

# **COBAR SHIRE COUNCIL**



## **ORDINARY MEETING AGENDA**

**THURSDAY 25 SEPTEMBER 2014**

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## ~ ORDER OF BUSINESS ~

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Business for the meeting will be as follows:

1. Apologies
  2. Public Access Session – Keith Norris - Mount Hope Progress Association
  3. Declaration of Interests
  4. Condolences
  5. Confirmation of Minutes
    - Ordinary Meeting of Council – Thursday 28 August 2014
    - Extraordinary Meeting of Council – Thursday, 11 September 2014
    - Finance and Policy Committee Meeting – Thursday 11 September 2014
    - Works Committee Meeting – Thursday 11 September 2014
  6. Matters Arising from Minutes
  7. Mayoral Report
  8. General Manager’s Report – Part A (Action)
  9. General Manager’s Report – Part B (Information)
  10. Matters of Urgency
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## ~ COUNCIL'S VISION ~

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

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## ~ COUNCIL'S MISSION ~

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

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

- Ivanhoe Road
  - Louth Road
  - Tilpa Road
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## ~ COUNCIL'S VALUES ~

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

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

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

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

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## ~ COUNCIL DIARY ~

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DATE	ACTIVITY	INVOLVES
Thursday 25 September 2014 (8:00am)	Rural Council Meeting and Bus Tour to Mount Hope	Councillors/Senior Staff/ Community
Thursday 30 September 2014 (2:00pm)	Office of Local Government Fit for the Future Information Session Teleconference	Councillors/ Senior Staff
Thursday 9 October 2014(3:00pm)	Airport Advisory Committee Meeting	Councillors/ Senior Staff
Thursday 23 October 2013 (5:00pm)	Council Meeting	Councillors/Senior Staff/ Community

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**CLAUSE 1A– PUBLIC ACCESS ADDRESS BY KEITH NORRIS – MOUNT HOPE PROGRESS ASSOCIATION**

**FILE: A11-2**

**AOP REFERENCE: 3.2**

**ATTACHMENT: NO**

**AUTHOR: *Special Projects Officer, Angela Shepherd***

**Purpose**

To thank Mr Norris for addressing Council and for members of the community meeting with Councillors earlier today.

**Background**

Mr Norris will address Council on behalf of the Mount Hope Progress Association on issues affecting the Mount Hope community. Mr Norris and other members of the community will meet with Council over lunch prior to the Council Meeting.

**Issues**

The Progress Association represents the interests of the village and the residents in the area of Mount Hope. They are responsible for looking after the community hall on behalf of Council.

Council is responsible for the water supply (non potable) to the village, the public toilets at the hall, the tip and village maintenance, which is done through the Euabalong Depot crew.

**RECOMMENDATION**

**That Council resolves to thank Mr Norris for his address and the Progress Association for hosting this Council Meeting and looks forward to continuing to work with the Mount Hope Progress Association into the future.**

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**CLAUSE 2A – MAYORAL REPORT**

**FILE: C13-1-5**

**AOP REFERENCE: 3.1**

**ATTACHMENT: NO**

**AUTHOR: *Mayor, Councillor Lilliane Brady OAM***

Report to be tabled.

**RECOMMENDATION**

**That Council accepts the information contained in the Mayoral Report for the month of September 2014.**

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**CLAUSE 3A– NAMING OF THE NEW COBAR SKATE PARK**  
**FILE: P1-15 AOP REFERENCE: 1.5.3.3 ATTACHMENT: YES (PAGE 57-61)**  
**AUTHOR: *Special Projects Officer, Angela Shepherd***

**Purpose**

For Council to decide on the name of the new Cobar Skate Park.

**Background**

In early 2011, following community requests, a community Skate Park Committee was formed to investigate the options for replacing or upgrading the Cobar Skate Park. During community consultations for the Community Strategic Plan and during the formation of the Youth Development Plan, the skate park was identified as a priority for the Shire. The following is the relevant Action out of the Youth Development Plan:

*Support the Skate Park Committee to master plan the site and facility and to raise funds to bring the project to fruition.*

The project is also listed in the Community Enhancement Plan for Cobar Shire, which Council adopts each year.

