

# **COBAR SHIRE COUNCIL**



## **ORDINARY MEETING AGENDA**

**THURSDAY 28 MARCH 2013**

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## **~ ORDER OF BUSINESS ~**

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Business for the meeting will be as follows:

- 1. Apologies**
  - 2. Declaration of Interests**
  - 3. Condolences**
  - 4. Confirmation of Minutes**
    - Ordinary Meeting of Council – Thursday 28 February 2013
    - Works Committee Meeting – Thursday 14 March 2013
    - Finance and Policy Committee Meeting – Thursday 14 March 2013
  - 5. Matters Arising from Minutes**
  - 6. Mayoral Report**
  - 7. General Manager's Report – Part A (Action)**
  - 8. General Manager's Report – Part B (Information)**
  - 9. General Manager's Report – Part C (Confidential)**
  - 10. Matters of Urgency**
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Clause 1C - Sale of Land for Unpaid Rates Reserves  
.....(Refer to Confidential Agenda)

Clause 2C – Consideration of RMS Agency Agreement  
.....(Refer to Confidential Agenda)

Clause 3C – Regional Procurement Initiative ( Division of Hunter Councils) Reverse Auction RE161213COB for Supply of Contestable Electricity and Associated Services Including Streetlighting .....(Refer to Confidential Agenda)

Clause 4C – Expressions of Interest for the Lease of the Town Hall Cinema .....(Refer to Confidential Agenda)

*(These reports are confidential in accordance with sections 10A (2) (c) and (d) (i) of the Local Government Act 1993, as the matters contain 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).*

Reference to Attachments ..... 58

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## ~ COUNCIL'S VISION ~

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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.

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## ~ COUNCIL'S MISSION ~

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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
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## ~ COUNCIL'S VALUES ~

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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 ~

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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.

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## ~ COUNCIL DIARY ~

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DATE	ACTIVITY	INVOLVES
Thursday 4 April 2013 (5:00pm)	2013/2014 Budget Workshop (Meeting 3)	Councillors/Senior Staff
Thursday 11 April 2013 (5:00pm)	Committee Meeting	Councillors/Senior Staff/ Community
Wednesday 24 April 2013 (5:00pm)	Council Meeting	Councillors/Senior Staff/ Community
Friday 29 March to Monday 1 April 2013	Council Offices, Depots and Libraries Easter Shutdown	Staff/Community

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**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 March 2013.**



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**CLAUSE 2A– SALE OF LAND FOR UNPAID RATES RESERVES**

**FILE: R2-10**

**AOP REFERENCE: 3.1.1.2**

**ATTACHMENT: NO**

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

**Purpose**

The purpose of this report is for Council to set reserve prices on the land listed for sale for unpaid rates in accordance with Section 713 of the Local Government Act 1993.

**Background**

Given that the report concerns matters of a commercial nature which if disclosed would confer a commercial advantage on a person with whom the council proposes to conduct business it is recommended that Council considers a further report in the Committee of the Whole Closed Council. Such matters are able to be closed to the public under Section 10A(2)(c) of the Local Government Act 1993.

**RECOMMENDATION**

**That the Sale of Land for Unpaid Rates Reserves Report be considered in the Committee of the Whole Closed Council with the press and the public excluded in accordance with Sections 10A(2)(c) of the Local Government Act 1993 as the matter contains information that if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

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**CLAUSE 3A – CONSIDERATION OF RMS AGENCY AGREEMENT**

**FILE: R6-3**

**AOP REFERENCE: 3.1.1.2**

**ATTACHMENT: NO**

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

**Purpose**

The purpose of this report is to provide Council with information in relation to the RMS Agency Agreement.

**Background**

Some of the material contains information that would, if disclosed, prejudice the commercial position of the person who supplied it. It is recommended that the matter be considered in the Committee of the Whole Closed Council with the press and public excluded in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

**RECOMMENDATION**

**That the report regarding the consideration of RMS Agency Agreement be considered in the Committee of the Whole Closed Council with the press and public excluded for the reasons stated 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.**

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**CLAUSE 4A – REGIONAL PROCUREMENT INITIATIVE (DIVISION OF HUNTER COUNCILS) – REVERSE AUCTION RA161213COB FOR SUPPLY OF CONTESTABLE ELECTRICITY AND ASSOCIATED SERVICES INCLUDING STREETLIGHTING**

**FILE: E3-1**

**AOP REFERENCE: 3.3.4.1**

**ATTACHMENT: NO**

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

**Purpose**

To consider the results of Revenue Auction RA 16 1213 COB undertaken on behalf of Council by Regional Procurement Initiative (Division of Hunter Councils) and their Partner Energy Action.

**Background**

The process involved in this matter was reported to Council 28 February, 2013 Meeting.

At the time of writing this report of the reverse auction was being undertaken with the required Evaluation Report and Recommendation by Regional Procurement Initiative/ Energy Action yet to be provided to Council. Once available this confidential report will be provided to councillors as soon as possible.

Given the sensitive nature of the information to be provided in the Evaluation Report it is recommended that Council considers the report in Closed Council in the Committee of the Whole with the press and public excluded.

**Legal Situation**

Council has complied with requirements of the Local Government Act 1993, Section 55 and the Local Government (General) Regulation 2005 Part 7.

**RECOMMENDATION**

- 1. That the Evaluation Report and Recommendations from Regional Procurement Initiative (Division of Hunter Councils)/Energy Action concerning Reverse Auction RA 161213 COB for supply of Contestable Electricity and Associated Services including Street Lighting be considered in Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2) (d) (i) of the Local Government Act 1993, as discussions of this information in Open Council would prejudice the commercial position of the person who supplied it.**
- 2. That the late report be accepted by Council.**

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**CLAUSE 5A - EXPRESSIONS OF INTEREST FOR LEASE OF THE TOWN HALL CINEMA**

**FILE: A10-19**

**AOP REFERENCE: 4.2.2.4**

**ATTACHMENT: NO**

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

**Purpose**

The purpose of this report is to provide information on the submissions received in response to advertisements seeking expressions of interest to lease the Town Hall Cinema.

**Background**

Expressions of interest were sought with advertisements in the Cobar Weekly on 5, 12 and 19 December 2012. The advertised closing date for submissions was 17 January 2013.

Given the commercial nature of this matter it is recommended that Council considers a further report in the Committee of the Whole Closed Council.

