

COBAR SHIRE COUNCIL



ORDINARY MEETING AGENDA

WEDNESDAY 24 APRIL 2013

~ ORDER OF BUSINESS ~

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 March 2013
 - Works Committee Meeting – Thursday 11 April 2013
 - Finance and Policy Committee Meeting – Thursday 11 April 2013
 - Traffic Committee Meeting – Tuesday 12 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 – Notice of Rescission Motion – Consideration of Tourism Cost Centre	(Refer to Confidential Agenda)

Clause 2C – Notice of Rescission Motion – Tenders for Supply and Delivery of and Lease of a Rubber Tyred Roller(Refer to Confidential Agenda)

Clause 3C – Financial Sustainability Assessment of NSW Councils – Cobar (Preliminary Report)..... (Refer to Confidential Agenda)

Clause 4C – Tender for the Provision of Banking Services....(Refer to Confidential Agenda)

Clause 5C– Consideration of Interest in Purchasing Cobar Caravan Park(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).

Reference to Attachments 78

~ 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.
-

~ 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
Thursday 25 April 2013	Anzac Day – Public Holiday	Councillors/Staff/ Community
5:00pm Thursday 9 May 2013	Committee Meetings	Councillors/ Senior Staff/ Community
5:00pm Thursday 23 May 2013	Ordinary Council Meeting	Councillors/ Senior Staff/ Community
6:30pm Thursday 11 June 2013	Annual Operational Plan Public Meeting	Councillors/ Senior Staff/ Community
5:00pm Thursday 13 June 2013	Committee Meetings	Councillors/ Senior Staff/ Community
5:00pm Thursday 27 June 2013	Ordinary Council Meeting	Councillors/ Senior Staff/ Community

CLAUSE 1A – MAYORAL REPORT

FILE: C13-1-5

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 April 2013.

CLAUSE 2A – WATER SUPPLIES ASSET MANAGEMENT PLAN 2013

FILE: A9-14 AOP REFERENCE: 4.1.4.1 ATTACHMENT: YES (PAGE 80-155)

AUTHOR: *Services Manager, Timothy Wark*

Purpose

The purpose of this report is to deliver the updated Water Supply Asset Management Plan for adoption.

Background

As part Council's sound Long Term Strategic Financial Planning Management, the Water Supplies Asset Management Plan has been updated utilising recently completed valuations (CPE associates in 2012).

This plan has been prepared using new templates provided by IPWEA NAMS.PLUS. This plan sets the benchmark for management of this specific asset and will provide Councillors, staff and the community an indication on the level of service set to be provided, future demand issues and financial implications from the related assets.

Issues

The updated Water Supplies Asset Management Plan indicates that the Council's Water Supply Assets are not adequately funded and therefore the assets will not be fully sustainable for the life of the plan.

This means that there will inevitably be issues in regards to water quality and quantity produced and delivered to the community in the future.

The major issues identified are;

- Water mains not replaced when due;
- Water storage facilities will not be replaced when due;
- Water Treatment Plant will not be replaced when due;

Council will endeavor to manage these issues within budget by;

- Continuing to improve water quality by increasing water sampling;
- Continue to develop the detail of the costs to manage the water supply system;
- Complete additional analysis of the infrastructure data inventory and assessment of useful lives;

Council within this plan will commit to providing the following within the next ten year period;

- Operation, maintenance, renewal and upgrade of water supply infrastructure to meet service levels set by Council in its annual budget;
- Backwashing automation and chemical dosing process renewal;
- Filtration structure refurbishment;

The actions required to be taken by Council from this asset management plan are;

- Engage the community on service delivery, and funding issues raised in this plan;
- Seek additional funding for water supply asset renewal (currently being completed through Resources for the Regions);
- Continue to monitor the condition of assets so that there is adequate lead time for renewal planning;
- Provide additional water supply service assets in a planned manner and only where agreed criteria are met;
- Increase Asset Register data confidence by implementing a data improvement and validation strategy;

Legal Situation

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

Financial Implications

The projected outlays necessary to provide the services covered by this asset management plan includes operations, maintenance, renewal and upgrade of existing assets over the 10 year planning period is \$22,032,000 or \$2,203,000 on average per year. The estimated available funding for this period is \$18,978,000 or \$1,898,000 on average per year which is 86% of the cost to provide the service. This is a funding shortfall of -\$305,000 on average per year.

RECOMMENDATION

That the Water Supply Asset Management Plan 2013 be adopted and the information contained therein be noted.

CLAUSE 3A– SEWERAGE SERVICES ASSET MANAGEMENT PLAN
FILE: A9-11 AOP REFERENCE: 4.4.3.3 ATTACHMENT: YES (PAGE 156 – 230)

AUTHOR: *Services Manager, Timothy Wark*

Purpose

The purpose of this report is to deliver the updated Sewerage Services Asset Management Plan for adoption.

Background

As part Council's sound Long Term Strategic Financial Planning Management, the Sewerage Services Asset Management Plan has been updated utilising recently completed valuations (CPE associates in 2012).

This plan has been prepared on new templates provided by IPWEA NAMS.PLUS. This plan sets the benchmark for management of this specific asset and will provide Councillors, staff and the community an indication of the level of service set to be provided, future demand issues and financial implications from the related assets.

Issues

The updated Sewerage Services Asset Management Plan indicates that the Council's Sewerage Assets are not adequately funded and therefore the assets will not be fully sustainable for the life of the plan.

This means that there will inevitably be issues in regards to effective wastewater removal and treatment in the future.

The major issues identified are;

- Sewer mains will be unable to be relined and/or replaced when due;
- Pump stations will be unable to be replaced when due;
- Sewerage Treatment Plant will be unable to be replaced when due;
- The non connection of the remaining 20% of the East Cobar Industrial Area;
- Possible discharge of wastewater due to blockages;
- Reduced effluent quality;

Council will endeavor to manage these issues within budget by;

- Monitoring the condition of the network;
- Monitoring and reviewing the cause of failures/blockages;
- Regularly reviewing the priorities for new works and ensure they meet corporate objectives;

Council within this plan will commit to providing the following within the next ten year period;

-
- Operation, maintenance, renewal and upgrade of wastewater infrastructure to meet service levels set by council in its annual budget;
 - Installation of required disinfection equipment to gain Section 60 approval;
 - Refurbishment of the Ward Oval pump station;

The actions required by Council from this asset management plan are;

- Maintain the current assets in a safe condition;
- Continue to assess the condition of critical infrastructure so that there is adequate lead time for renewal planning;
- Define maintenance standards and levels of service that can be delivered at various funding levels;
- Improve the analysis of options so that an informed discussion can be had with the community about priorities and future levels of service and funding;
- Prioritise renewal and upgrade works based on risk;
- Provide additional wastewater assets in a planned manner and only where agreed criteria are met;
- Increase the Asset Register data confidence by implementing a data improvement and validation strategy;

Legal Situation

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

Financial Implications

The projected outlays necessary to provide the services covered by this asset management plan includes operations, maintenance, renewal and upgrade of existing assets over the 10 year planning period is \$9,084,000 or \$908,000 on average per year. The estimated available funding for this period is \$6,240,000 or \$624,000 on average per year which is 69% of the cost to provide the service. This is a funding shortfall of -\$284,000 on average per year.

RECOMMENDATION

That the Sewerage Services Asset Management Plan 2013 be adopted and the information contained therein be noted.

**CLAUSE 4A – CONDUCT OF ELECTIONS BY COUNCILS –
AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993**

**FILE: E2.3.4 AOP REFERENCE: 3.3.4 ATTACHMENT: YES (PAGE 231
- 237)**

AUTHOR: *General Manager, Gary Woodman*

Purpose

For Council to make a decision on who should conduct relevant future elections of Cobar Shire Council (not including elections for the Mayor and/or Deputy Mayor by Councillors).

Background

There is a need for Councils to determine arrangements for the next Local Government election including ordinary election, by-election, constitutional referendums and polls as noted by the attached Division of Local Government Circular 11-11.

Circular 11-11 notes that future elections are to be administered by the General Manager, however a Council may within 12 months after an ordinary election resolve that Council is to enter into a contract or arrangement with the NSW Electoral Commissioner.

If Council resolves to enter into a contract or arrangement, the NSW Electoral Commissioner is to administer all the elections, constitutional referendums and polls at the Council until the conclusion of the following ordinary election for Councillors.