Council did not have adequate funds at this stage to undertake a skate park project, but were rather going to seek grant funds to do the project. To assist with this, Peak Gold Mine generously gave Council \$75,000 to use as seed funding, or if grant funds were not forthcoming, to look at what could be built for that money. Peak Gold Mine later put forward a further \$20,000 for the project, taking their total cash contribution to \$95,000.

Using this support for the project, Council sought funding through Round 3 of the Australian Government's Regional Development Australia Fund (RDAF) and was successfully awarded a \$200,000 grant. This was made possible through the commitment from Peak Gold Mine and \$20,000 of Council funds, as well as in-kind contributions from both parties.

Peak Gold Mines has continued to work with Council to bring this project to fruition within budget through a broad range of in-kind donations and time.

**Issues**

This is a true partnership project and demonstrates what is possible when Council works with major business, the community and other levels of government on a project that has been identified as a priority by the community.

Given the high level of commitment, both financial and in-kind by Peak Gold Mine to this project, it is reasonable to offer them exposure and acknowledgement for their contribution to the project through the naming rights of the park.

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It is expected that the name will be placed on the two pieces of retired mining equipment that have been woven into the design of the skate park. This can be seen in the attachment. The letters will be stencil cut and placed as demonstrated. Peak is preparing the pieces which will be ready in time for the building of the skate park.

**Policy Implications**

There is no Council policy on naming of infrastructure. Peak Gold Mine will provide the signage as per the attached concept design.

**Financial Implications**

This will cost Council nothing. Peak Gold Mine has already made significant contributions to the project.

**RECOMMENDATION**

**That Council resolves to name the new Cobar skate park the “Peak Skate Park” with signage as set out in the concept design.**

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**CLAUSE 4A – PENSIONERS RATE REBATE 2014-2015 – CLAIM 131**

**FILE: R2-9**

**AOP REFERENCE: 3.1.1.2**

**ATTACHMENT: NO**

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

**Purpose**

To write off the rates in respect of eligible pensioners and to make application for subsidy.

**Background**

Tabled at this meeting is an application for payment under Section 575 of the Local Government Act 1993 (NSW) 1993 for subsidy in respect of rate rebates granted.

A resolution is required to write off the rates in respect of eligible pensioners, make application for subsidy and undertake not to take proceedings for the recovery of the rates in the event of a subsidy not being paid to Council for the rates written off.

**RECOMMENDATION**

1. That Council writes off rates in respect of eligible pensioners in the sum of \$114,500.00 as detailed in the summary listed below, subject to Council's Auditor's approval:

	\$
General Rates .....	70,750.00
Cobar Water Supply Access Rate.....	21,350.00
Euabalong Water Supply Access Rate .....	1,137.50
Euabalong West Water Supply Access Rate .....	612.50
Nymagee Water Supply Access Rate.....	612.50
Mount Hope Water Supply Access Rate.....	0.00
Cobar Sewerage Access Rate .....	<u>20,037.50</u>
TOTAL.....	<u>\$114,500.00</u>

2. That Council apply for a subsidy of \$64,866.23 summarised below and further that Council undertake that in the event of a subsidy not being paid to Council in respect of the rates written off, then Council will not subsequently take proceedings for recovery thereof:

	\$
General Rates .....	39,841.23
Cobar Water Supply Local Rate .....	12,199.69
Euabalong Water Supply Local Rate.....	625.63
Euabalong West Water Supply Local Rate .....	385.00
Nymagee Water Supply .....	433.13
Mount Hope Water Supply .....	0.00
Cobar Sewerage Local Rate .....	<u>11,381.55</u>
TOTAL.....	<u>\$64,866.23</u>

3. That Council undertakes in the event of a subsidy not being paid or differing from the claim not to proceed for recovery thereof.