**RECOMMENDATION**

**That a report regarding the expressions of interest to lease the Town Hall Cinema be considered in the 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.**

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**CLAUSE 6A – GOVERNANCE SECTION ANALYSIS**

**FILE: C8-4-5**

**AOP REFERENCE: 3.3.3**

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

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

**Purpose**

For the Councillors to have a closer understanding of the budget and associated issues within the Governance Section.

**Background**

Council has requested that one business unit be examined in detail at each Committee/Council meeting.

A worksheet will be distributed at the meeting.

**RECOMMENDATION**

**That the rules of debate are suspended and Councillors engage in an open discussion on the Governance Section budget and associated matters.**

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**CLAUSE 7A – FINANCE AND ADMINISTRATION SECTION ANALYSIS**

**FILE: C8-1**

**AOP REFERENCE: 3.3.3**

**ATTACHMENT: YES**

**(TO BE TABLED)**

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

**Purpose**

For Councillors to have a closer understanding of the budget and associated issues of the Finance and Administration Section.

**Background**

Council has requested that one business unit be examined in detail at each Committee/Council meeting.

A worksheet will be distributed at the meeting.

**RECOMMENDATION**

**That the rules of debate are suspended and Councillors engage in an open discussion on the Finance and Administration Section budget and associated matters.**

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**CLAUSE 8A – INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA (IPWEA), NSW DIVISION ANNUAL CONFERENCE**

**FILE: S5-18**

**AOP REFERENCE: 3.3.2**

**ATTACHMENT: NO**

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

**Purpose**

To report the proposed attendance of the General Manager to the IPWEA, NSW Division Annual Conference.

**Background**

Councillors are aware that I am a Board Member of the IPWEA, NSW Division holding the position of Director Member Services.

The IPWEA NSW State Conference will be held in Terrigal at the Crowne Plaza Hotel, from Monday 6 May to Wednesday 8 May 2013. I will be travelling on the Sunday as the IPWEA NSW Division Board Meeting will be held all day Monday 6 May 2013.

IPWEA Members, regional groups, contractors and government organisations are particularly encouraged to participate. It is an opportunity for public works professionals to share their experience and expertise.

This important conference will recognise the issues of developing, building and retaining skills and staff within the workforce and the need to focus and cultivate ongoing consultation and communication with our local communities, as well as further expand on topics such as Management of Environmental issues and Sustainability, while recognising changes within the industry and updates on key issues and legislation.

2013 will see the return of the popular NSW Local Roads Congress, the Road Safety Officers Forum and the Water Directorate Forum, a full and informative program is ensured for all those involved with or supplying to Public Works, Infrastructure and Engineering.

The Engineering Excellence Awards will also be held.

**Issues**

As a Board Member of the IPWEA, NSW Division, the IPWEA will be paying for my accommodation costs as through the Conference I will be responsible for chairing paper sessions and other critical work.

**Financial Implications**

It is expected that the Conference Registration will cost \$1,300.00 and this is provided for in the Governance Section Conference Budget.

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**Options**

Council can approve or not approve the General Managers attendance of this Conference, however it should be noted that attendance of this Conference is part of the General Manager's professional development program.

**RECOMMENDATION**

**That Council approve the attendance of the General Manager to the 2013 Institute of Public Works Engineering Australia NSW Division Annual Conference at Terrigal on the 6 to 8 May 2013.**



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**CLAUSE 9A – BUSINESS ETHICS POLICY**

**FILE: P5-82 AOP REFERENCE: 3.1.5 ATTACHMENT: YES (PAGE 56)**

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

**Background**

Councils generally deliver an extensive range of services to the community. Cobar Shire Council is no exception. This service delivery requires Council to work in partnership with many different types of parties including industrial, commercial and regulatory with each having their own idiosyncrasies.

Codes of Conduct have been developed for Councillors and staff to assist to ensure that high standards of ethical conduct are observed.

These ethical standards can only prevail if the other parties also operate to the same level of integrity.

ICAC have drawn upon a number of investigations to conclude that a lack of understanding by private sector participants of core public sector values such as integrity, accountability and objectivity can be extremely damaging, not only for the project outcomes but for the reputation of the organisation concerned. Conversely, the better the understanding of public sector values and practices the contractor has, the better the outcomes tend to be.

As a consequence their view is that there are important differences between the public sectors and private sectors responsibilities, principles and goals, which if not recognised have the potential to undermine the required relationship. Accordingly, it is advised to encapsulate these principles and goals in a policy so that all parties and potential parties are aware of the ‘ground rules’ for dealing with one another.

**RECOMMENDATION**

- 1. That Council adopts the Business Ethics Policy which appears as an attachment to this report.**
- 2. That the Business Ethics Policy be actively promoted including appearing on Council’s website.**
- 3. That the Business Ethics Policy be incorporated into all tender quotation and expression of interest documents.**

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**CLAUSE 10A – CONSIDERATION OF TAFE WESTERN LIBRARY AGREEMENT AND COSTS**

**FILE: S5-26-4 AOP REFERENCE: 3.1.1.5 ATTACHMENT: YES (PAGE 61)**

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

**Purpose**

To report to Council on the response from TAFE Western on Cobar Shire Council's request for a contribution towards Library costs.

**Background**

At the Committee of the Whole Closed Council meeting of 25 October 2012 it was resolved:

- 1. That TAFE be approached to contribute a reasonable cost to support Council's costs of managing their component of the library collection and services.*
- 2. That should no consideration be received from TAFE towards the operating costs of the library, hours of operation be again considered at the following meeting of Council.*

TAFE have responded and advised that they are not prepared to make a financial contribution but wish to maintain their 'in kind' contribution. Their response is included as Attachment 1 to this report and was prepared by Vicki Taylor, Library Manager, and Broken Hill College.

The current TAFE component consists of 2.4% of the overall collection and 0.65% of the total circulation.

A MOU between Cobar Shire Council and TAFE NSW was signed in 2007 and is overdue for review. It is currently being drafted by TAFE but the proposed content is expected to be similar to the 2007 version. This appears as Attachment Two to this report.

Councillors considered the Library operation at the March 2013 Finance and Policy Committee meeting. Further discussions were undertaken at the second budget workshop.

It will be more appropriate and effective to discuss operating hours at the next budget workshop as part of the overall budget considerations rather than at a Council meeting as per the initial resolution.