Attached is a copy of the relevant report not including attachments provided to Council on 24 November 2012 on the matter. Council subsequently resolved to engage the New South Wales Electoral Commission for the conduct of the 2012 Cobar Shire Local Government Election.

It is considered much more appropriate that the Electoral Commissioner be responsible for the administering of all elections, constitutional referendums and polls of Cobar Shire Council until the conclusion of the following ordinary election for Councillors (in 2016).

This of course is just in case a by-election is needed in the next four (4) years as a main purpose.

RECOMMENDATION

That Cobar Shire Council agrees to enter into a contract or arrangement with the New South Wales Electoral Commission for the conduct of all elections, constitutional referendums and polls of the Council (not including elections for the Mayor and/or Deputy Mayor by Councillors) until the conclusion of the following ordinary election for Councillors.

CLAUSE 5A – SOLAR ENERGY EXCHANGE INITIATIVE – THE SEXI PROPOSAL

FILE: E6-11 AOP REFERENCE: 5.1.1 ATTACHMENT: (UNDER SEPARATE COVER)

AUTHOR: *General Manager, Gary Woodman*

Purpose

To inform Council of the Solar Energy eXchange Initiative (SEXI) and to obtain support for the proposal and the development of a solar energy industry in the Region.

Background

Contained within the 2012/2013 Annual Operational Plan (AOP) under Environmental Strategies is 5.1.1 – Develop on alternative energy industry in Cobar;

5.1.1.1 – Lobby business and government to encourage the development of an alternative energy industry in Cobar with the following Council Activities/Service;

5.1.1.2 – Encourage solar energy use and the efficient use of energy by residents and business;

SEXI is a marketing acronym, for the Solar Energy eXchange Initiative which is the brainchild of Mr Matt Parmeter, Dubbo.

The SEXI Proposal is that the Commonwealth Government fund photovoltaic (PV) installations across the areas of the SEXI Group of Council's which cover much of inland NSW (just 66% of the area of NSW) and five (5) medium scale concentrating solar power plants, of a size suitable to provide enough electricity to run a typical country town.

The participating Councils would own, operate and run the infrastructure.

The SEXI Proposal has been emailed previously to all Councillors and a copy will be available at the Council Meeting for perusal by interested Councillors.

Issues

Mr Parmeter wrote to many Councils more than twelve (12) months ago providing them with a report "Medium Scale Solar Power Plants in Central and Western NSW". A copy of the report will be available at the Council Meeting for perusal of interested Councillors. See <http://talbragar.net.au> for the copy on the internet.

This report was well received, but two issues were raised:

 "What's in it for my Council?"

 "Where's the money coming from?"

The SEXI Proposal builds on the previous work, and attempts to answer these questions.

Very approximately, one million dollars would see about 0.4 MW of PV panels installed.

If Council used the electricity generated, it would represent a cost saving to Council of about \$120,000 per year. Every year.

If Council sold the electricity back into the grid, it may be worth up to \$40,000 per year.

[Disclaimer: All financial figures quoted here rely on a number of assumptions. Conditions and returns will vary depending on individual circumstances].

[The solar PV farms of the earlier proposal have been split up into many pieces. Solar PV panels have the ability to do this without significantly increasing cost as a feature of their technology. Additionally, falling PV panel prices allow more to be installed].

Where's the money coming from?

ARENA is the new Federal Government agency - the Australian Renewable Energy Agency. It was established on 1st July 2012.

It currently has over \$2B in uncommitted funds. And is now formulating how its grant programs should be structured. And it is calling for public submissions on its proposed "Regional Australia's Renewable" program.

Information about ARENA can be found at <http://www.arena.gov.au/> or Google ARENA + renewable.

The Current State of Play

The SEXI Proposal document has recently been produced.

There are many details that are still to be worked out. Some important, some trivial.

In spite of all the details, we should focus on the bigger picture. The two important questions at this stage are –

1. Do the Councils want to be part of a collective SEXI Group?
2. Is ARENA interested in funding the SEXI Proposal?

The time is right to test these questions.

For the first question –

If your Council believes that it may gain some benefit from becoming part of the SEXI Group of Councils, it could consider passing a general motion of support.

For the second question –

OROC and Western Division Shires have had some very preliminary "chats" with ARENA, informing them of the SEXI Proposal.

ARENA is still formulating their grant programs, so it is difficult for them to answer questions definitively. (Public submissions for "Regional Australia's Renewables" closed on the 25th January 2013).

If Council is comfortable asking the Commonwealth Government for financial support, it could consider passing on appropriate motion.

As stated earlier, there are many details still to be worked out, however initially there needs to be confirmation that Council support the general proposal. The Commonwealth Government also needs to indicate if it is willing to consider financially supporting such a proposal. There should be no illusion about the difficulty in securing Commonwealth Government funding.

ARENA's predecessor ran the \$1.5B "Solar Flagship Program", and called for expressions of interest. 52 expressions of interest were received. Of these, 8 proposals were selected for further development. And finally, two proposals were awarded Commonwealth Government "IOU's" worth hundreds of millions of dollars. Major international and national companies took part in this process.

The two successful proposals were not able to develop their projects sufficiently, and meet appropriate Commonwealth Government requirements to be able to "cash their cheques".

Orana Regional Organisation of Councils (OROC)

The OROC Board at its meeting on 15 February 2013 adopted the General Manager's Advisory Committee (GMAC) Meeting of 8 February 2013 recommendations on the SEXI Proposal which were as follows:

Recommendation 1: That OROC recognises that the proposed SEXI project has potential merit and that it supports a funding application to ARENA.

Recommendation 2: That OROC seek financial assistance from RDA Orana for seed funding to assist with the grant proposal and a suitably qualified person/consultant to assist with such funding application.

Western Division Councils of NSW

At its annual conference in Nyngan in late February 2013 the Western Division Councils of NSW resolved as following in relation to the Solar Energy eXchange Initiative:

- That Western Division Councils of NSW support the notion "Public funding used for public benefit"
- That Western Division Councils in principle support the SEXI proposal and the development of a solar energy industry in their region.
- That the Western Division Councils call on the Federal Government, through the Australian Renewable Energy Agency (ARENA) to provide up to \$200M over five years to the SEXI Group of Councils, to allow the SEXI proposal to be built and operated.

Legal Situation

Not known at present.

Policy Implications

The SEXI Proposal is in accordance with Council's AOP.

Financial Implications

The SEXI project proposes that an alliance of Councils be established to operate solar projects in each local government area (a geographic area covering 66% of NSW) that would see each Council in the alliance receive an investment of \$1 million from ARENA. A solar plant of this size will equate to electricity cost savings to each council of \$120,000 per year (.4MW of PV Panels) and/or return to the grid income equating to \$40,000 per year.

The financial costs for putting together the proposal is not known, however it should be noted that OROC may be attempting to obtain seed funds from elsewhere.

Risk Implications

Nil at present.

Options

Council can resolve not to support or be involved in the proposal.

RECOMMENDATION

- 1. That Cobar Shire Council support the notion "Public Funding used for public benefit";**
- 2. That Cobar Shire Council, in principle, supports the Solar Energy eXchange Initiative (SEXI) proposal, and the development of a solar energy industry in the region.**
- 3. That Cobar Shire Council call on the Commonwealth Government through the Australian Renewable Energy Agency (ARENA), to provide up to \$200 million over five (5) years to the Solar Energy eXchange Initiative (SEXI) proposal to be built and operated.**

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 238 - 239)

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 – 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 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.

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- (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 8A – 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 9A – CRIME PREVENTION CCTV SYSTEM FOR COBAR

FILE: C8-16

AOP REFERENCE: 1.6.2

ATTACHMENT: NO

AUTHOR: Gary Woodman, General Manager

Purpose

For Council to consider whether the level of crime in Cobar warrants the installation of a Crime Prevention CCTV System in an attempt to reduce crime levels in the Cobar Central Business District (CBD) and in Council parks and facilities.

Background

Cobar Shire Council in 2011 developed the Cobar Crime Prevention Plan 2011-2016 and Cobar Crime Prevention Strategy 2011-2014. Key issues identified at the time through crime statistics, safety audits, community consultation and community surveys were:

1. Disorderly Conduct (anti-social behaviour);
2. Malicious damage to property;
3. Assault – domestic violence related;
4. Assault – non-domestic violence related;
5. Theft.

