’s adoption.</p> <p>That Community Members of the Cemetery Committee receive appropriate volunteer training.</p>	<p>Arrangements in train.</p> <p>Arrangements in train.</p> <p>Arrangements in train.</p>
47	Council – Clause 4B – Project Status Report	DPES	Investigate the costings for acquiring the land at the end of the Old Bourke Road around to the New Bourke Road, the Old Pipeline Road to the Barrier Highway, the southern side of North Railway Parade in the vicinity of the old trucking yards and the land behind Polyfabrications for industrial purposes or town development	<p>Initial report provided to the October 2011 Committee Meeting.</p> <p>Industrial Strategy to be determined.</p>

COUNCIL RESOLUTIONS 25 AUGUST 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
61	Council – 3A – Lower Macquarie Water Utilities Alliance (LMWUA) Agreement	DES	Mayor & GM execute the Deed of Agreement once consent is obtained.	Deed will be executed when consent obtained.
66	Council – 3B – Meeting	GM	Provide a report to Council on the set-up	Mayor undertaking appropriate

	Minutes		of a proposed sub-committee to lobby for a fairer share of royalties for infrastructure and employment.	lobbying work through the Association of Mining Related Councils – No further action required.
69	COW – Clause 1B – Monthly Status Report	DPES	Investigation be undertaken to introduce planning controls to preempt the foundation of new intensive agricultural rural industries.	Investigation commenced that is subject to Cobar Shire LEP 2012.

COUNCIL RESOLUTIONS 27 OCTOBER 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
87	Council – Clause 4A – Land Acquisition – Cobar Caravan Park Lot 317 in DP755649	DPES / LMO	Undertake all processes required for the acquisition of the Cobar Caravan Park Lot 317 in DP755649.	Completed. Need to fund acquisition before proceeding any further. Acquisition steps to ‘Proposed Acquisition Notice’.

COUNCIL RESOLUTIONS 2 DECEMBER 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
118		GM / DCCS	That the General Manager arrange an investigation and report on the economic feasibility of selling or leasing to a private operator the Lilliane Brady Village and further that the Commonwealth and State Government be approached in attempt to obtain extra operational funding as an alternative to the selling or leasing of Lilliane Brady Village to ensure the continued quality care of the residents of Lilliane Brady Village so that Council does not continue to subsidise the	Action plan being arranged for implementation, expressions of interest closed end of May, 2012. EOI Report provided to June 2012 Council Meeting. Further report provided to October 2012 Council Meeting. Now approaching State and Commonwealth Government for financial assistance. Western NSW Local Health District

			operations of the facility.	started initial discussions on Multi - Purpose Health Service scenario.
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COUNCIL RESOLUTIONS 15 DECEMBER 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
136	Finance & Policy – Report 1A – Notice of Motion	GM	Travel and attendance to all conferences by all staff and Councillors be brought before Council for consideration and approval on a case by case basis, and that prior to the attendance at special meetings it be reported to the Mayor or Deputy Mayor.	Action Plan instigated, matters will be reported as required.

COUNCIL RESOLUTIONS 22 MARCH 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
157	Council – Clause 10A – Dalton Park Racecourse – Consideration of Fees and Licences	DPES / LMO	General Manager be authorised to negotiate a licence term of up to 7 years but no less than two (2) years with all licence holders.	Action Plan instigated for implementation of resolution.
158	Council – Clause 11A – Bathurst Street Reserve (R64199) – Consideration of Fees for Licences	DPES / LMO	That the General Manager be authorised to negotiate a licence term of up to seven (7) years but no less than two (2) years with the Cobar Tennis Club.	Action Plan instigated for implementation of resolution.
161	Council – Clause 14A – Cobar Scout/Guide Hall – 2 Brennan Street – Donation	DCCS / LMO	Maintains the current donation of accommodations at 2 Brennan Street, rent free to the Army Cadets and Girl Guides the financial year of 2012/2013. Continue to forgo income for rates and water for 2 Brennan Street. Negotiate a written lease agreement for a period of 5 years with a 5 year option to renew. The lease	Action Plan instigated for implementation of resolutions.