**RECOMMENDATION**

- 1. That the TAFE Western response be received and noted.**
- 2. That the MOU be reported to Council when received.**

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- 3. That Library operating hours be included for discussion in the next budget workshop.**

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**CLAUSE 11A – DISPOSAL OF SURPLUS LIBRARY EQUIPMENT AND FURNISHINGS**

**FILE: L1-1**

**AOP REFERENCE: 3.1.1.2**

**ATTACHMENT: NO**

**AUTHOR: *Library Manager, Jane Florance***

**Purpose**

To inform Council of the planned disposal of surplus and aged library equipment and furnishings.

**Background**

Recent spending of library grants has resulted in the replacement of aged equipment and furnishings. Surplus assets have been provided to other areas of Council where possible. However a large amount remains to be disposed of. Library resources and services could benefit from additional income for the Library budget from the sale of items.

**Issues**

Fair and open proceedings should be used to dispose of equipment so that Council cannot be accused of bias. The preferred option of disposal is to hold a silent auction over several weeks to allow all interested parties a chance to participate.

**Policy Implications**

There is no Council policy for the dispersal of such minor equipment and items.

**Financial Implications**

The proceeds from the sale would be returned to the Library budget, and used to develop Library resources and services.

**RECOMMENDATION**

- 1. That Council receives and notes the information on the disposal of surplus library equipment and furnishings.**
- 2. That surplus and aged Library equipment and furnishings be offered for sale to the Cobarr community, via silent auction, before June 30 2013.**
- 3. That proceeds of the sale to be re-invested in the Library budget.**

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**CLAUSE 12A – COBAR CEMETERY SECTION 355 COMMITTEE**

**FILE: C3-7**

**AOP REFERENCE: 4.4.2.2**

**ATTACHMENT: NO**

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

**Purpose**

The purpose of this report is for Council to consider dissolving the Cemetery Committee created under Section 355 of the *Local Government Act 1993* and create a Cobar Cemetery Advisory Committee.

**Background**

At the Council meeting held on 24 February 2011 the Council made the following resolution

**20.2.2011**

**RESOLVED:**

1. That Council note the purchase of an automatic opener and closer of the Cobar Cemetery Gates.
2. That Council make arrangements for the creation of a Cemetery Committee under Section 355 of the Local Government Act 1993, and the final role and make-up of the Committee be reported to Council in the near future following appropriate advertising for interested members.
3. That Council approve the payment of \$200.00 per week through the Cemetery Committee for the maintenance of the Cobar Cemetery.

***Clr Francisco/Clr Wilson***

**CARRIED**

At the Council meeting held on 28 July 2011 the Council made the following resolution

**Report 2A – Cemetery Maintenance – Set up of a Cemetery Committee Under Section 355, Local Government Act 1993**

**FILE: C3-3, C3-7**

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

**48FP.7.2011**

**RECOMMENDATION:**

1. *That the membership of the Cemetery Committee, which has been constituted under Section 355 of the Local Government Act 1993, be as follows:*
  - *Three (3) interested members of the community (Community Representatives);*
  - *One (1) interested Councillor;*
  - *Services Manager or nominee;*
  - *Director of Corporate and Community Services or nominee.*

- 
2. *That Council appoint Mrs Mary Madden and Messrs Daniel Holt and [~~Barry~~] Bruce Shuttle to the Cemetery Committee;*
  3. *That Councillor Brady be appointed to the Cemetery Committee.*
  4. *That in respect of the Council function of the provision of maintenance services at the Cobar Cemetery, the Cemetery Committee is a body set-up under Section 355 of the Local Government Act 1993 with the functions set-out hereunder delegated by Council in accordance with Section 377 of the Local Government Act 1993:*
    - a) *To carry out the function of the maintenance of the Cobar Cemetery for the use by and benefit of the community in accordance with an approved Committee Manual, Committee Constitution and Budget of Council;*
    - b) *To maintain the Cobar Cemetery in good repair and condition, within funds available and inform Council of any damage or otherwise;*
    - c) *To provide advice to Council on recommended priorities for improvement works at the Cobar Cemetery.*
  5. *That Council arrange for the creation of an appropriate Section 355 Committee Manual for use of Council's Section 355 Committees;*
  6. *That the Cemetery Committee formulate and recommend an appropriate constitution for Council's adoption.*
  7. *That Community Members of the Cemetery Committee receive appropriate volunteer training.*

*Clr Francisco/Clr Isbester*

**CARRIED**

### **Issues**

Council's only Section 355 Committee that has been created is the Cemetery Committee. The way in which a Section 355 committee functions is very onerous for the Committee members, Council employees and Council itself. A Section 355 Committee is expected to:

- Request appointment of all members to be approved by Council resolution
- Follow the meeting procedures as per Council's Code of Meeting Practice
- Provide Committee meeting agendas to Council meetings
- Provide Committee meeting minutes to Council meetings
- Provide AGM agenda to Council meetings
- Provide AGM minutes to Council meetings
- Have no less than six meetings per year
- All dealings of the Committee are to be recorded and kept in the same manner as all Council records

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- Continued completed of sign on/off register
  - Have executive positions, that are approved by Council resolution
  - All committee members to complete declarations of Pecuniary interests annually
  - All committee members must complete Council induction
  - All committee members must comply with Council's Code of Conduct
  - All committee members must comply with all Council workplace policies

Also a Section 355 Committee acts on behalf of Council and Council delegates authority to a Section 355 Committee. Council has not delegated the authority to the Cemetery Committee to employ staff. Therefore the Cemetery Committee cannot employ staff, unless they are an independently incorporated body.

All of the above requirements are expected of a small volunteer committee. Large administrative requirements on small committees tends to mean that people lose interest fast and that the committee will then become inactive.

The Cemetery Committee has been delegated the following responsibilities

- a) To carry out the function of the maintenance of the Cobar Cemetery for the use by and benefit of the community in accordance with an approved Committee Manual, Committee Constitution and Budget of Council;*
- b) To maintain the Cobar Cemetery in good repair and condition, within funds available and inform Council of any damage or otherwise;*
- c) To provide advice to Council on recommended priorities for improvement works at the Cobar Cemetery.*

These delegations can be carried out just as easily as by an Advisory Committee with no need to place a large administrative burden on community members, Council staff or Councillors.