Cobar in 2009 was ranked 23 for malicious damage to property, 43 for Assault – domestic violence related, 34 for Assault – non-domestic violence related and in regards to theft (69 for steal from a motor vehicle, 31 steal from a dwelling, 99 break and enter-dwelling, 67 break and enter-non dwelling, 90 motor vehicle theft, 55 steal from retail store, 104 steal from person) out of 141 NSW Local Government Areas with populations greater than 3,000.

Sadly the only major movement that Council Officer's are aware of is the change in ranking to 10 for Assault – domestic violence related. It is not known whether this has been because of increased awareness and reporting in Cobar, increased services being provided or a small number of families causing the change or whether a serious problem exists in our community.

Council's Strategy focuses on two (2) of the five (5) key issues being:

1. Malicious damage to property;
2. Assault – non-domestic violence related.

The current situational crime prevention strategies that are actively employed are as follows:

- Central Business District (CBD) Beautification Project, originally a reactive initiative but is now preventative, in that the lighting and footpaths have been upgraded and public areas in the CBD are regularly maintained.
- Rapid removal of graffiti on Council properties within 24 hours after it is reported or sighted.

-
- Completion of safety audits of the CBD, Drummond Park and Caltex Service Station.
 - Liaison with the Cobar Business Association.
 - Ongoing administrative support of the Cobar Liquor Accord by Cobar Shire Council.

The current social crime prevention strategies that are actively employed are as follows:

- Social and recreational activities and programs for young people:
 - Cobar Youth and Fitness Centre;
 - Parks;
 - Sporting Fields;
 - Bluelight discos;
 - Cobar Youth Council Initiatives;
 - Family Day Care playgroups;
 - Cobar Swimming Pool;
 - Cobar Town Hall Cinema;
 - Cobar Shire Library;
 - Facilities for Girl Guides and Cadets;
- Provisions of programs by Non-Government Organisations such as:
 - Barnados;
 - Inspiration House;

Action Strategies for Malicious damage to property and assault – non-domestic violence related crimes have not included the provision of a Crime Prevention CCTV System for Cobar, however it has been suggested that these systems would lead to a reduction in these types of crimes.

Issues

Wellington

Other examples of Crime Prevention CCTV Systems include Wellington who has recently installed a \$210,000 system (approximately \$5,000 per camera) with \$150,000 of the project being funded by the Federal Attorney General (Proceeds of Crime).

The streetlighting in Wellington was sufficient for full use of the camera system where each camera has a fixed setting but can zoom back and forth. Camera hubs also record and are wireless connected with each other and with a recorder at the base. The cameras still record in colour at night (not infrared). The Council did partner with business houses as some power is provided and some of the hub recording systems/backup systems are in Business Houses.

Wellington Shire Council has advised that the cameras are expected to last at least five (5) years and they are hoping for a ten (10) year timeframe. A maintenance contract has been arranged and the Council IT Officer manages the system. An appropriate process has been developed with the Police for formal recording requests.

Cobar

Currently Council has recording equipment at the airport and the Cobar Water Board has a facility at Swan Dam.

Apart from a CCTV System in the Cobar CBD other Council facilities that would be considered:

- Cemetery (line of sight aerials)
- Drummond Park (line of sight aerials)
- Ward Oval (IP and/ or line of sight aerials)
- Swimming Pool (IP)
- Cinema (IP)
- Museum and surrounds (IP and/or line of sight aerials)
- Heritage Park (IP and/or line of sight aerials)
- Youth and Fitness Centre (IP and/or line of sight aerials)
- Library (IP)
- Children's Services (IP)
- Water Treatment Plant (IP)
- Administration Centre (IP)
- Sewerage Treatment Works (IP and/or line of sight aerials)
- Cobar Works Report (IP and/or line of sight aerials)
- Waste Report (Line of sight to CWB facilities)

Lighting at the locations has to be available at night (i.e. pitch black remains pitch black) so as an example lighting would need to be provided at the cemetery and this is being investigated by the Cemetery Advisory Committee.

It should be noted that all moveable cameras and fibre connection is very expensive.

I would expect a full system for Cobar like Wellington that would include facilities such as Ward Oval, Drummond Park, Heritage Park, Swimming Pool and Cemetery would be of the order of \$200,000 with a further \$100,000 to cover Council's operational facilities.

Running operational and replacement costs would be of the order of \$30,000 per annum.

Police Support

I am also aware that a CCTV System has been recently installed in Bourke where the Darling River Council Area Command is based.

It is most important that both Cobar Police Officers and their Commanders are supportive of such a scheme.

At the last Police Community Precinct Committee Meeting the Local Area Commander and Crime Manager both provided support to the use of CCTV Systems for crime prevention.

Legal Situation

If Council was in a position to receive the funding for a major CCTV System the legal requirements for proper processes of handing over material to the Police would need to be investigated and determined.

It would also be expected that signage would be required to notify the public of the camera recordings.

Policy Implications

Council may need to amend its Crime Prevention Strategy and Plan to include the provision of CCTV systems as a crime deterrent and to ensure increased chances of grant success.

Financial Implications

It is suggested that a project of between \$200,000 and \$300,000 would need to be almost fully funded by grant. Some operational areas of Council's business such as water, sewer and waste and to a lesser extent parks, buildings, could provide some funding but not all.

Council is also aware that the Cemetery Advisory Committee is considering some form of CCTV System at the cemetery however the project will need to incorporate lighting at the location which will be a large cost.

Council is also not in the position financially to be able to afford the estimated cost of operating and maintaining any major system if installed.

Risk Implication

None fully known at present.

A future Safety Audit may be supportive of a CCTV System for crime prevention.

Council also runs the risk of highlighting crime in Cobar when it may be at a level that does not necessarily warrant such a commitment. This could in turn have a negative affect on attracting people to live and work in Cobar.

There would be some minor concerns that the cameras would attract vandalism.

It is also considered appropriate if some form of consultation with the community including business was undertaken to gauge the support or not for what would be proposed.

Options

Council can determine whatever level of support is required for a proposed Crime Prevention CCTV System.

RECOMMENDATION

That a minimum three (3) month community consultation program be commenced that requests community input and public submissions on the support for or not of the installation of a Crime Prevention CCTV system for Cobar and that an appropriate report be provided back to Council after the completion of the consultation program.

CLAUSE 10A – SALE OF LAND FOR UNPAID RATES – CONTRACTS SEAL

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 approve the signing under seal of the Contracts for the Sale of Land. Council is exercising power of sale pursuant to Section 713 of the Local Government Act 1993 on the 19 April 2013.

RECOMMENDATION

That Council resolve to affix the Council seal to the Contracts for the Sale of Land for each property sold under Section 713 of the Local Government Act 1993.

CLAUSE 11A – THIRD QUARTER 2012/2013 BUDGET REVIEW

**FILE: F2-3-18 AOP REFERENCE: 3.1.1 ATTACHMENT: YES
(UNDER SEPARATE COVER)**

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

Purpose

To report on the financial performance for the third 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 other than the fourth quarter. Sound financial management practices also require such reviews.

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

RECOMMENDATION

That the Annual Operating Plan budget forecast for 2012/2013 be amended to reflect the changes recommended in the Q3 Budget review.

CLAUSE 12A – ANNUAL OPERATIONAL PLAN- RELEASE FOR PUBLIC COMMENTS

FILE: L5-22

AOP REFERENCE: 3.1

ATTACHMENT: YES

(UNDER SEPARATE COVER)

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

Purpose

To endorse the Draft Annual Operating Plan 2013/2014 which indicates the Annual Budget, Revenue Policy and Fees and Charges for release for public comment.

Background

Section 405 of the Local Government Act 1993 requires that:

- (1) A council must have a plan that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.*
- (2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of the revenue policy must include the statements and particulars required by the regulations.*
- (3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.*
- (4) During the period of public exhibition, the council must have for the inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each of the category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.*
- (5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.*
- (6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.*

Councillors have held three budget workshops in conjunction with Senior staff to arrive at a Draft Budget and consider the proposed Fees and Charges.

Under the Integrated Planning and Reporting Framework and Local Government Act, 1993, Council is required to exhibit the draft plan for a minimum of 28 days to seek community submissions. These will be presented to Council in June when the finalised budget is adopted.