			<p>agreement to cover rent, maintenance of buildings and grounds, insurance, payment of electricity and other maintenance issues.</p> <p>Set conditions that the donation is conditional upon the Army Cadets and the Girl Guides entering into a lease agreement.</p> <p>Review further donations annually.</p> <p>Provides written advice to the Army Cadets and Girl Guides of the donation and all conditions.</p>	
162	Council – Clause 16A - Liquid Trade Waste Policy – Costs and Implementation Method	DES / SM	Adopts option one (1) for the upgrading of the existing trade waste outlets and purchase the required pre-treatment units and complete the installation works on all trade waste premises with all costs to be funded out of the Sewer Fund Reserves with a no-interest three (3) year loan to local proprietors of businesses, and further that repayment will be a condition of approval on their Liquid Trade Waste licence agreement as per the NSW Office of Water regulations.	Action Plan instigated for implementation of resolution.

COUNCIL RESOLUTIONS 26 APRIL ADJOURNED TO 3 MAY 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
177	Clause 7A – Nymagee Old School Community Centre	DPES	Authorise the Mayor and General Manager to sign a license agreement with the Nymagee Progress Association once incorporated under the Common Seal of Council.	Draft Licences Agreement being checked for suitability.
194	Clause 4C – Committee of the Whole – Sale of Land	GM / LMO	That Council provides authority for the General Manager to negotiate the sale of land at either 100 or 105 Marshall Street, Cobar for at least the minimum	Further Councillor workshop strategies planning for land in concern held on 9 August,

		<p>amount per square metre detailed in the report.</p> <p>That Council provides authority for the General Manager to undertake investigations into any party in regards to the standard financial and company checks, the company's previous experience with similar projects and their previous experience in completing projects with timeframes.</p> <p>The Council may in its absolute discretion elect to terminate negotiations with any party prior to exchange of a contract for the sale of land.</p> <p>That Council approve the sale of land conditional on:- Surveying undertaken and new plans submitted and approved; Subdivision plans submitted and approved; Rezoning of the land to allow for motel accommodation; All legal cost for both parties paid; Submission of a detailed development application that includes but is not limited to: Detailed architectural and design plans including elevations, footpaths, ramps, disabled access etc; Detailed site plan; Detailed car parking and access plans, including disabled parking; A detailed risk assessment for Council water and sewerage systems; Detailed landscaping plan including footpaths;</p> <p>That Council authorise the Mayor and the General</p>	<p>2012.</p> <p>Negotiations commenced with interested party.</p>
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			<p>Manager to sign all relevant documentation under the Common Seal of Council.</p> <p>That investigations and reporting be undertaken for appropriate master planning of Council land at 100 and 105 Marshall Street, Cobar;</p> <p>That any sale of the land be subject to the negotiated development proceeding within a reasonable time;</p>	
195	Clause 5C – Committee of the Whole – Hera Mine Project	DPES	<p>That the General Manager be authorised to negotiate development contributions with YTC Resources in respect of the Hera Mine Project.</p> <p>That the negotiations are to progress as a matter of urgency so as to not unreasonably delay the determination of the Hera Mine Project development application.</p>	<p>Negotiations finalised. Consent issued by NSW Department of Planning on 31 July 2012.</p> <p>Draft Voluntary Planning Agreement public exhibition complete and reported to February 2013 – No further action required.</p>

COUNCIL RESOLUTIONS 24 MAY 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
200	Council – Clause 7A – Cash Backed Reserve for Employee Leave Entitlements	DCCS	<p>Proceeds of the sale of non financial assets, excluding plant change over trade in receipts is set aside as cash backed reserve specifically for the payment of accrued employee leave entitlements paid to departing employees to on balance of 10% of the entitlements liability.</p> <p>Review requirements for this reserve in June of each year as a part of the budget process, commencing in 2013.</p>	Waiting on proceeds of sales, now includes 11 Becker Street and 25 Duffy Drive.

			Report the balance and activity of the reserve in the monthly cash flow statement.	
COUNCIL RESOLUTIONS 28 JUNE 2012				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
209	Clause 3A – Donation – Cobar Mobile Children’s Services	DCCS / LMO	<p>That Council continues to provide rent free accommodation and water usage to the Mobile Children’s Services as a donation.</p> <ol style="list-style-type: none"> 1. That Council in the financial year of 2012-13, maintains the current donation of rent free accommodation in part of the Youth Centre premises to the Cobar Mobile Children’s Services; 2. That Council continues to forgo income for water usage by the Cobar Mobile Children’s Services at the Youth Centre; 3. That Council’s donation is conditional upon the Cobar Mobile Children’s Services entering into a license agreement in respect of their occupation of part of the Youth Centre premises; 4. That in accordance with Council Donations Policy adopted in February 2009, further donations to the Cobar Mobile Children’s Services will be reviewed annually; 5. That Council provides written advice to the Cobar Mobile Children’s Services of the donation and all conditions. 	Action Plan instigated for implementation of resolutions.