## **RECOMMENDATION**

- 1. That Council dissolve the Section 355 Cemetery Committee.**
- 2. That Council establishes an advisory committee with the same members as the dissolved Section 355 Committee for Cobar Cemetery that reports to Council on any issues concerning maintenance, damage and improvement works.**

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**CLAUSE 13A – EUABALONG PUBLIC RECREATION RESERVE (R85998) TRUST**

**FILE: A9-17    AOP REFERENCE: 1.5.3.4    ATTACHMENT: YES (PAGE 71)**

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

***Land Management Officer, Heather Holder***

**Purpose**

The purpose of this report is to outline a request made by a landholder in regards to one of the Crown Land Reserves managed by Council.

**Background**

Euabalong Public Recreation Reserve (R85998) Trust is a located in the village of Euabalong West (refer to attached aerial map). This Reserve was notified (created) on 14 October 1966 and Cobar Shire Council was appointed as Trustee on 24 February 1967.

The neighbouring landholder, Mr Bill Lander has requested to purchase or lease the land (refer to attached letter) for grazing of stock (pers comm with Land Management Officer). There are two items within Mr Landers letter which need clarification:-

1. The wrong reserve number was quoted.
2. Mr Landers refers to an anthrax problem. The Land Management Officer spoke with the Livestock Health and Protection Authority Veterinarian in regards to this statement and was provided with the following information “..the fact that horses have used the ground does not increase the risk for anthrax. I suspect they might be thinking of tetanus. I would consider any deep cut to any person on any ground would be treated as suspicious re ensuring the person who has an accidental deep wound has an up to date tetanus vaccination. Tetanus can be acquired from disturbed soil but only via deep tissue cuts or puncture wounds.”
3. Anthrax is a disease caused by bacteria that can affect humans and livestock. (Google search by Land Management Officer).
4. Tetanus is a disease caused by toxins from bacteria that can affect humans and livestock (Google search by Land Management Officer).

**Issues**

The Reserve is the only public recreation space within the village of Euabalong West. This reserve is recognised as a designated recreation area with maintenance works planned in the near future to ensure the availability and easier upkeep of the area for all members of the community. The grazing of livestock is considered to be not compatible with providing a recreational area for community members.

The condition of the reserve is in a below average condition, with prolonged drought conditions the grassed surface has significantly been degraded. With a small working



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budget this can be rectified and the facility improved for the continued use by residents.

In terms of future use by the Community, the veterinarian of the LHPA does not believe that anthrax is an issue at this reserve. In regards to tetanus a deep cut or puncture wound would required to be sustained by a person to be of concern.

### **Legal Situation**

Cobar Shire Council is the Trustee of this Reserve and has been since February 1967.

The reserve dedication can be changed to allow for grazing, but currently this activity is not allowed.

The reserve is dedicated for the purpose of public recreation.

### **Risk Implication**

As discussed above there is no risk to public health with continuing to maintain this as a public recreation area.

## **RECOMMENDATION**

- 1. That Council inform the Department of Primary Industries, Crown Lands that Council does not want to relinquish the Trusteeship of Reserve 85998 so that it can be sold to Mr Lander.**
- 2. That Council inform the Department of Primary Industries, Crown Lands that Council does not wish to lease the land to Mr Landers as this is not compatible with the continue use as a recreational area.**

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**CLAUSE 14A – REVIEW OF CURRENT WATER RESTRICTIONS****FILE: W2-21****AOP REFERENCE: 5.1.2.3****ATTACHMENT: NO****AUTHOR: *Services Manager, Tim Wark*****Purpose**

The purpose of this report is to outline to Cobar Shire Council the necessity to review and amend the current water restrictions.

**Background**

With the end of daylight saving and as we are now entering into the cooler months of the year and it would be an appropriate time for Council to review the current level of water restrictions.

The water restrictions that are currently in effect are as follows;

**Cobar and Nymagee**

- Hand held hoses are permitted between 6.00pm and 9.00am daily. All fixed sprinklers, irrigation systems etc are permitted between 7.00pm and 8.00am daily on an “odds” and “evens” system.
- No car washing permitted on hard surfaces.

**Euabalong and Euabalong West**

- Hand held hoses are permitted between 6.00pm and 9.00am daily.
- All fixed sprinklers, irrigation systems, etc are banned.
- No car washing permitted on hard surfaces.
- “Odds” and “evens” system for fixed sprinklers, irrigation systems etc.

As indicated above we are entering the cooler months and the demand for water has decreased. Council should now review water restrictions to co-inside with the current demand and soon to be adjusted daylight hours. The suggested restrictions are as follows;

**Cobar and Nymagee**

- Hand held hoses are permitted at any time.
- All fixed sprinklers, irrigation systems etc, be permitted between 4pm and 10am daily.
- No car washing be permitted on hard surfaces.

**Euabalong and Euabalong West**

- Hand held hoses are permitted at any time.
- All fixed sprinklers, irrigation systems etc are banned.
- No car washing be permitted on hard surfaces.

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## **RECOMMENDATION**

**That Council amend the current water restrictions commencing 1 April 2013 to the following:**

### **Cobar and Nymagee**

- **Hand held hoses are permitted at any time.**
- **All fixed sprinklers, irrigation systems etc, be permitted between 4pm and 10am daily.**
- **No car washing be permitted on hard surfaces.**

### **Euabalong and Euabalong West**

- **Hand held hoses are permitted at any time.**
- **All fixed sprinklers, irrigation systems etc are banned.**
- **No car washing be permitted on hard surfaces.**

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**CLAUSE 1B – COBAR SHIRE COUNCIL INTEGRATED PLANNING AND REPORTING FRAMEWORK DOCUMENTATION PEER REVIEW SUMMARY**

**FILE: L5-22 AOP REFERENCE: 3.3.3.1 ATTACHMENT: YES (PAGE 74)**

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

**Purpose**

To report on the status of a peer review undertaken on Cobar Shire Council's Integrated Planning and Reporting Framework documentation.

**Background**

Cobar Shire Council commenced in 2012/2013 as a Group 3 Council under the Integrated Planning and Reporting (IPR) Legislation.

Following completion of all the necessary IPR Framework Documentation the Division of Local Government facilitated a peer review program as part of its commitment to ensuring the effective implementation of the framework. The review was undertaken from the point of view of a community member, and sought to identify how the intent of the IPR Framework has been applied in Council's Plans.

Attached is a summary of the Division Review findings for Cobar Shire Council.