The proposed timeline is:

Draft Endorsed at Ordinary Meeting of Council	April 24 2013
Draft Exhibited	April 26 2013 to June 17 2013
Public Meeting	6.30 pm June 11 2013
Public comments close	10 am June 17 2013
Report to Council prepared	June 18 2013
Ordinary Council Meeting for Consideration of Final AOP and Budget	June 27 2013

Key Assumptions and Issues

The budget assumptions are shown in the attachment. However the key risk is that the Budget assumes Cobarr Shire Council will be successful in its application for a 21.6% Special Rate Variation i.e a total increase of 25%.

Based on assumptions the forecast operating statement in summary form is as follows. The table also indicates the value of the expenditure on assets and capital generated.

The key elements of the movements between 2012 and 2013 are:

	Position Improvement	Position Deterioration	Net
Rates	676		
Service Reductions	140		
Section 94 Income	30		
Pool revenue and cost reduction	30		
Growth in RMCC margin	100		
Increased Revenue for Airport	36		
No election expenses required	20		
No cost for land sales	20		
Reduced Consultancies	68		
Reduction in R2R funding		300	
Increased Water Costs		50	
	1,120	350	770

Of the \$676k increase in rates \$376k has been applied to increased assets (road) expenditure. Despite this, depreciation over the entire Council exceeds the amount spent on Capital by \$1,167k.

COBARR SHIRE COUNCIL

WHOLE OF COUNCIL SUMMARY BY FUND - OPERATING STATEMENT BUDGET - DRAFT YEAR ENDED 30 JUNE 2014

	General	Waste	Sub-total	Water	Sewer	Total
Operating Revenue	26,323,827	805,331	27,129,158	2,573,109	750,258	30,452,525
Operating Expenditure	26,454,088	695,693	27,149,781	2,570,140	738,290	30,458,211
Operating Surplus/Deficit	-130,261	109,638	-20,624	2,969	11,968	-5,686

CALCULATION OF CASH CONSUMPTION / GENERATION FOR EACH FUND

Operating Revenue	26,323,827	805,331	27,129,158	2,573,109	750,258	30,452,525
less Internal Cost Charges	4,534,560		4,534,560			4,534,560
less Cross Charging	503,146		503,146			503,146
Total External Cash Generated	21,286,121	805,331	22,091,452	2,573,109	750,258	25,414,819
Operating Expenditure	26,454,088	695,693	27,149,781	2,570,140	738,290	30,458,211
less Internal Cost Charges	4,534,560		4,534,560			4,534,560
less Cross Charging		106,194	106,194	204,878	192,074	503,146
Total External Payments plus Dep	21,919,528	589,499	22,509,027	2,365,262	546,216	25,420,505
add back Depreciation	3,730,335	80,855	3,811,190	339,900	272,950	4,424,040
less						
Plant Capital Expenditure	421,360		421,360			421,360
Infrastructure Capital Expenditure	1,927,723		1,927,723	206,000	103,000	2,236,723
Other Capital Expenditure	213,450		213,450			213,450
Repay Loans - Principal	225,882		225,882			225,882
Cash Generated	308,512	296,687	605,199	341,747	373,992	1,320,939
Depreciation exceeds capital expenditure by	1,167,802	80,855	1,248,657	133,900	169,950	1,552,507

It is on balance a break even budget and shows significant improvement on prior years and the current year. Cash generated for the year is \$1,320k.

The recent announcement of the Resources for Regions by the NSW Government has created another uncertainty in preparing the budget. Cobar Shire Council has applied for funding for 17 projects. Each of the projects will use a portion of the Council's labour and plant. This will enhance the budget outlook significantly. If funding for a major road is won the Council's labour and plant will be used on it meaning that traditional works will be deferred and a increased cash balance is generated.

As with the Special Rate Variation (SRV) the result of the Resources for Regions application will not be known prior to the release of the Draft Budget. It is anticipated that the SRV application and Resources for Regions amounts will be known prior to budget adoption. It is recommended that the draft budget as presented be adopted for public release but that Council has contingency planning in place should either the full SRV application not be granted or the Resources for Regions projects which will not reduce the Shire's deficit. It is unlikely that Cobar Shire Council will not receive any variation for rates beyond the pegging amount (3.4%) nor will it not receive any Resources for Regions monies.

To ensure transparency within the community of Cobar Shire Council a sensitivity analysis for differing SRV outcomes is shown in the table below.

Cobar Shire Council
Whole of Council Summary by Fund-operating Statement Budget – Draft with
different rate scenarios
Year Ended 30 June 2014 – Sensitivity Analysis

Special Rate Variation	Council Deficit	General Fund Deficit	Increased Asset Spend	Cash Generated Council	Cash Generated General
21.6%	-5,686	-130,261	376,000	1,320,939	308,512
16.6%	-136,489	-261,064	288,963	1,277,174	264,747
14.6%	-188,810	-313,385	254,148	1,259,667	247,421
11.6%	-167,291	-391,866	201,926	1,233,408	220,982

To ensure that Council achieves a breakeven budget under any rate decision contingency plans are required. Because it is the General Fund that bears the burden of the rate decision these contingency plans will need to relate to that fund.

Because of these two key unknown variables it is not practical to predict where service level reductions may be required to achieve a break even budget.

RECOMMENDATION

1. **That the 2013/2014 Annual Operational Plan including the Revenue Policy, Fees and Charges and Annual Budget be made available to the public in accordance with Section 405 of the Local Government Act 1993.**
2. **That such notice indicate that two key variables in the Budget will not be resolved until May or June 2013 and that Council will consider the impact of these variables at the June Ordinary Meeting of Council along with other Community submissions.**

CLAUSE 13A– TENDER FOR THE PROVISION OF BANKING SERVICES
FILE: T3.13.2 AOP REFERENCE: 3.3.4 ATTACHMENT: NO
AUTHOR: *Director of Corporate and Community Services, Kym Miller*

Purpose

To award Banking Services for Cobar Shire Council in accordance with the evaluation of the tender process which was recently conducted.

Background

Tenders were called for the Provision of Banking Services for Cobar Shire Council. Given the commercial in confidence nature of the information provided by the tenderers it is recommended that Council considers a further report in the Committee of the Whole (Closed Council).

RECOMMENDATION

That the report concerning Tenders for the Provision of Banking Services for Cobar Shire Council be considered in the Committee of the Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CLAUSE 14A– FINANCIAL SUSTAINABILITY ASSESSMENT OF NSW COUNCILS – COBAR (PRELIMINARY REPORT)

FILE: L5-22

AOP REFERENCE: 3.1.1.5

ATTACHMENT: NO

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

Purpose

To present to Council a letter from Treasury Corporation advising Council of the results of their Financial Sustainability Assessment of Cobar Shire Council.

Background

The letter has been sent to Cobar Shire Council on a commercial in confidence basis. Once the report has been reviewed by the Treasurer and Minister the details will be able to be made public. Under these circumstances the matter needs to be considered in the Committee of the Whole Closed Council as per Clause 10A (2) (d) (i) of the Local Government Act, 1993.

RECOMMENDATION

That the report on the Financial Sustainability Assessment of NSW Councils – Cobar (Preliminary Report) 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 it contains information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**CLAUSE 15A – CONSIDERATION OF INTEREST IN PURCHASING
COBAR CARAVAN PARK**

FILE: C1-2.1

AOP REFERENCE: 2.2.3.1

ATTACHMENT: NO

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

Purpose

The purpose of this report is to consider a request from the lessee of the Cobar Caravan Park for “In-principle” consideration of their interest in purchasing the Caravan Park.

Background

Council entered into a Management and Development Lease for the Cobar Caravan Park with Anvera Pty Limited - trading as Dineen Tourism Management on 15 September 2011. This lease commenced on 1 November 2011 with an initial term of 10 years and further term options terminating on 31 October 2021.

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 request for “In principle” consideration of Anvera Pty Limited interest in purchasing the Cobar Caravan Park 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 it contains information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CLAUSE 16A – ASSOCIATION MEMBERSHIP COSTS AND VALUE

FILE: C6-15 AOP REFERENCE: 3.2.2.2 ATTACHMENT: YES (PAGE 240 – 273)

AUTHOR: *General Manager, Gary Woodman*

Purpose

To detail the Associations that Council is a member of or participates in for Council to determine their value.

Background

Council at its Meeting on the 28 March 2013 resolved to request a report to be provided to Council on the Council's Associations Membership, their cost and their value to Council in preparation for the finalisation of 2013/2014 Budget.