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**CLAUSE 5A – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY**

**FILE: C12-2, P5-4    AOP REFERENCE: 3.1.5.2    ATTACHMENT: YES**

**(PAGE 62-76)**

**AUTHOR: *Human Resources Officer, Karen Walsh***

**Purpose**

The purpose of this Report is to apprise Council of the actions taken to date to review the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy to comply with the requirements of the Office of Local Government (OLG).

**Background**

Council is required to adopt a Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy and submit the approved Policy to the OLG by 30 November each year.

**Issues**

This Policy was reviewed by Council in 2013 and submitted to the OLG, as required by 30 November 2013.

**Legal Situation**

The attached draft Policy complies with the requirements of the Local Government Act, and as noted above, it is required to be lodged with the OLG by 30 November 2014 after adoption by Council. There is a requirement that the draft Policy be placed on public exhibition for 28 days with submissions invited from the general public.

**Policy Implications**

The Policy has again been reviewed recently and amended to take into account provisions of the 2014/2015 Budget. A copy of the amended Draft Policy is contained within the attachments. Once adopted the Draft Policy will be placed on public exhibition for 28 days. Any submissions from the public will be reviewed, along with the final Draft Policy, at the November 2014 Council Meeting.

**Financial Implications**

Any financial implications have been considered in the preparation of the 2014/2015 Budget.

**Options**

Nil

**RECOMMENDATION**

- 
- 1. That the draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy be placed on public exhibition for a minimum of 28 days.**
  - 2. That Council consider, at the November 2014 Council Meeting, the draft Provision of Facilities to Mayor and Councillors Policy along with any submissions received following the public exhibition period.**

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**CLAUSE 6A – SR23 BOOBEROI ROAD EUABALONG TRAFFIC OPTIONS**  
**FILE: SR1-23, S7-6-2      AOP REFERENCE: 4.3      ATTACHMENT: YES**  
**(PAGE 77)**

**AUTHOR: *Engineering Support Manager, Kingsley Page***

**Purpose**

To provide information to Council to review signage around Euabalong Village to re-route trucks.

**Background**

In August 2013 Booberoi Road was re-sheeted with gravel so it now poses as an alternate route for vehicles to travel from Euabalong to Condobolin.

For trucks to travel from Lake Cargelligo through Euabalong West and then onto Condobolin it is approximately 16 kilometres longer than travelling through Euabalong Village and out through Booberoi Road (see attached map).

**Issues**

There is existing signage advising of a heavy vehicle route around the Euabalong Village but is not significant enough in size to direct trucks from not driving into the Euabalong Village.

Truck drivers have commented to the Euabalong Supervisor that they had not seen the alternate truck signs after they had ended up in the middle of Euabalong streets.

The Euabalong Hotel derives a substantial amount of income from truck drivers through selling meals, refreshments and lodgings and the business would be impacted if trucks were directed away from or even totally banned from the Euabalong Village.

There is a large construction yard belonging to the APA Group (gas pipeline) that during pipeline upgrades generates a lot of traffic along Booberoi Road especially trucks. Also, there are a number of hay and grain producers creating a reasonable amount of traffic during the year.

It is proposed in the 2014/2015 Roads to Recovery (R2R) Program Booberoi Road should receive \$110,000 to finish re-sheeting the gravel sections missed in 2013. This year it is planned to use crushed rock from a Lachlan Shire quarry 6 km from the end of Booberoi Road. The rock out of this quarry is stronger than what we have been using and hence the need to crush it.

To bitumen seal the entire length of Booberoi Road would cost in excess of \$3.2M.

Large advisory signs required to re-route traffic through Euabalong West would cost approximately \$5,000 to supply and erect.

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**Options for Council Consideration**

**Option 1**

Council to erect large advisory route signs, one on Lachlan Valley Way, two at Euabalong West and one at the eastern end of Booberoi Road to re-direct through traffic around the Euabalong Village.