Council's Management Executive are currently analysing the details of areas for further development to determine how future revisions of relevant documents can be improved.

The results summary is particularly pleasing as the review has found that Cobar Shire Council largely meets the legislation requirements of the Integrated Planning and Reporting Framework.

**RECOMMENDATION**

**That Council note the report on the Cobar Shire Council Integrated Planning and Reporting Framework Documentation Peer Review Summary.**

**CLAUSE 2B – MONTHLY STATUS REPORT**

FILE: C13-10

AOP REFERENCE: 3.1

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

<b>COUNCIL RESOLUTIONS 24 SEPTEMBER 2009</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
1	Council – Clause 2B – The Wool Track Project	<b>GM / SPO / DES / WM</b>	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.

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

				proof Euabalong and reported to Council in March 2013 – No further action required.
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<b>COUNCIL RESOLUTIONS 28 APRIL 2011</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
14	Council – Clause 1C – Cobar Caravan Park Business Development Strategy	<b>GM / LMO</b>	<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>

<b>COUNCIL RESOLUTIONS 23 JUNE 2011</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
28	Council – Clause 3C – Plant and Equipment Utilisation Improvement Report	<b>GM / DES</b>	Undertake actions in accordance with the relevant recommendations of the report.	Appropriate communication strategy and action plan instigated.

**COUNCIL RESOLUTIONS 28 JULY 2011**

<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
30	Finance & Policy – Report 2A – Cemetery Maintenance – Set Up of a Cemetery Committee under Section 355, Local Government Act 1993	<b>DCCS</b>	<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, but subject to a report to the March 2013 Council Meeting.</p> <p>Arrangements in train, subject to a report to the March 2013 Council Meeting.</p> <p>Arrangements in train.</p>
47	Council – Clause 4B – Project Status Report	<b>DPES</b>	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**

<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
61	Council – 3A – Lower Macquarie Water Utilities Alliance (LMWUA) Agreement	<b>DES</b>	Mayor & GM execute the Deed of Agreement once consent is obtained.	Deed will be executed when consent obtained.
66	Council – 3B – Meeting	<b>GM</b>	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	<b>DPES</b>	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	<b>DPES / LMO</b>	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		<b>GM / DCCS</b>	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 with a letter requesting an appropriate investigation arranged.
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**COUNCIL RESOLUTIONS 15 DECEMBER 2011**

<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
136	Finance & Policy – Report 1A – Notice of Motion	<b>GM</b>	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**

<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
157	Council – Clause 10A – Dalton Park Racecourse – Consideration of Fees and Licences	<b>DPES / LMO</b>	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	<b>DPES / LMO</b>	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	<b>DCCS / LMO</b>	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.	Action Plan instigated for implementation of resolutions.

			<p>Negotiate a written lease agreement for a period of 5 years with a 5 year option to renew. The lease 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	<b>DES / SM</b>	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**

<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
177	Clause 7A – Nymagee Old School Community Centre	<b>DPES</b>	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	<b>GM / LMO</b>	That Council provides authority for the General	Further Councillor workshop

	<p>of the Whole – Sale of Land</p>	<p>Manager to negotiate the sale of land at either 100 or 105 Marshall Street, Cobar for at least the minimum 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:-</p> <ul style="list-style-type: none"> <li>Surveying undertaken and new plans submitted and approved;</li> <li>Subdivision plans submitted and approved;</li> <li>Rezoning of the land to allow for motel accommodation;</li> <li>All legal cost for both parties paid;</li> <li>Submission of a detailed development application that includes but is not limited to: <ul style="list-style-type: none"> <li>Detailed architectural and design plans including elevations, footpaths, ramps, disabled access etc;</li> <li>Detailed site plan;</li> <li>Detailed car parking and access plans, including disabled parking;</li> <li>A detailed risk assessment for Council water and sewerage systems;</li> <li>Detailed landscaping plan including footpaths;</li> </ul> </li> </ul>	<p>strategies planning for land in concern held on 9 August, 2012.</p> <p>Negotiations commenced with interested party.</p>
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			<p>That Council authorise the Mayor and the General 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>	
<b>COUNCIL RESOLUTIONS 24 MAY 2012</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
200	Council – Clause 7A – Cash Backed Reserve for Employee Leave Entitlements	<b>DCCS</b>	<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> <p>Report the balance and activity of the reserve in the monthly cash flow statement.</p>	Waiting on proceeds of sales, now includes 11 Becker Street and 25 Duffy Drive.
<b>COUNCIL RESOLUTIONS 28 JUNE 2012</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
209	Clause 3A – Donation – Cobar Mobile Children’s	<b>DCCS / LMO</b>	That Council continues to provide rent free accommodation and water usage to the Mobile	Action Plan instigated for implementation of resolutions.

	Services		<p>Children's Services as a donation.</p> <ol style="list-style-type: none"> <li>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;</li> <li>2. That Council continues to forgo income for water usage by the Cobar Mobile Children's Services at the Youth Centre;</li> <li>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;</li> <li>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;</li> <li>5. That Council provides written advice to the Cobar Mobile Children's Services of the donation and all conditions.</li> </ol>	
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**COUNCIL RESOLUTIONS 26 JULY 2012**

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
217	Council – Clause 6A – Code of Meeting Practice	<b>DCCS</b>	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 –	<b>DPES / LMO</b>	That Council resolves to close part of the road	Action plan instigated for

	Road Closure – Corner of Murray and Blakey Street, Cobar		<p>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>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>
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**COUNCIL RESOLUTIONS 23 AUGUST 2012**

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
234	Council – Clause 7A – Festival of the Miners Ghost	<b>DCCS / MTPR</b>	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 Readiness	<b>DES</b>	Request a nominal fee of \$1,000 for the transfer of ownership of the 2000 Nissan Patrol and that the remaining SES vehicles in Council ownership are gifted to the SES.	Action plan instigated for implementation of resolution.
240	COW – Clause 1C – Goat Handling Facility – Lot 40 DP755649 Kidman Way, Cobar	<b>DPES</b>	<p>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.</p> <p>That the continued operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar</p>	Action plan instigated for implementation of resolutions.

			be dealt with as a compliance matter to be followed up by the Director of Planning and Environmental Services.	
<b>COUNCIL RESOLUTIONS 27 SEPTEMBER 2012</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
254	Council – Clause 21A – Application for Exemption – Pavement Concession and Future Maintenance of Cobar Regional Airport	<b>DES / WM</b>	That representations and submissions be provided to Commonwealth Ministers and Agencies in seeking 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.	Action plan instigated for implementation of resolution.
<b>COUNCIL RESOLUTIONS 25 OCTOBER 2012</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
263	Council – Clause 1A – Mayoral Report	<b>GM / SPO</b>	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	<b>DPES / LMO</b>	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	<b>DCCS/LMO</b>	<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 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>	<p>Action Plan instigated for implementation of resolutions.</p> <p>Expressions of interest advertising arranged.</p>
279	Council – Clause 10A – Lilliane Brady Village Expression of Interest Outcome	<b>DCCS</b>	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 - No further action required.