Council at its meeting on 22 March 2012 considered a similar report concerning Council Subscription and Memberships. Accordingly this report will follow a similar format.

Council holds the following memberships (including Advisory Committees) and Subscriptions with the estimated cost detailed if applicable.

General Management**Governance**

- Local Government NSW (\$18,626)
- Orana Regional Organisation of Councils (\$10,312 plus travel/accommodation)
- Western Division Councils of NSW (\$1,970)
- Mount Grenfell Board of Management (Nil)
- Liquor Accord Committee (Nil)
- Australian Local Government Association – Contribution for Constitutional Recognition Media Campaign (\$3,732)
- Association of Mine Related Councils (\$7,260 plus travel/accommodation)
- Internal Audit Committee (\$23,050)
- Cobar War Memorial Hostel Committee (Nil)
- Local Government Corporate Solutions IPR and Delegation's Software System (\$11,500)

Special Projects

- Outback Arts (\$8,494 plus travel/accommodation)
- Regional Development Australia – Orana (\$800 – Country and Regional Living Expo)
- Cobar Business Association (\$37)
- Economic Development Officers Forum (OROC) (\$400 plus travel)

Engineering Services**Works**

- Roads and Transport Directorate (\$2,500)
- Aust Roads (\$149)
- Australia Wide Rural Roads Group (\$500)

-
- Rural Roads Advisory Committee (Catering costs)
 - Airport Advisory Committee (Nil)
 - Australian Airports Association (\$2,000)
 - Wool Truck Development Advisory Committee (Nil)
 - SAI Global Ltd (Standards Australia) Membership (\$407)

Services

- Ward Oval Sports Advisory Board (Nil)
- Water Directorate (\$1,389)
- Lower Macquarie Water Utilities Alliance (\$50,450 plus travel) (Within Water and Sewer funds)
- Barwan/Darling Water Users (\$400)
- Murray Darling Association (\$233 plus travel/accommodation)
- Cobar Water Board (Nil)
- Skate Park Facility Steering Committee (Nil)
- Cobar Cemetery Committee (Nil)
- Waterwise (\$994)
- Lachlan Valley Water (\$35)

Contracts

- Local Traffic Committee (Nil)
- Reflect Maintenance Management/Asset Inspection Software (\$2,340)
- Invarion Traffic Control Plan Drawing Software (\$1,125)
- Control Job and Personnel Management (\$1,560)
- Recover Disaster Recording and Tracking Software (\$2,500)
- Civilcad Drawing Software (\$1,295)

Emergency Services

- Local Emergency Management Committee (Nil)
- Mallee Bushfire Prevention Committee (Nil)
- Rural Fire District Service Agreement Committee (Nil)

Corporate and Community Services

Lilliane Brady Village

- See table contained in the attachment to this agenda (Attachment 4)

Library

- Public Libraries NSW Country (\$452)
- Computer School Net Online Education (Nil – but \$600 every 3 years)
- Your Tutor Library Learner (\$541)

Children's Services

- Family Day Care Australia (\$373)
- NSW Family Day Care Association (\$248)
- National In Home Care Association (\$200)
- Network of Community Activities (\$180)

Tourism and Public Relations

- Tourism Subscriptions (\$325)
- Kidman Way Promotional Committee (\$3,000)
- Tourism Advisory Committee (Nil)

-
- Australian Regional Tourism Network (\$385)
 - Cobar Business Association (\$37)
 - Museum Accreditation (\$800)
 - Inland NSW Regional Tourism Organisation (\$2,355)
 - Go Safer Australia (\$417)
 - Caravan and Camping Industry Association NSW (\$1,591)

Finance and Administration

- Regional Procurement (Hunter Councils – OROC) (\$5,280 plus travel)
- OROC Regional Procurement Professional Team (Nil)
- NSW Revenue Professionals (\$35)
- Rating Manual Updates (\$325)

Youth and Fitness Centre

- Youth Council (\$4,500)

Human Resources

- HR Advance Template System (\$2,275)
- OROC Human Resources and Learning and Development Professional Team (Nil plus travel)
- Montie Safety Videos (\$400)
- Local Government Award Supply Services (LG NSW) (\$140)
- Australia Wide Taxation and Payroll Manual (\$230)
- Australia Local Government Job Directory (\$725)

Records

- Record and Information Management Professionals Australasia (\$300)
- Local Government Law & Practice including payroll administration manual (\$3,120)

Information Technology

- Civic View Users Group (\$1,555 plus travel/accommodation)
- Map Info Professional Package Licence (\$8,100)

Planning and Environmental Services

Health and Building

- Australian Building Codes Board (\$510)
- Building Professionals Board (\$500)
- SAI Global Ltd (Standards Australia) (\$1,815) (Plumbing and Building Codes Standard)

Environmental

- Macquarie Valley Weeds Advisory Committee (\$300)
- Lachlan Valley Weeds Advisory Committee (\$300)
- NSW Weeds Officers Association (\$23)

Planning

- Western Regional Joint Planning Panel (Nil – plus members/travelling and attendance costs per development)

Issues

At the present time all of the above memberships and subscriptions have been included in the Draft 2013/2014 Estimates.

Attachment 1 is a copy of another Council report concerning the membership of the Local Government NSW (previously the Shires Association) that provides relevant details of the value of being a member.

Attachment 2 is a copy of a report concerning the Lower Macquarie Water Utilities Alliance that detailed the achievements to date.

Attachment 3 details of an award that the Alliance has just achieved.

If Councillors believe that Council should not be a member of any relevant Organisation or pay any of the Subscriptions listed, it would be appropriate if contact could be made with the General Manager to allow further details to be provided and the consequences of not being involved can be determined and conveyed as required.

Legal Situation

A number of Organisations that Council is a member of relates to signed legal agreements to be a member and would be a further consequence to be considered if Council contemplates withdrawal.

Policy Implications

This report will set policy in relation to Organisations that Council holds membership of and subscriptions undertaken.

Financial Implications

Many memberships and subscriptions are in place to save Council money and to ensure all relevant information is provided to Councillors and Council Staff, information that is not available to non-members.

Options

Council has the following options:

1. Reduce appropriate memberships and subscriptions for the 2013/2014 Estimates;
2. Continue with the current memberships and subscriptions for that have been included in the Draft 2013/2014 Estimates;

RECOMMENDATION

That Council continue with the current memberships and subscriptions that have been included in the Draft 2013/2014 Estimates.

CLAUSE 17A– AUSTRALIAN SUPREME SHEEP DOG TRIALS

FILE: D3-1 AOP REFERENCE: 2.2.2.2 ATTACHMENT: YES (PAGE 274 - 276)

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

Purpose

To seek Council support by way of a fees waiver for Ward Oval for a major event in Cobar – the Australian Sheep Dog Trials.

Background

This year New South Wales will host the Australian Supreme Sheep Dog Championships in Cobar from 22nd September- 29th September 2013, with Ward Oval booked and people arriving into Cobar from the 20th -30th September.

The Supreme Australian Sheep Dog Championships is an annual event held in rotation by the six State Sheep Dog Associations on behalf of the Australian Sheepdog Workers' Association. New South Wales is the host State this year and Cobar has been selected because of its reputation as one of New South Wales top trial venues and its hospitality. The Supreme Australian Championships is the pinnacle of Australian sheep dog trials and draws the very best competitors and the best working dogs from around the country. One event at the Championships is the Interstate Challenge, when the best two dogs from each State compete against each other three times to determine the winning State. The four top scoring dogs from the Interstate Challenge earn a place in the Australian test team to represent Australia against New Zealand the following year.

The Supreme Australian Championships is expected to attract up to 125 competitors from all States of Australia. Because of the popularity of previous trials in Cobar and the reputation for good hospitality in a unique part of the country the organisers are confident of hosting the biggest and best trial in Australia so far.

More importantly from the Shire's perspective, the event is expected to provide significant economic benefits. A conservative estimate is that the event will contribute over \$500,000 to the economy of Cobar Shire. (This is based on an estimate of 125 competitors, with an entourage spending \$200 a day over 10 days). The timing is outside of school holidays which will further secure the tourist dollar occupying motel beds and caravan sites.

NSW Sheep Dog Workers Association have requested an (in kind) donation for the use of Ward Oval. NSW Sheep Dog Workers will be responsible for electricity and any associated costs with the running of the trial.

This in kind equates to \$6,050 at the current prices.