COUNCIL RESOLUTIONS 26 JULY 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
217	Council – Clause 6A – Code of Meeting Practice	DCCS	That Clause 10 (1) of the Cobar Shire Council Code of Meeting Practice (section on apologies) be further investigated and amended as required in conjunction with a future reassessment of the Code.	Action plan instigated for implementation of resolution.
219	Council – Clause 8A – Road Closure – Corner of Murray and Blakey Street, Cobar	DPES / LMO	<p>That Council resolves to close part of the road reserve on the corner of Murray and Blakey Street, Cobar identified as being Lot 2 in Deposited Plan 46869.</p> <p>That Council provides authority for the General Manager to make application to the Department of Primary Industries, Crown Land Division to close the road.</p> <p>That Council authorise the Mayor and the General Manager to sign all relevant documentation under the Common Seal of Council.</p> <p>That the land be acquired as operational land pursuant to the provisions of Section 31 of the <i>Local Government Act 1993</i>.</p>	<p>Action plan instigated for implementation of resolution.</p> <p>Advertising of proposed road closure undertaken by Crown Land Division of Department of Primary Industries. Submissions being managed in conjunction with DPI.</p>

COUNCIL RESOLUTIONS 23 AUGUST 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
234	Council – Clause 7A – Festival of the Miners Ghost	DCCS / MTPR	Seek grant funding for the event to assist it to grow into an event with broader appeal beyond residents of Cobar.	Action Plan instigated for implementation of resolution.
237	Council – Clause 10A – SES Strategic Disaster	DES	Request a nominal fee of \$1,000 for the transfer of ownership of the 2000 Nissan Patrol and that the	Action plan instigated for implementation of resolution.

	Readiness		remaining SES vehicles in Council ownership are gifted to the SES.	
239	Council – Report 6B - Meeting Minutes - Cobar Water Board, Rural Roads Advisory Committee and the Cobar Youth Council.	DES / WM	That an enquiry be undertaken to find relevant information including who is responsible for the cleaning of grids on regional roads.	Report provided to February 2013 Works Committee Meeting – No further action required.
240	COW – Clause 1C – Goat Handling Facility – Lot 40 DP755649 Kidman Way, Cobar	DPES	Decline to accept that the current operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar is a continuing use under S109 of the Environmental Planning and Assessment Act 1979. That the continued operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar be dealt with as a compliance matter to be followed up by the Director of Planning and Environmental Services.	Action plan instigated for implementation of resolutions.

COUNCIL RESOLUTIONS 27 SEPTEMBER 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
249	Council – Clause 15A – Dry Hire of the Lilliane Brady Village Bus	DCCS / DON	That the dry hire rate to Homecare be \$1.30 per kilometre. Place the proposed rate on public notice for a period of 28 days. That if no submissions are received the rate of per kilometre be adopted and included in Council's 2012/2013 Annual Operational Plan - Fees and Charges.	Proposed change in Annual operational plan Fees and charges advertised. No objections on fee received. Fee has now been incorporated in AOP Fees and Charges – No further action required.
254	Council – Clause 21A – Application for	DES / WM	That representations and submissions be provided to Commonwealth Ministers and Agencies in seeking	Action plan instigated for implementation of resolution.

	Exemption – Pavement Concession and Future Maintenance of Cobar Regional Airport		100% funding for the essential pavement upgrading works that are required to be able to handle larger aircraft as that proposed by Brindabella Airlines at Cobar Regional Airport.	
COUNCIL RESOLUTIONS 25 OCTOBER 2012				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
263	Council – Clause 1A – Mayoral Report	GM / SPO	Council support progressing the partnership with North Grampians Shire Council and investigate future opportunities between the two Shires.	Action Plan instigated for implementation of resolution.
266	Council – Clause 7A – Exhibition Draft – Cobar Local Infrastructure Contributions Plan 2012	DPES / LMO	That a submission and delegation be made to the Minister for Planning that appropriate changes be made to Planning and Environmental Legislation to allow Councils to receive appropriate development contributions for community infrastructure provision and ongoing operational costs from Part 4 development applications.	Action plan instigated for implementation of resolution.
267	Council – Clause 8A 0 Cobar Genealogy Group Lease Request	DCCS/LMO	<p>That Council provides a donation of office space at Shop 2, 41 Marshall Street, rent free to the Cobar Genealogy Group until a suitable paying tenant can be found.</p> <p>That Council continues to forgo rental income of approximately \$160 - \$180 per week for Shop 2, 41 Marshall Street, until a suitable paying tenant can be found.</p> <p>That an appropriate written agreement to facilitate the short term tenancy be entered into with a notice period of six weeks for vacant possession when required.</p> <p>That Council actively seeks a paying tenant for</p>	<p>Action Plan instigated for implementation of resolutions.</p> <p>Expressions of interest</p>