**Option 2**

Leave the current signage in place and provide additional funds for gravel maintenance of Booberoi Road due to increased traffic volumes.

**RECOMMENDATION**

**That Cobar Shire Council erect large advisory route signs, one on Lachlan Valley Way, two at Euabalong West and one at the eastern end of Booberoi Road to re-direct traffic around the Euabalong Village.**

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**CLAUSE 7A – RMS REGIONAL ROADS REPAIR PROGRAM FOR 2015/2016 FUNDING ALLOCATION**

**FILE: R5-31 AOP REFERENCE: 4.3 ATTACHMENT: YES (PAGE78-84)**

**AUTHOR: *Engineering Support Manager, Kingsley Page***

**Purpose**

To provide information regarding RMS Regional Roads REPAIR 2015/2016 Fund Allocation for Cobar Shire Regional Roads.

**Background**

The Regional Roads REPAIR Program provides funds to assist Councils in carrying out larger rehabilitation and development works on Regional Roads.

The aim of the Regional Roads REPAIR Program is to minimise the long term maintenance costs of these roads in line with their function and usage.

Under the Regional Roads REPAIR Program, Councils can apply for a 50 per cent contribution from the State Government for specific works. Selection criteria are determined by the Regional Consultative Committee (RCC), which also prioritises projects.

The RCC at times establishes categories targeting specific strategies such as road rehabilitation, initial sealing and capacity enhancement development.

The RCC also agrees on specific limits of funds that any one council may receive each year, currently set at \$400,000.

Councils may use any funds they deem appropriate to make up their 50 per cent contribution, excluding other Regional Roads REPAIR allocations. To maximise the funds being applied to Regional Roads, Councils are encouraged to use funds from sources other than the Regional Roads Block Grant Program and other Roads and Maritime Services programs.

In 2013/2014 Cobar Shire Council was awarded funding under the Regional Roads REPAIR program for the Barnato-Tilpa Road (Tiltagoona Road). In that year the cut-off level for funding was **25 points**.

This year, 2014/2015 Cobar Shire Council was unsuccessful with the projects nominated for the Regional Roads REPAIR program as the cut-off level was **24 points**.

The nominated roads were the Wool Track, Barnato-Tilpa Road and the Mulya Road (Louth Road). Despite the three submissions being more than 24 points when first submitted they were adjudicated by the Review Panel not meeting selected criteria and were revaluated because of Regional Tourism, Geometry deficiency and population.

The results of the Project Assessment Sheets are as follows (see attached):

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MR416 The Wool Track	22
RR7518 Barnato-Tilpa Road	23
MR407 Mulya Road	23

### **Issues**

Consistently the Wool Track is the lowest scoring road of the three nominated roads each year due to population numbers. Accordingly, it has been many years since an allocation was provided to bitumen seal construction on the Wool Track.

Each year 3 bonus points are added to each project that gets no funds for last year's points.

The expected points for next round of funding are as follows:

MR416 The Wool Track	25
RR7518 Barnato-Tilpa Road	26
MR407 Mulya Road	26

Clearly, the Wool Track is going to be the lowest scoring project due to "Community Access" whereby the population has been assessed as being less than 100 whereas Tilpa and Louth have populations greater than 100 people.

The remaining length of unsealed gravel sections pertaining to Cobar Shire Council of the three roads is as follows:

MR416/RR7522 The Wool Track	114.59 km
RR7518 Barnato-Tilpa Road	58.40 km
MR407 Mulya Road	45.06 km

With the \$800,000 it is expected to seal approximately 5 to 6 km of road depending on haul distances to borrow pits and water points, maintaining a 7m wide seal with a 9m wide formation.

Projects are to be selected on a merit basis from a regional perspective so all Councils in each region must compete for the allocated funds (see attached 2014/2015 (see attached) REPAIR Program RMS Western Region – Fund Allocation in Points Order).