Extra rubbish bins will be in place during the trial, with members of the committee emptying all bins throughout the time and collecting rubbish through out the week and emptying into a skip.

There will be no additional costs to Council during this week, as extra cleaning of the toilets and showers will be made possible with the reshuffle of work duties by the Parks and Gardens team for that week, as they will not be able to mow the Oval. This has been confirmed by the Services Manager.

The Draft 2013/2014 Budget contains \$12,000 for Festivals and Events. In 2012/2013 Council allocated \$6,000 to the Festival of the Miners Ghost. An internal cost allocation would be raised to recognise the cost to Tourism cost centre and revenue to Ward Oval.

RECOMMENDATION

That Council waive hire fees for the Australian Supreme Sheep Dog Trials being held in Cobar in September 2013.

CLAUSE 18A – REQUEST FOR DONATIONS**FILE: D3-1****AOP REFERENCE: 1.4.5****ATTACHMENT: NO****AUTHOR: *Director of Corporate and Community Services, Kym Miller*****Purpose**

For Council to consider requests for donations pursuant to its Donations Policy for the financial year ended 30 June 2014. This policy has been adopted to ensure compliance with Section 356 of the Local Government Act 1993.

Background

Council advertised in the local media for applications from interested community organizations to be submitted by 9 April 2013. All organisations currently receiving donations were contacted directly.

Five submissions were received.

1. Cobar Rugby League Football Club Inc (CRLFC)

The Cobar Rugby League Football Club Inc is a sporting club which has existed in Cobar for many years. The club is family orientated and as Trustee of the Crown Land upon which the grounds are located has an obligation to maintain the grounds to a safe and attractive playing standard.

CRLFC is requesting a donation for assistance with the payment of rates, water, insurances and general maintenance costs of the organisation. The value of their request is \$27,000 which is approximately equivalent to the amount granted in 2012/2013 when adjusted for expected increases in the items that they allocate the donation towards.

2. NSW Sheep Dog Workers Inc- Cobar

NSW is hosting the Australian Supreme Sheep Dog Championships and Cobar has been chosen to host this prestigious event 'The Supreme' will be run for 10 days in September, and will contribute over \$500, 000 to the local Cobar Community. There will be a large influx of people, including the triallers and their families and spectators.

They are seeking an in-kind donation of the Ward Oval fees for this event. This is an approximate value of \$5,000. Due to the significant Tourism opportunity this request will also be tabled under a separate report. If the matter is not resolved in their favour in that debate they would like the matter reconsidered as a Section 356 Donation.

3. Australian Army Cadets

221 Army Cadet Unit have requested the continued use of the Cadet Barracks in Brennan Street free of charge. This has in the past included rates, water and the use of the facilities.

4. Cobar Pre School

Cobar Pre School offers education and care to all 4 years and older children in Cobar in a safe secure and stimulating environment. Cobar Pre School is built on Shire land and is an asset to the community.

They are seeking a continuation of the in kind donation equivalent to Council's rates and water charges for the land upon which their building is situated.

5. Cobar Girl Guides

Cobar Girl guides are a non-profit organisation which operates from a Council owned building providing a service to the local youth of Cobar.

Cobar Girl Guides is requesting the continued use of the hall in kind, including the rates for the building.

It is to be noted that the Australian Army Cadets and Cobar Girl Guides use buildings which are located on the same block of land. For evaluation purposes the estimate of total costs has been divided into two. No allowance is made for maintenance.

RECOMMENDATION:

- 1. That Council considers the request for a donation from Cobar Rugby League Football Club Inc for assistance with the payment of rates, water, insurances and general maintenance costs of the organisation of \$27,000.**
- 2. That Council considers the request for the donation from NSW Sheep Dog Workers Inc for the donation of the Ward Oval fees which is approximately \$6,050 in value.**
- 3. That Council considers the request for a donation from Australian Army Cadets for the continued use of the Cobar Barracks in Brennan Street including water and rates with an approximate value of \$750.**
- 4. That Council considers the request for a donation from Cobar Pre School for the continued use of the Cobar Pre School site including water and rates with an approximate value of \$6,000.**
- 5. That Council considers the request for a donation from Cobar Girl Guides for the continued use of the Brennan St Hall including water and rates with an approximate value of \$750.**

Footnote Councillors may insert grant in place of considers if they wish to support the recommendation.

CLAUSE 19A – THIRD QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2012/2013

**FILE: L5-22 AOP REFERENCE: 3.3.3.1 ATTACHMENT: YES
(UNDER SEPARATE COVER)**

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 third quarter (ie January to March 2013).

Background

At the June 2012 Council meeting, Council adopted the 2012/2013 Annual Operational Plan (AOP) 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 January to March 2013 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. Bathroom upgrades have not yet commenced. Other funding sources are being investigated for LBV operations and the feasibility of a Multi-Purpose Health Service is being progressed.
- Children's Services have recruited 10 new In Home Educators and one new Family Day Care educator. COOSH is well utilised with 75-100% utilisation each day. Two new COOSH Educators commenced.
- Statistics show strong use of the library and library services, including provision of weekly storytime sessions and school holiday sessions.
- 500 attended the Australia Day celebrations at the pool and there was strong attendance at the Seniors Week activities. Council is working with a number of big event organisers for upcoming events in Cobar Shire.
- Strong use of the Youth and Fitness Centre has been recorded for the quarter.

Engineering

- Euabalong bore project completed.
- Council is undertaking road works as scheduled. The 'Hillview' project was completed.
- A number of projects and initiatives undertaken to implement the Plant Utilisation Program which has resulted in improved efficiencies, particularly around road construction. Further work will be undertaken in Q4.
- Water and Sewerage Developer Servicing Plan was adopted.

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.
- Draft licence agreements have been prepared for the management and occupation of village community facilities.
- Cobar Local Infrastructure Contributions Plan 2012 was adopted.

Governance

- Special Rate Variation application submitted seeking a 25% one-off rate rise in 2013/2014. Outcome to be announced in Q4.
- Staff met with various NSW Government officials to seek assistance in implementing priority actions in the Annual Operational Plan.
- 17 Council Expressions of Interest submitted to the Resources for Regions program. Outcome to be announced in Q4.
- 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.
- Final Regional Development Australia application submitted seeking \$200,000 for a new skate park.
- Debt recovery action has reduced the amount of arrears rates to acceptable levels. Processes and documentation in place to undertake a sale of land for unpaid rates on 19 April 2013.

Legal Situation

Council must review the AOP quarterly as per the NSW Integrated Planning and Reporting Framework 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 2013/2014 AOP and budget.

Risk Implication

Any risks to achieving outcomes are listed in the report.

RECOMMENDATION

That Council receives and endorses the third quarterly review of the 2012/2013 Annual Operational Plan, covering the period January to March 2013.

CLAUSE 1B – NSW WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING REPORT

FILE: W2-1, S3-1 AOP REFERENCE: 4.1.4.1, 4.4.3.3 ATTACHMENT: NO

AUTHOR: *Services Manager, Timothy Wark*

Purpose

The purpose of this report is to provide information on Cobar Shire Councils performance in delivering Water Supply and Sewerage Services within the 2011/2012 period.

Background

Performance monitoring and benchmarking is a key requirement under the National Competition Policy and the National Water Initiative, it is important for public accountability and has been strongly endorsed by the NSW Independent Pricing and Regulatory Tribunal and the Productivity Commission. Performance monitoring is also a key requirement of the NSW Best Practice Management of Water Supply and Sewerage Guidelines which drive the NSW Best Practice Management Framework.

Cobar Shire Council's Performance Report Results

WATER SUPPLY

Cobar Shire Council achieved 90% compliance with Best Practice requirements. The typical residential bill was \$628 which was above the state wide median of \$490. The economic real rate of return was 0.8% (last year -3.6%) which was greater than the statewide median (0.5%) The operating cost per property was \$600 (last year \$676) which was well above the state wide median of \$380. Water quality complaints (13.3 per 1,000 properties) were well above the state wide median of 3. Compliance with microbiological water quality was 100%, physical compliance was 100% and chemical compliance was 100%. Current replacement cost of system assets is \$26m (\$10,800 per assessment). Cash and investments were \$0.3m, debt was nil and revenue was \$1.8m (excluding capital works grants).

Listed below are the key actions required by Cobar Shire Council to address the 2011/2012 Water Supply Performance Report.