			<p>Shop 2, 41 Marshall Street by advertising the availability on Council's website and with advertisements in the local papers.</p> <p>That the Cobar Genealogy Group is to continue paying for the electricity until they vacate the premises.</p> <p>That in accordance with Council's Donations Policy adopted in February 2009, further donations to the Cobar Genealogy Group will be reviewed annually.</p>	advertising arranged.
279	Council – Clause 10A – Lilliane Brady Village Expression of Interest Outcome	DCCS	That a business case for further Commonwealth Assistance based on Cobar's remoteness and the uneconomical size of the Lilliane Brady Village be prepared for submission to the Hon. Mark Butler MP, Minister for Mental Health and Aged Care.	Initial submission provided to the Ministers Office. Further report provided by Mayor to February 2013 Council Meeting.
282	Committee of the Whole – Clause 1C – Sale of Land from Cobar Shire Council to Cobar Pre School	LMO	Provide a further to Council on the Sale of Land from Cobar Shire Council to Cobar Pre-School detailing further information regarding the size of the block, site plans etc and that the matter remain in the Committee of the Whole.	Report on Sale of Land provided to the December 2012 Committee of the Whole – No further action required.
283	Committee of the Whole – Clause 2C – Potential Cost Reductions – Corporate and Community Service	DCCS	<p>That TAFE be approached to contribute a reasonable cost to support Council's cost of managing their component of the library collection and services.</p> <p>That should no consideration be received from TAFE towards the operating costs of the library, hours of operation be again considered at the February Meeting of Council.</p>	<p>TAFE engaged.</p> <p>TAFE engaged.</p>
COUNCIL RESOLUTIONS 22 NOVEMBER 2012				

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
288	Finance and Policy Committee – Report 5A - Revised Program for Donations to be Made 2013-2014	DCCS	Consideration of donations for the financial year 2013/2014 be deferred until the May Ordinary Meeting of Council.	Action plan instigated for implementation of resolution.
292	Council – Clause 4A – 2013 Western Division Council of NSW Annual Conference	GM	That any Councillors who wish to attend the 2013 Western Division Councils of NSW Annual Conference do so at their own expense. That Councillors provide advice to the General Manager by Friday 14 December 2012 on matters that should be considered as resolutions to the 2013 Western Division Councils of NSW Annual Conference.	Noted – No further action required. Noted – No further action required.
294	Council – Clause 6A – Euabalong Staff/Equipment Arrangements	GM / DES / WM	Provide a report to the February Works Committee Meeting on the feasibility of utilising a contractor to undertake maintenance on three nominated Shire roads.	Report provided to February 2013 Works Committee Meeting – No further action required.
296	Council – Clause 8A - Youth Development Plan 2012-2016	SPO	That Council adopt the Youth Development Plan and work with other agencies and groups to implement the Youth Development Plan.	Action plan instigated for implementation of resolution, plan distributed.
298	Council – Clause 10A – Update Report – Presentation of the Council’s Audited Financial Report including Auditor’s Report 2011/2012	DCCS / MFA	That the report Update Report – Presentation of the Council’s Audited Financial Reports including Auditor’s Report for 2011/2012 be received and noted. That Subsequent to receipt of the audited financial reported for 2011/2012 from the auditor: a. Council provides the requisite public notice as prescribed by S418 (3) of the Local Government Act 1993 (LGA); b. Council invites public submissions in	Advertising arranged and report and presentation provided to the February 2013 Finance and Policy Committee Meeting – No further action required.