283	Committee of the Whole – Clause 2C – Potential Cost Reductions – Corporate and Community Service	<b>DCCS</b>	That TAFE be approached to contribute a reasonable cost to support Council’s cost of managing their component of the library collection and services.  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.	Report provided to March 2013 Council Meetings – No further action required.  Report provided to March 2013 Council Meetings – No further action required.
<b>COUNCIL RESOLUTIONS 22 NOVEMBER 2012</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
288	Finance and Policy Committee – Report 5A - Revised Program for Donations to be Made 2013-2014	<b>DCCS</b>	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, however expect a report to be provided by the April 2013 Council Meeting.
296	Council – Clause 8A - Youth Development Plan 2012-2016	<b>SPO</b>	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.
300	Committee of the Whole – Clause 1C – Sale of Land for Unpaid Rates	<b>DCCS / RO</b>	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.  That the sale be conducted during late April 2013.	Advertisements arranged and where payment arrangements not finalised properties will be auctioned.  Arranged for 19 April 2013 – No further action required.

			<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>	<p>Advertising arranged – No further action required.</p> <p>EOI's arranged and Firm engaged – No further action required.</p> <p>Appropriate advertising arranged – No further action required.</p>
<b>COUNCIL RESOLUTIONS 13 DECEMBER 2012</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
304	Council – Clause 8A – Dalton Park Racecourse (D630019) Reserve Trust	<b>DPES / LMO</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Mr S Griffiths &amp; Ms C Yench.</li> <li>• Mr K L Buckman.</li> <li>• Cobar Pony Club.</li> <li>• Cobar Miners Race Club.</li> <li>• Cobar Rodeo Committee.</li> </ul>	Action plan instigated for implementation of resolution.
305	Council – Clause 9A – Bathurst Street Reserve (D64199) Reserve Trust	<b>DPES / LMO</b>	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.
307	Council – Clause 12A – Plant Replacement Program, Proposed Purchase of 34,00 Litre Water Tank Trailer in lieu	<b>GM / WM</b>	<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</p>	Subject to a rescission motion that was reported to the February 2013 Council Meeting and now is deferred to the April 2013 Council Meeting.

	of Side Tipper Trailer		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.	
309	Council – Clause 14A – Special Rate Variation 2013-14	<b>SPO</b>	<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>	Special Rate Variation Application provided to IPART – No further action required.
311	Committee of the Whole – Clause 1C – Tenders for the Supply and Delivery of One Rubber Tyred Roller	<b>GM / WM</b>	<p>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.</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>	Subject to a rescission motion that was reported to the February 2013 Council Meeting and now deferred to April 2013 Council Meeting.
312	Committee of the Whole – Clause 2C – Tender for the Provision of a Operating Lease Finance	<b>GM / WM</b>	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	Subject to a rescission motion that was reported to the February 2013 Council Meeting and now deferred to April 2013

	(Purchase and Leaseback Arrangement) for One Rubber Tyred Roller		Meeting.	Council Meeting.
314	Committee of the Whole – Clause 4C – Consideration of Tourism Cost Centre	<b>DCCS</b>	That Council adopt the Action Plan concerning the Tourism Cost Centre.	Subject to a rescission motion that was reported to the February 2013 Council Meeting and now deferred to the April 2013 Council Meeting.
<b>COUNCIL RESOLUTIONS 28 FEBRUARY 2013</b>				
<b>NUMBER</b>	<b>ITEM</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
316	Finance and Policy Committee – Report 1A – Presentation of the Council’s Audited Financial Statements and Auditors Report for 2011/2012	<b>DCCS</b>	That Council thank Mr Jeff Shanks of Morse Group for his presentation.	Thank you provided – No further action required.
317	Finance and Policy Committee – Report 2A – Draft Procurement Policy	<b>DES / SM</b>	That the Procurement Policy be finalised and implemented as a policy of Council.	Policy distributed – No further action provided.
318	Finance and Policy Committee – Report 3A – MOU with Outback Arts	<b>SPO</b>	That the MOU with Outback Arts be held over and reconsidered after the setting of the 2013/2014 Budget.	Now deferred to April 2013 Council Meeting.
319	Finance and Policy Committee – Report 4A – Customer Service Policy	<b>DCCS</b>	That the Customer Service Policy be finalised and implemented as a policy of Council.	Policy distributed – No further action required.
320	Finance and Policy Committee – Report 5A – Revised Model Privacy Management Plan for Local Government	<b>GM</b>	That Council adopt the revised Model Privacy Management Plan for Local Government, January 2013 as Policy of Council.  That a copy of Council’s updated Privacy Management Plan Policy be provided to the Privacy	Policy distributed and sent to Privacy Commissioner – No further action required.

			Commissioner as soon as practical.	
321	Finance and Policy Committee – Report 6A – The New Model Code of Conduct	<b>GM</b>	<p>That Council adopt the new Model Code of Conduct as Cobar Shire Council’s Code of Conduct Policy commencing 1 March 2013.</p> <p>That Council adopt the new Procedures for the Administration of the Model Code of Conduct for Local Government Council’s in NSW as Cobar Shire Council’s Procedures for the Administration of Cobar Shire Council’s Code of Conduct Policy commencing 1 March 2013.</p> <p>That Council note that the Director of Corporate and Community Services and Human Resources Officer will be appointed as the Complaints Co-ordinator and Alternate Complaints Co-ordinator respectively as of 1 March 2013.</p>	<p>Policy distributed – No further action required.</p> <p>Procedures distributed – No further action required.</p> <p>Noted – No further action required.</p>
322	Finance and Policy Committee – Report 7A – Lilliane Brady Village Accommodation Bond Management Policy	<b>DCCS</b>	That the Lilliane Brady Village Accommodation Bond Management Policy be finalised and implemented as a policy of Council.	Policy distributed – No further action required.
323	Finance and Policy Committee – Report 8A – Lilliane Brady Village Accommodation Bonds Permitted use Policy	<b>DCCS</b>	<p>That Council adopts the draft Lilliane Brady Village Accommodation Bonds Permitted Use Policy.</p> <p>That Council continues to only invest Lilliane Brady Village Bond monies with an Authorised Deposit-taking Institution (ADI).</p>	<p>Policy distributed – No further action required.</p> <p>Noted – No further action required.</p>
324	Works Committee – Report 2A – Policy on the Responsibility of Stock Control Grids	<b>DES / WM</b>	That Council reaffirm its resolution dated 25 February 2010 concerning the Stock Control Grid Policy and that the cost of resources be considered at its 2013/2014 Estimates Meeting.	Subject to budget determinations.