- Complete Developer Servicing Plans (DSP) with Commercial Developer charges (completed March 2013 will be reflected in 2012/2013 Water Supply Performance Report);
- Address and ensure a decrease in water quality complaints (this will be done by improved operation and maintenance works of water supply system, this will be greatly assisted if successful in securing funding from Resources for Regions);

SEWERAGE

Cobar Shire Council achieved 78% compliance with Best Practice requirements. The typical residential bill was \$300 which was much less than the state wide median of

\$600. The economic real rate of return was negative -1.8% (last year-0.4%) compared to the statewide median of 1%. The operating cost per property was \$221 (last year \$172) was much less than the state wide median of \$410. Sewerage odour complaints were less than the state wide median of 0.5. Council did comply with all the requirements of the environmental regulator for effluent discharge. The current replacement cost of system assets is \$17m (\$9,500 per assessment), cash and investments were \$1m, debt was nil and revenue was \$0.5m.

I have listed below the key actions required by Cobar Shire Council to address the 2011/12 Sewerage Performance Report.

- Address Best Practice Management requirements which are completing a Developer Servicing Plan (completed in March 2013) and introduce Non-Residential Sewer user charges (currently being completed and charges will be applied in the 2013/2014 fees and charges);
- Adjustment of Typical Residential Bill as currently it is \$300 lower than the state wide median (increased in 2013/2014 fees and charges);

Overall Cobar Shire Council performed fairly well in the Water Supply and Sewerage Performance Reports in 2011/2012.

Council is moving in the right direction and 100% Best Practice compliance is expected in July 2013 when 2013/2014 fees and charges are forwarded to NSW Office of Water (demonstrating appropriate non residential sewerage charges).

RECOMMENDATION

That information contained in the 2011/2012 NSW Water Supply and Sewerage Performance Monitoring Report be received and noted.

CLAUSE 2B – MEETING MINUTES

FILE: C8-16, M4-9, B9-1, N1-1, WB1-22 ATTACHMENT: YES (PAGE 277 -306)

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:

- Western Division Councils of NSW – Annual Conference.....25-26 February 2013
- Cobar Youth Council 13 March 2013
- Liquor Accord Committee Meeting 9 April 2013

RECOMMENDATION

That the minutes of the meetings for the Western Division Councils of NSW – Annual Conference, Cobar Youth Council and Liquor Accord Committee Meeting 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 completed but, subject to work with OROC.

COUNCIL RESOLUTIONS 28 APRIL 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
14	Committee of the Whole Closed Council – Clause 1C – Cobar Caravan Park Business Development Strategy	GM / LMO	Arrange acquisition of Lot 317 DP 755649 from the Crown subject to the availability of funds from the 2011/2012 budget. Following successful acquisition of the above land, classify this land as Operational under the Local Government Act 1993.	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. Will be undertaken at time of acquisition.

COUNCIL RESOLUTIONS 23 JUNE 2011

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
28	Committee of the Whole Closed 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 Committee	DCCS	That Council arrange for the creation of	March 2013 Council Meeting resolved

	- Report 2A – Cemetery Maintenance – Set Up of a Cemetery Committee under Section 355, Local Government Act 1993		an appropriate Section 355 Committee Manual for use of Council’s Section 355 Committees; That the Cemetery Committee formulate and recommend an appropriate constitution for Council’s adoption. That Community Members of the Cemetery Committee receive appropriate volunteer training.	to negate this resolution – No further action required. March 2013 Council Meeting resolved to negate this resolution – No further action required. Arrangements in train.
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	Initial report provided to the October 2011 Committee Meeting. Industrial Strategy to be determined.
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.
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 operations of the facility.	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 started initial discussions on Multi - Purpose Health Service scenario with a letter requesting an appropriate investigation arranged.
COUNCIL RESOLUTIONS 15 DECEMBER 2011				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME

136	Finance & Policy Committee – 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 agreement to cover rent, maintenance of buildings and grounds, insurance, payment of electricity and other maintenance issues. Set conditions that the donation is conditional upon the Army Cadets and the Girl Guides entering into a lease agreement.	Action Plan instigated for implementation of resolutions.

			Review further donations annually. Provides written advice to the Army Cadets and Girl Guides of the donation and all conditions.	
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	Council - 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	Committee of the Whole Closed Council - Clause 4C – 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 amount per square metre detailed in the report. 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	Further Councillor workshop strategies planning for land in concern held on 9 August, 2012. Negotiations commenced with interested party.

		<p>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 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</p>	
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			and 105 Marshall Street, Cobar; That any sale of the land be subject to the negotiated development proceeding within a reasonable time;	
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> <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 & 29 Duffy Drive.
COUNCIL RESOLUTIONS 28 JUNE 2012				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
209	Council - 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> <p>1. That Council in the financial year of 2012-13, maintains the current donation of rent free accommodation in part of the Youth Centre</p>	Action plan instigated for implementation of resolutions.

			<p>premises to the Cobar Mobile Children's Services;</p> <p>2. That Council continues to forgo income for water usage by the Cobar Mobile Children's Services at the Youth Centre;</p> <p>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;</p> <p>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;</p> <p>5. That Council provides written advice to the Cobar Mobile Children's Services of the donation and all conditions.</p>	
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	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.	Action plan instigated for implementation of resolution. Advertising of proposed road closure undertaken by Crown

			<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>	Land Division of Department of Primary Industries. Submissions being managed in conjunction with DPI.
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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	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 Readiness	DES	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	Committee of the Whole Closed Council – Clause 1C – Goat Handling Facility – Lot 40 DP755649 Kidman Way, Cobar	DPES	<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 be dealt with as a compliance matter to be followed up by the Director of Planning and Environmental Services.</p>	Action plan instigated for implementation of resolutions.

COUNCIL RESOLUTIONS 27 SEPTEMBER 2012

NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
254	Council – Clause 21A – Application for Exemption – Pavement Concession and Future Maintenance of Cobar Regional Airport	DES / WM	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.

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 - Cobar Genealogy Group Lease Request	DCCS/LMO	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. 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	Action Plan instigated for implementation of resolutions.

			<p>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>	Expressions of interest advertising arranged.
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.	Reported to the April 2013 Council Meeting – No further action required.
296	Council – Clause 8A - Youth Development Plan	SPO	That Council adopt the Youth Development Plan and work with other agencies and groups to	Action plan instigated for implementation of resolution,

	2012-2016		implement the Youth Development Plan.	plan distributed.
COUNCIL RESOLUTIONS 13 DECEMBER 2012				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
304	Council – Clause 8A – Dalton Park Racecourse (D630019) Reserve Trust	DPES / 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	DPES / 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.
307	Council – Clause 12A – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank Trailer in lieu of Side Tipper Trailer	GM / WM	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. 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.	Reported again to the April 2013 Council Meeting – No further action required.
311	Committee of the Whole Closed Council – Clause 1C – Tenders for the Supply and Delivery of One Rubber Tyred Roller	GM / WM	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. That under Regulation 178 (3) (e) of the Local	Reported to the April 2013 Council Meeting – No further action required.

			<p>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>	
312	Committee of the Whole Closed Council – Clause 2C – Tender for the Provision of a Operating Lease Finance (Purchase and Leaseback Arrangement) for One Rubber Tyred Roller	GM / 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.	Reported to the April 2013 Council Meeting – No further action required.
314	Committee of the Whole Closed Council – Clause 4C – Consideration of Tourism Cost Centre	DCCS	That Council adopt the Action Plan concerning the Tourism Cost Centre.	Reported to the April 2013 Council Meeting – No further action required.
COUNCIL RESOLUTIONS 28 FEBRUARY 2013				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
318	Finance and Policy Committee – Report 3A	SPO	That the MOU with Outback Arts be held over and reconsidered after the setting of the 2013/2014	Expected to be reported to the May 2013 Council Meeting.