			<p>accordance with S420, LGA;</p> <p>c. Council invites the Auditor to attend the 13 December Ordinary Meeting of Council at which it intends to publicly present the financial reports in accordance with S419 (2), LGA if the attendance is not possible at the 22 November 2012 Council Meeting.</p>	
300	Committee of the Whole – Clause 1C – Sale of Land for Unpaid Rates	DCCS / RO	<p>That the General Manager be given authority to commence sale of land proceedings under section 713 of the NSW Local Government Act, 1993 in respect of those properties for which either full settlement has not been received or satisfactory payment arrangements have not been made concerning the assessments currently identified in the report.</p> <p>That the sale be conducted during late April 2013.</p> <p>That the sale be advertised in the NSW Government Gazette, the Sydney Morning Herald and local newspapers in January 2013.</p> <p>That the General Manager be given the authority to call for expressions of interest to appoint an auctioneer to conduct the sale.</p> <p>That the details of the report and landholder details of recommendation one (1) remain in the Committee of the Whole until January 2013.</p>	Action plan instigated for implementation of resolution.
COUNCIL RESOLUTIONS 13 DECEMBER 2012				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME

302	Council – Clause 6A – Financial Sustainability Action Plan Progress Report December 2012	DCCS	Forward the Financial Sustainability Action Plan Progress Report December 2012 to the DLG.	Action plan sent to the DLG as per resolution – No further action required.
303	Council – Clause 7A – Hera Mine Consultative Committee	DPES	That processes be completed to appoint Councillor Jarrod Marsden as the Council Representative to the Hera Mine Consultative Committee.	Advice provided – No further action required.
304	Council – Clause 8A – Dalton Park Racecourse (D630019) Reserve Trust	LMO	That Council acting as Trust Manager for the Dalton Park Racecourse (D630019) Reserve Trust, resolve to affix the Trusts seal to the licence agreements for the following organisations and individuals: <ul style="list-style-type: none"> • Mr S Griffiths & Ms C Yench. • Mr K L Buckman. • Cobar Pony Club. • Cobar Miners Race Club. • Cobar Rodeo Committee. 	Action plan instigated for implementation of resolution.
305	Council – Clause 9A – Bathurst Street Reserve (D64199) Reserve Trust	LMO	That Council acting as Trust Manager for the Bathurst Street Reserve (R64199) Reserve Trust, resolve to affix the Trusts seal to the licence agreement for the Cobar Tennis Club.	Action plan instigated for implementation of resolution.
306	Council – Clause 11A - Review of Current Water Restrictions	SM	That Council amends the current water restrictions to as follows commencing on 17 December 2012: <p><i>Cobar and Nymagee</i></p> <ul style="list-style-type: none"> ▪ Hand held hoses are permitted between 6pm and 9am daily. ▪ All fixed sprinklers, irrigation systems etc, be permitted between 7pm and 8am daily with an odds and evens system in Cobar. ▪ No car washing be permitted on hard surfaces. <p><i>Euabalong and Euabalong West:</i></p> <ul style="list-style-type: none"> ▪ All fixed sprinklers, irrigation systems etc, 	Water restrictions in place. Public Notices issued via Cobar Shire Council Website, newspaper and letter box drop – No further action required.

			<p>are banned.</p> <ul style="list-style-type: none"> ▪ Hand held hoses are permitted between 6pm and 9am daily. ▪ No car washing permitted on hard surfaces. 	
307	Council – Clause 12A – Plant Replacement Program, Proposed Purchase of 34,00 Litre Water Tank Trailer in lieu of Side Tipper Trailer	WM	<p>That the Plant Replacement Program be altered to provide for the purchase of one only 34,000 litre trailer road tanker in lieu of the side tipper trailer.</p> <p>That quotations be called for the supply and purchase of one only 34,000 litre trailer water tanker suitable for use as the lead trailer in a road train configuration at an estimated cost of \$100,000.</p>	Subject to a rescission motion that is being reported to the February 2013 Council Meeting.
308	Council – Clause 13A – Application by Brindabella Airlines to Vary the Passenger Movement Charge and Subsequent Advertising for the Change in the Fees & Charges	WM	That the fee for J41 Jetstream aircraft or similar for the consolidated passenger movement fee for RPT or Charter Services under the 2012/2013 Annual Operational Plan be \$15.50 per passenger inc GST commencing as of 1 December 2012.	Advice provided and Fees and Charges amended – No further action required.
309	Council – Clause 14A – Special Rate Variation 2013-14	SPO	<p>Apply for a one-off 25% increase in rates, in line with a 508(2) application to IPART for 2013/14.</p> <p>That these funds are used for the purposes of financial sustainability and asset maintenance.</p> <p>That Council informs IPART of their intentions.</p>	Action plan instigated for implementation of resolutions.
310	Council – Clause 2B – Presentation of the Council’s Audited Financial Statements and Auditors Report for 2011/2012	DCCS	That Council advertise in the approved format a summary of the 2011/2012 Financial Reports in the Cobar Weekly on Wednesday 23 January 2013.	Advertising arranged – No further action required.
311	Committee of the Whole	WM	That Council not accept any Tender for the supply	Subject to a rescission motion