The expectation that in the 2015/2016 Fund Allocation, a Project with 25 points or more would have a high expectation of being funded.

There is a slight possibility Cobar could miss out completely if the cut-off points were 26 points and therefore wouldn't receive funding until the third year

### ***Options***

1). Council to only nominate the Wool Track (25 points) in the 2015/2016 Regional Roads REPAIR Program with the understanding that Cobar Shire Council may miss out altogether with the Fund Allocation going to another Council in the RMS Western Region.

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2). Council to nominate the three roads, namely Wool Track, Barnato-Tilpa Road and the Mulya Road (Louth Road) in 2015/2016 Regional Roads REPAIR Program knowing full well the points system will favour Barnato-Tilpa Road and the Mulya Road.

**RECOMMENDATION**

**That Council only nominate the Wool Track in the 2015/2016 Regional Road REPAIR Program.**

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**CLAUSE 8A– ANALYSIS OF AFFECTS OF THE NEW GYM REPORT**

**FILE: C8-6-3 AOP REFERENCE: 4.4 ATTACHMENT: YES (PAGE 85)**

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

**Purpose**

To review the impact of the JKM Dynamic Fitness Centre upon the Harry Marshall Gymnasium provided as a part of the Youth and Fitness Centre operated by Cobar Shire Council.

**Background**

Cobar Shire Council has operated a gym known as the Harry Marshall Gymnasium from the Youth and Fitness Centre for approximately 35 years. This gym has had high visitation and has been supported by a number of Cobar Employers. In the final months of financial year ended 30 June 2014 a new privately owned gym commenced in Cobar. It is well appointed and has extended access through a security card system. One of the proprietors was holding fitness classes at the Council gym but these have now been transferred to the JKM Centre.

Forecast revenue for the year ended 30 June 2015 was set at \$32k. Prior to the new gym in excess of \$100k would have been anticipated. Marginal reduction in wages and canteen margin were also factored into the budget. It was resolved during the budget discussions to review the gym operation in September 2014. Direct gym income until 16 September 2014 is \$8k.

The gym is still attracting a number of users. Anecdotally it is believed that these comprise of contractors and one off visitors who do not wish to have an induction. A schedule of attendance is attached.

Whether this can continue or not is difficult to predict. There are a number of subscription members who may elect to transfer to JKM when their membership runs out.

No estimate of recoverable value of the equipment is available but it is not anticipated to be significant. To establish the equipment from base would be approximately \$150k.

No community groups have yet made an approach for the space. This of course may change with appropriate marketing and creativity.

The current opening hours are tailored around extended gym access. It is believed that any reduction in gym hours will reduce custom even further.

If Council, were to reduce opening hours for the Centre and ‘moth ball’ the gym it could operate from 10am to 9pm with all existing users being accommodated. Wages would reduce by approximately \$20k, notwithstanding that terms of employees would have to be renegotiated.

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Given that 2014/2015 is on target at this stage it may be prudent to review the matter as part of each quarterly review of the budget and reconsider the matter in its entirety as a part of the 2015/2016 Budget deliberations. This will allow time for consideration of the social inclusion value of the gym and whether Council may elect to conduct an active marketing campaign to expand the visitation.

**RECOMMENDATION**

- 1. That no immediate change be made to the operation of the Harry Marshall Gymnasium.**
- 2. That further consideration of the viability of the gym is made at each quarterly budget review in 2014/2015.**
- 3. That a major consideration of the viability of the gym be made as part of the 2015/2016 Budget deliberations.**

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**CLAUSE 9A – UNAUDITED FINANCIAL STATEMENTS 2013/2014**

**FILE: A12-2 AOP REFERENCE: 3.1 ATTACHMENT: YES (PAGE 86-89)**

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

**Purpose**

To approve the referring of the draft Financial Statements for the year ended 30 June 2014 to Council's auditors and to authorise the signing of a statement as to Council's opinion of the General Purpose Financial Report.