	- MOU with Outback Arts		Budget.	
324	Works Committee – Report 2A – Policy on the Responsibility of Stock Control Grids	DES / WM	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. 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.	Subject to budget determinations – No further action required. Action plan instigated for implementation of resolution.
327	Council – Clause 4A – Notice of Rescission Motion – Consideration of Tourism Cost Centre	GM	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.	Reported to the April 2013 Council Meeting – No further action required.
329	Council – Clause 6A – Notice Of Rescission Motion – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank Trailer in lieu of Side Tipper Trailer	GM	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.	Reported to the April 2013 Council Meeting – No further action required.
334	Council – Clause 13A – 2013 National General Assembly of Local Government – Australian Local Government Association	GM	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	Attendance arranged – No further action required. Waiting on advice from Councillors – No further action

			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.	required.
336	Council – Clause 15A – Ward Oval Users Group Meeting	DES / SM	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.	Reported to the April 2013 Council Meeting – No further action required.
337	Council – Clause 16A – Dalton Park Racecourse (D630019) Reserve Trust	DPES / 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 Ms Sharon Whitehurst.	Action plan instigated for implementation of resolution.
340	Council – Clause 19A – Cobar Local Infrastructure Contributions Plan 2012	DPES	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.	Action plan instigated for implementation of resolution.
343	Council – Clause 22A – Proposed Hangar Construction and Lease of Plant of Land at Cobar Regional Airport by Sullivans Mining and Hardware	DPES / WM	<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>	Action plan instigated for implementation of resolutions.

			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.	Expressions of interest advertised.
346	Committee of the Whole – Closed Council - Clause 1C – Notice of Rescission Motion – Tenders for Supply and Delivery of and Lease of a Rubber Tyred Roller	GM	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.	Reported to the April 2013 Council Meeting – No further action required.
347	Committee of the Whole – Closed Council - Clause 2C – Notice of Rescission Motion - Consideration of Tourism Cost Centre	GM	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.	Reported to the April 2013 Council Meeting – No further action required.
COUNCIL RESOLUTIONS 28 MARCH 2013				
NUMBER	ITEM	ACTION BY	ACTION REQUIRED	OUTCOME
349	Finance and Policy Committee - Report 2A – Notice of Motion – Association Memberships	GM	That a report be provided to Council on the Council's Associations memberships, their costs and their value to Council in preparation for the finalisation of the 2013/2014 Budget.	Reported to the April 2013 Council Meeting – No further action required.
350	Finance and Policy Committee – Notice of Motion – Management of the Youth and Community centre	DCCS/MYFC	That expressions of interest be called for seeking an independent operation of the Youth and Community Centre.	Expressions of interest advertising will be delayed until result of Resources for Regions EOI known.
351	Finance and Policy –	GM	That the organisational structure review to be	Action plan instigated for

	Closed Council - Clause 1C – Notice of Motion – Staff Resource Levels		carried out by the general manager within 12 months of an election be presented to the council prior to the 2013/2014 budget being accepted.	implementation of resolution.
352	Finance and Policy Committee – Matters of Urgency	GM	Council vigorously oppose the Local Government (Early Intervention) Bill 2013, and that Council write to the Premier, Minister for Local Government and Local member requesting withdrawal of the legislation.	Letters arranged – No further action required.
353	Council - Clause 8A – Institute of Public Works Engineering Australia (IPEWA), NSW Division Annual Conference	GM	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.	Attendance arranged – No further action required.
354	Council - Clause 9A – Business Ethics Policy	DCCS	That Council adopts the Business Ethics Policy which appears as an attachment to this report. That the Business Ethics Policy be actively promoted including appearing on Council’s website. That the Business Ethics Policy be incorporated into all tender quotation and expression of interest documents.	Policy distributed – No further action required. Action plan instigated for implementation of resolutions.
355	Council - Clause 10A – Consideration of TAFE Western Library Agreement And Costs	DCCS	That the MOU be reported to Council when received. That Library operating hours be included for discussion in the next budget workshop.	Action plan instigated for implementation of resolutions.
356	Council - Clause 11A – Disposal of Surplus Library Equipment and Furnishings	DCCS	That surplus and aged Library equipment and furnishings be offered for sale to the Cobar community, via silent auction, before June 30 2013.	Action plan instigated for implementation of resolution.
357	Council - Clause 12A –	DES/LMO/SM	That Council dissolve the Section 355 Cemetery	Noted and Committee

	Cobar Cemetery Section 355 Committee		<p>Committee.</p> <p>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.</p>	established – No further action required.
358	Council - Clause 13A – Euabalong Public Recreation Reserve (R85998) Trust	DES/LMO/SM	<p>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.</p> <p>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.</p>	Department of Primary Industries advised of Council’s Resolutions –No further action required.
359	Council - Clause 14A – Review of Current Water Restrictions	DES/SM	<p>That Council amend the current water restrictions commencing 1 April 2013 to the following:</p> <p><u>Cobar and Nymagee</u></p> <ul style="list-style-type: none"> ▪ 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. <p><u>Euabalong and Euabalong West</u></p>	New water restrictions advertised – No further action required.

			<ul style="list-style-type: none"> ▪ Hand held hoses are permitted at any time. ▪ All fixed sprinklers, irrigation systems etc are banned. ▪ No car washing be permitted on hard surfaces. 	
360	Committee of the Whole Closed Council – Clause 1C – Sale of Land for Unpaid Rates Reserves	DCCS/RO	<p>That Council instruct the Auctioneer to set reserves on the properties for sale as per the schedule contained within the report.</p> <p>That the matter and discussions held remain in the Committee of the Whole Closed Council.</p>	Advice provided to auctioneer – No further action required.
361	Committee of the Whole Closed Council – Clause 2C – Regional Procurement Initiative (Division of Hunter Councils) – Reverse Auction Ra161213cob for Supply of Contestable Electricity and Associated Services Including Streetlighting	GM	<p>That the energy retailer offering best value for each Category be appointed by Cobar Shire Council for the period indicated below –</p> <p>Category 1 – Contestable Sites (metered supply) 30 months: That AGL be awarded this category as the single source supplier to Cobar Shire Council for a period of 30 months from 1 July 2013 to 31 December 2015 (<i>average monthly consumption cost = \$3,555.71</i>)</p> <p>Category 2 – Street Lighting (unmetered supply) 30 months: That Simply Energy be awarded this category as the single source supplier to Cobar Shire Council for a period of 30 months from 1 July 2013 to 31 December 2015 (<i>average monthly consumption cost = \$2,146.48</i>)</p>	Successful tenderers advised and contracts signed – No further action required.

			That the details of unsuccessful electricity provider information remain in the Committee of the Whole Closed Council.	
362	Committee of the Whole Closed Council - Clause 3C – Consideration of RMS Agency Agreement	DCCS	That Council approve in principle entering an agency agreement with Roads and Maritime Services for a further three years provided that the projected revenue covers Council’s costs.	Action plan instigated for implementation of resolution.
363	Committee of the Whole Closed Council – Clause 4C - Expressions of Interest for Lease of the Town Hall Cinema	DPES	<p>That further consultation be held with the Western Studio of Performing Arts to determine their exact requirements at the Town Hall Cinema, what they are prepared to pay for, and any improvements they are prepared to do for use of the facility and that the matter be further reported to Council as part of analysis of expressions of interest for lease of the Town Hall Cinema.</p> <p>That the Director of Corporate and Community Services finalise a business case to support the use of the Town Hall Cinema Building by Council’s Child Care Services.</p> <p>That the Town Hall Cinema building continues to be available for casual hire in accordance with the fees adopted in Council’s Annual Operational Plan.</p> <p>That discussions relating to information provided in the submissions for lease of the Town Hall cinema remains in the Committee of the Whole Closed Council.</p>	Action plan instigated for implementation of resolutions.

RECOMMENDATION

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

CLAUSE 4B – CROWN LAND LICENCE FEES FOR ALL RESERVES

FILE: A9-17 AOP REFERENCE: 3.3.4.2. ATTACHMENT: NO

AUTHOR: *Director of Engineering, Peter Graf*

Director of Planning & Environmental Services, Garry Ryman

Purpose

The purpose of this report is to update Council on Crown Land Licence fees for all Crown Land Reserves that Council is a Trustee.

Background

At the meeting held on 22 March 2012, Council made the following resolution:

36.03.2012 RESOLVED: That a consistent approach be taken in regards to the licensing fees and charges for all crown land properties where Council is a Trustee.

Clr Yench/Clr Marsden

Licensing fees have been included in the draft annual fees and charges for Dalton Park and Bathurst Street Reserves of \$491 (Inc GST).

Work is being finalised to have a consistent approach and will be reported to the May Council Meeting.

RECOMMENDATION

That the information regarding Crown Land Licence Fees for all Reserves be received and noted.

ATTACHMENTS



ORDINARY MEETING AGENDA

WEDNESDAY 24 APRIL 2013

~ REFERENCE TO ATTACHMENTS ~

PART A – ACTION

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