	– Clause 1C – Tenders for the Supply and Delivery of One Rubber Tyred Roller		<p>and Delivery of one Rubber Tyred Roller on the basis that both tenders were non – compliant.</p> <p>That under Regulation 178 (3) (e) of the Local Government Act 1993, the General Manager be authorised to enter negotiations with the suppliers of Rubber Tyred Road Rollers and negotiate an agreement to purchase on favourable terms and in accordance with the specification.</p> <p>The reason this action is proposed is that the tenders as submitted do not meet the specification relating to unballasted weight and this is seen by Council to be an important factor in extending the periods between grading on its rural road network.</p> <p>That on reaching an agreement a further report be submitted to Council for its consideration and approval.</p>	that is being reported to the February 2013 Council Meeting.
312	Committee of the Whole – Clause 2C – Tender for the Provision of a Operating Lease Finance (Purchase and Leaseback Arrangement) for One Rubber Tyred Roller	WM	That the tender of the National Australia Bank be accepted and that the final amount required be determined by the purchase price of the proposed roller as determined by Council at its February 2013 Meeting.	Subject to a rescission motion that is being reported to the February 2013 Council Meeting.
313	Committee of the Whole – Tender for the Supply and Delivery of Bulk Cationic Rapid Setting Grade Bitumen Emulsion: Contract No C12/13-06	DES	<p>That Council accept the tender from Downer EDI for the supply of bulk cationic rapid setting grade bitumen emulsion (Multibond SS) at a rate of \$0.85 per litre (excluding GST) from 1 January 2013 for two years.</p> <p>That Council notes that provision is allowed for a 12 month extension based on satisfactory supplier</p>	Advice provided to Downer EDI through Hunter Councils (Regional Procurement Initiative) – No further action required.

			performance which may take this contract through to 31 st December 2015.	
314	Committee of the Whole – Clause 4C – Consideration of Tourism Cost Centre	DCCS	That Council adopt the Action Plan concerning the Tourism Cost Centre.	Subject to a rescission motion that is being reported to the February 2013 Council Meeting.
315	Committee of the Whole – Clause 5C – Financial Sustainability Action Plan Progress Report December 2012	DCCS	That Council receives and notes the information in the Financial Sustainability Action Plan Progress Report December 2012 as attached and forwards it to the Premier and Cabinet Division of Local Government.	Action Plan sent to the DLG as per resolution – No further action required.

RECOMMENDATION

That the information contained in the monthly status report be received and noted.

CLAUSE 4B – MEETING MINUTES

**FILE: C8-6-4, WB1-22, R5-36, C8-17 AOP REFERNECE: 3.1 ATTACHMENT:
YES (PAGE 269)**

AUTHOR: *General Manager, Gary Woodman*

Background

Councillors and Council staff are required to represent Council at a variety of meetings.

Included in the attachments to this agenda are copies of the minutes of those meetings which have been held recently for the information of Councillors. They include:

- Cobar Youth Council 12 December 2012
..... 16 January 2013
..... 30 January 2013
..... 13 February 2013
- Cobar Water Board 20 December 2012
- Rural Roads Advisory Committee 6 February 2013
- Cobar Liquor Accord 12 February 2013

RECOMMENDATION

That the minutes of the meetings of the Cobar Youth Council, Cobar Water Board, Rural Roads Advisory Committee and the Cobar Liquor Accord be received and noted.

CLAUSE 5B – DEVELOPMENT APPROVALS**FILE: T5-1****AOP REFERENCE: 1.6.3.1****ATTACHMENT: NO****AUTHOR: *Director of Planning & Environmental Services, Garry Ryman*****Complying Development Approvals**

There were no Complying Development Applications approved under delegated authority for the period 6 December 2012 – 19 February 2013.