			That Council's Policy on stock control structures (public gates, grids, ramps and stock races) be amended to reflect that on both Regional and Shire roads it is the landholder's responsibility to maintain the stock grids etc.	Action plan instigated for implementation of resolution.
325	Committee of the Whole Closed Council – Report 1C – Contract Road Maintenance Trial	<b>GM / WM</b>	That Council note the progress to date on the Cobar Shire Council Plant and Equipment Utilisation Improvement Program and the future training that is expected to be implemented.	Noted – No further action required.
326	Council – Clause 1A – Mayoral Report	<b>MAYOR / GM</b>	That Council request the Western Local Area Health District to undertake an investigation into the feasibility of a multi-purpose health service being established in Cobar that would incorporate the Cobar District Hospital and the Lilliane Brady Village.  That a workshop be arranged to consider the appropriate eligible projects for the Resources for Regions program.	Letter provided to Western Local Area Health Distribution – No further action required.  Workshop arranged for 14 March 2013 – No further action required.
327	Council – Clause 4A – Notice of Rescission Motion – Consideration of Tourism Cost Centre	<b>GM</b>	That the matter concerning Clause 4A – Notice of Motion – Consideration of Tourism Cost Centre be deferred until the April Meeting of Council following the proposed budget workshops.	Now deferred till April 2013 Council Meeting.
328	Council – Clause 5A - Financial Sustainability Action Plan Progress Report February	<b>DCCS</b>	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.	Plan forwarded to DLG – No further action required.
329	Council – Clause 6A – Notice Of Rescission Motion – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank	<b>GM</b>	That the matter concerning Clause 6A – Notice of Rescission Motion – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank Trailer in Lieu of Side Tipper Trailer be deferred until the April Meeting of Council following the proposed budget workshops.	Now deferred to April 2013 Council Meeting.

	Trailer in lieu of Side Tipper Trailer			
330	Council – Clause 8A – Second Quarter 2012-2013 Budget Review	<b>DCCS</b>	<p>That the Annual Operating Plan budget forecast for 2012-2013 be amended to reflect the changes recommended in the Q2 Budget review.</p> <p>That the summary of Budget amendments be included as a footnote to this report.</p> <p>That Council as part of its 2013-2014 budget preparation consider the overall level of services that it can provide.</p>	<p>Budget amended – No further action required.</p> <p>Noted – No further action required.</p> <p>Noted – service levels considered as part of 2013/2014 Budget consideration.</p>
331	Council – Clause 9A – Amendment to the Policy for the Provision and Use of Council’s Corporate Credit Card	<b>DCCS</b>	<p>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.</p> <p>That the Policy for the Provision and Use of Council’s Corporate Credit Cards as amended be adopted.</p>	<p>Credit card arranged – No further action required.</p> <p>Policy amended and distributed – No further action required.</p>
332	Council – Clause 10A – Re-adoption of Community Strategic Plan, Long Term Financial Plan, Delivery Program and Annual Operational Plan	<b>SPO</b>	<p>Council notes the changes made to the draft Community Strategic Plan – <i>Cobar Shire 2025</i>, 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.</p> <p>Council adopts the draft Community Strategic Plan – <i>Cobar Shire 2025</i>, the Long Term Financial Plan 2012/13 – 2021/2022, the Delivery Program 2012/2013 - 2015/2016 and Annual Operational Plan 2012/2013.</p> <p>Council forwards a copy of the new documents to the DLG.</p>	<p>Noted – No further action required.</p> <p>Documents distributed and sent to DLG – No further action required.</p>
333	Council – Clause 11A –	<b>DCCS / RO</b>	That the Hardship Assistance Policy be finalised and	Policy distributed – No further

	Hardship Assistance Policy		implemented as a policy of Council.	action required.
334	Council – Clause 13A – 2013 National General Assembly of Local Government – Australian Local Government Association	<b>GM</b>	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.  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.	Arrangement for attendance in train.  Waiting on advice from Councillors.
335	Council – Clause 14A – Cobar Shire Council Internal Audit Committee – Community Representative (Independent External Members)	<b>GM</b>	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.	Appointment arranged – No further action required.
336	Council – Clause 15A – Ward Oval Users Group Meeting	<b>DES / SM</b>	That the decision on crown land licence fees for Ward Oval and crown land reserves and fees & charges for Ward Oval be held over to the April Meeting of Council following Council budget workshops.	Now deferred to April 2013 Council Meeting.
337	Council – Clause 16A – Dalton Park Racecourse (D630019) Reserve Trust	<b>DPES / LMO</b>	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.	Action plan instigated for implementation of resolution.
338	Council – Clause 17A – Exhibition Draft – Development Servicing	<b>DES / SM</b>	That Council adopts the draft Development Servicing Plans for Water Supply and Sewerage Services 2013.	Policy distributed – No further action required.