CERTIFICATE NO.	ADDRESS	DESCRIPTION	VALUE (\$)
N/A	N/A	N/A	N/A

The value of Complying Development approvals for 2012/2013 to date is \$57,780.00

The value of Complying Development approvals for the similar period in 2011/2012 was \$717,793.00

Local Development Approvals

The following Local Development Applications have been approved under delegated authority for the period 6 December 2012 – 19 February 2013.

CERTIFICATE NO.	ADDRESS	DESCRIPTION	VALUE (\$)
2012/LD-00057	15 Railway Pde, Cobar	Shed Addition	15,000
2012/LD-00067	20 Bathurst St, Cobar	Shed	20,000
2013/LD-00002	7 Longworth St, Cobar	Demolition and Dwelling	415,000
2013/LD-00003	103 Marshall St, Cobar	Accommodation Unit x1	34,000
2012/LD-00060	Lot 4895 The Meadows, The Wool Track Rd	Subdivision	N/A
2013/LD-00001	29 Acacia Dr, Cobar	Dwelling	308,000
2013/LD-00007	6 Clifton Pl, Cobar	Patio	15,000

The value of Local Development approvals for 2012/2013 to date is \$11,710,280.00

The value of Local Development approvals for the similar period in 2011/2012 was \$631,900.00

Construction Certificates

The following Construction Certificates have been approved under delegated authority for the period 6 December 2012 – 19 February 2013.

CERTIFICATE NO.	ADDRESS	DESCRIPTION
2012/CB-00036	25 Nullamutt St, Cobar	Dual Occupancy and Garden Sheds.
2012/CB-00040	20 Bathurst St, Cobar	Shed
2012/CB-00029	65 Coorilla St, Cobar	Dwelling
2013/CB-00003	7 Longworth St, Cobar	Demolition and Dwelling
2012/CB-00030	16 Annies Lne, Cobar	Dwelling
2013/CB-00002	29 Acacia Dr, Cobar	Dwelling
2012/CB-00031	15 Railway Pde, Cobar	Shed Addition
2012/CB-00037	14 Annies Lne, Cobar	Dwelling, Shed, Garage & Inground Swimming Pool

RECOMMENDATION

That the information detailing the Local Development and Construction Certificate approvals for the period 6 December 2012 – 19 February 2013 be received and noted.

ATTACHMENTS



ORDINARY MEETING AGENDA

THURSDAY 28 FEBRUARY 2013

~ REFERENCE TO ATTACHMENTS ~

PART A – ACTION

Page Number

Clause 5A – Financial Sustainability Action Plan Progress Report February 2013	82-90
Clause 6A – Notice of Rescission Motion – Plant Replacement Program Proposed Purchase of 34,000 Litre Water Tank Trailer in Lieu of Side Tipper Trailer	91-92
Clause 7A – Second Quarter Review of the Annual Operational Plan 2012-2013	(To be tabled)
Clause 8A – Second Quarter 2012-2013 Budget Review	(To be tabled)
Clause 9A – Amendment to the Policy for the Provision and Use of Council’s Corporate Credit Card	93-100
Clause 10A – Re-Adoption of Community Strategic Plan, Long Term Financial Plan, Delivery Program and Annual Operational Plan	(To be tabled)
Clause 11A – Hardship Assistance Policy	101-109
Clause 13A – 2013 National General Assembly of Local Government – Australian Local Government Association	110-119
Clause 14A – Cobar Shire Council Internal Audit Committee – Community Representatives (Independent External Members)	120-128
Clause 15A – Ward Oval Users Group Meeting	129-131
Clause 17A – Exhibition Draft – Development Servicing Plans for Water Supply and Sewerage Services 2013	(Under separate cover)
Clause 19A – Cobar Local Infrastructure Contributions Plan 2012	132-197
Clause 20A – Copper City Men’s Shed – Additions to the Ward Oval Shearing Shed .	198-204
Clause 21A – Hera Mine Project – Planning Agreement	205-264
Clause 22A – Proposed Hanger Construction and Lease of Land at Cobar Regional Airport by Sullivans Mining and Hardware	265
Clause 23A – Transport Asset Management Plan – 2012/2013 .(Under separate cover)	
Clause 24A – Rolling 15 Year Plant Replacement Program	266-268

PART B – INFORMATION

Page Number

Clause 4B – Meeting Minutes..... 269-290