	Plans for Water Supply and Sewerage Services			
339	Council – Clause 18A – Crown Land Licence Fees at Ward Oval	<b>DPES / LMO</b>	That Council determines the Crown Land Licence fees for all Crown Land as part of the process for setting all 2013/2014 Fees and Charges.	Noted – will be included in Draft Fees and Charges – No further action required.
340	Council – Clause 19A – Cobar Local Infrastructure Contributions Plan 2012	<b>DPES</b>	<p>That Council approves the Cobar Local Infrastructure Contributions Plan 2012 in the form in which it was publicly exhibited.</p> <p>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.</p> <p>That Council continue to lobby the State Government/Department of Planning to have the Environmental Planning and Assessment Act amended to allow for asset operational and service cost funding through the life of all major developments.</p>	<p>Policy adoption advertised and distributed – No further action required.</p> <p>Public notice arranged – No further action required.</p> <p>Action plan instigated for implementation of resolution.</p>
341	Council – Clause 20A – Copper City Mens Shed – Additions to the Ward Oval Shearing Shed	<b>DPES</b>	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.	Conditional development consent provided – No further action required.
342	Council – Clause 21A – Hera Mine Project – Planning Agreement	<b>DPES</b>	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.	VPA documentation signed and sent – No further action required.

			<p>That the Planning Agreement Register required by clause 25F of the <i>Environmental Planning Assessment Regulation 2000</i> be posted on the Cobar Shire Council website.</p> <p>That required reporting on the Hera Mine Planning Agreement be include in future Annual Reports.</p>	<p>Planning Agreement Register arranged on Council's Website – No further action required.</p> <p>Noted – for inclusion in Annual Report – No further action required.</p>
343	Council – Clause 22A – Proposed Hangar Construction and Lease of Plant of Land at Cobar Regional Airport by Sullivans Mining and Hardware	<b>DPES / WM</b>	<p>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”.</p> <p>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.</p> <p>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.</p> <p>That Council investigate the possibility of arranging a lease for the management and maintenance to the appropriate standard of the Cobar Aerodrome, including the house and all amenities.</p>	Action plan instigated for implementation of resolutions.
344	Council – Clause 23A – Transport Asset Management Plan – 2012/2013	<b>DPES / WM</b>	That the Transport Asset Management Plan 2012/2013 be adopted and the information contained therein is noted.	Policy distributed – No further action required.
345	Council – Clause 24A – Rolling 15 Year Plant Replacement Program	<b>DPES / WM</b>	That the Rolling 15 Year Plant Replacement Program 2012/2013 - 2027/2028 be adopted with discussed corrections to be made to Plant No. P0111 and plant numbering for the new rubber tyred rollers	Policy corrected and distributed – No further action required.

			and the information contained therein be noted.	
346	Committee of the Whole – Clause 1C – Notice of Rescission Motion – Tenders for Supply and Delivery of and Lease of a Rubber Tyred Roller	<b>GM</b>	That the matter concerning Clause 1C – Notice of Motion – Tenders for Supply and Delivery and Lease of a Rubber Tyred Roller be deferred until the April Meeting of Council following the proposed budget workshops.	Now referred to April 2013 Council Meeting.
347	Committee of the whole – Clause 2C – Notice of Rescission Motion - Consideration of Tourism Cost Centre	<b>GM</b>	That the matter concerning Clause 2C – Notice of Motion – Consideration of Tourism Cost Centre be deferred until the April Meeting of Council following the proposed budget workshops.	Now deferred to April 2013 Council Meeting.
348	Committee of the Whole – Clause 3C – Financial Sustainability Action Plan Progress Report February 2013	<b>DCCS</b>	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.	Plan forwarded to DLG – No further action required.

### **RECOMMENDATION**

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

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**CLAUSE 3B – MEETING MINUTES**

**FILE:L5-4-3, WB1-22 AOP REFERNECE: 3.1 ATTACHMENT: YES (PAGE 78)**

**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:

- Orana Regional Organisation of Councils .....Friday 15 February 2013
- Cobar Water Board .....Thursday 14 March 2013

**RECOMMENDATION**

**That the minutes of the meetings of the Orana Regional Organisation of Councils and the Cobar Water Board be received and noted.**

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**CLAUSE 4B – 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 20 February 2013 – 19 March 2013.

**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 \$776,793.00

**Local Development Approvals**

The following Local Development Applications have been approved under delegated authority for the period 20 February 2013 - 19 March 2013.

<b>CERTIFICATE NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>VALUE (\$)</b>
2012/LD-00066	Ward Oval, Maidens Ave, Cobar	Shed	67,000
2013/LD-00006	20 Tindera St, Cobar	Inground Swimming Pool	34,000
2013/LD-00004	3 Baldry Cl, Cobar	Carport	28,000
2013/LD-00010	16 Annies Lne, Cobar	Shed	25,000
2013/LD-00009	1/3 Lewis St, Cobar	Inground Swimming Pool	26,000
2013/LD-00011	9-11 Campbell St, Cobar	Storage Premises	50,000
2012/LD-00052 REV01	17 Duffy Dr, Cobar	Manufactured Home & Carport	-
2013/LD-00005	27 Old Bourke Rd, Cobar	Machinery Shed	90,000

**The value of Local Development approvals for 2012/2013 to date is \$11,653,280.00**

The value of Local Development approvals for the similar period in 2011/2012 was \$5,670,900.00

**Construction Certificates**

The following Construction Certificates have been approved under delegated authority for the period 20 February 2013 - 19 March 2013.

<b>CERTIFICATE NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>
2013/CB-00007	20 Tindera St, Cobar	Inground Swimming Pool
2013/CB-00004	3 Baldry Cl, Cobar	Carport
2013/CB-00005	26 Annies Lne, Cobar	Shed
2013/CB-00008	1/3 Lewis St, Cobar	Inground Swimming Pool
2013/CB-00009	9-11 Campbell St, Cobar	Storage Premises
2013/CB-00001	25 Clifton Pl & 40 Duffy Dr, Cobar	Stage 1 Civil Works
2012/CB-00028 REV01	17 Duffy Dr, Cobar	Attached Carport

### **RECOMMENDATION**

**That the information detailing the Local Development and Construction Certificate approvals for the period 20 February 2013 - 19 March 2013 be received and noted.**

# **ATTACHMENTS**



## **ORDINARY MEETING AGENDA**

**THURSDAY 28 MARCH 2013**

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## ~ REFERENCE TO ATTACHMENTS ~

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### **PART A – ACTION**

*Page Number*

Clause 6A – Governance Section Analysis .....	(To be Tabled)
Clause 7A – Finance and Administration Section Analysis .....	(To be Tabled)
Clause 9A – Business Ethics Policy .....	56
Clause 10A – Consideration of TAFE Western Library Agreement and Costs .....	61
Clause 14A – Euabalong Public Recreation Reserve (R85998) Trust .....	71

### **PART B – INFORMATION**

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Clause 4B – Meeting Minutes.....	78