**Background**

Draft Financial Statements have been prepared and the key pages are included as an attachment to this report.

Section 413(1) of the Local Government Act 1993 requires that these statements be referred for audit by Council.

Section 413(2c) requires that Council make a resolution that the annual financial report is in accordance with:

- the Local Government Act 1993;
- the Australian Accounting Standards and professional pronouncements;
- the Local Government code of accounting and financial reporting;
- and presents fairly Council's operating result and financial position for the year and accords with Council's accounting and other records;
- and that Council is not aware of any other matter that would render the report false or misleading.

The final report is approximately one hundred pages and contains relevant explanatory comment. However, it is important to note that when adjusted for the timing differences on the previously prepaid Federal Assistance Grants the result is considerably better than forecast. This will be further detailed in later advices to Council.

It is also important to note that the employment cost in the operating report is much higher than last year because the nature of road works completed this year saw very little labour in the capital type works and it was therefore allocated to operating expenses.

**RECOMMENDATION**

- 1. In accordance with Section 413(1) of the Local Government Act 1993 Council refer the draft Financial Statements for audit.**
- 2. In accordance with Section 413(2C) Mayor Brady, Councillor Kings, General Manager Mr Woodman and the Responsible Accounting Officer sign the required statement as to Council's opinion of the accounts.**

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- 3. The General Manager be delegated authority to finalise the date at which the Auditor's Report and Financial Statement are to be presented to the public in accordance with Section 418(1) of the Local Government Act 1993.**

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**CLAUSE 10A – ADOPTION OF MANAGEMENT PLAN FOR LOT 18 DP 213415**

**FILE: A2-7-22**

**AOP REFERENCE: 4.4.2.4**

**ATTACHMENT: YES  
(PAGE 90-101)**

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

**Purpose**

The purpose of this Report is for Council to adopt the draft Plan of Management Lot 18 DP213415 after being advised of all community consultation including any submissions and the Report from the public hearing.

**Background**

The *Local Government Act 1993* Section 36(1) requires Council to prepare a plan or plans of management in respect of all public land classified as “community land”.

The *Local Government Act 1993* Section 35 requires Council to manage community land in accordance with a plan of management applying to the land, any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land and in accordance with Division 2, the use and management of community land.

The *Local Government Act 1993* Section 47D prohibits the exclusive occupation or exclusive use by any person of community land otherwise than in accordance with:

- a) A lease, licence or other estate;
- b) A sublease or other title directly or indirectly derived from the hold of such a lease or estate.

At Councils meeting on 26 June 2014, Council made the following resolution:

*118.6.2014 RESOLVED:*

1. *“That Council resolve to publically exhibit the Draft Management Plan for Lot 18 DP213415 for a period of 28 days.*
2. *That Council resolve to allow submissions to be received for a period of 42 days.*
3. *That Council resolve to hold a public hearing about the Draft Management Plan for Lot 18 DP213415 at a suitable time.”*

*Clr Sinclair/ Clr Isbester*

***CARRIED***

In accordance with the Council resolution made on 26 June 2014:

- The Draft Management Plan for Lot 18 DP213415 was publically exhibited for a period greater than 28 days. Advertisements were placed in the Cobar Weekly for 4 weeks and the document was available on the website for a total period of 42 days;

- 
- Council allowed for submissions to be received for a period of 42 days; however no submissions were received during this time;
  - Council held a public hearing on 13 August 2014, which was advertised in the Cobar Weekly for a period of 2 weeks and held in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. Nine people attended the public hearing and a report was prepared and is attached.

### Issues

In summary of the Report for the public hearing the following issues were identified:-

#### Land Ownership

The Cobar Bowling & Golf Club would like to own this land.

Currently this land is owned by Cobar Shire Council and is classified as community land. In accordance with the *Local Government Act 1993*, section (45), a Council has no power to sell, exchange or otherwise dispose of community land.

In accordance with the *Local Government Act 1993*, section (30), Council may if it wishes reclassify the land as operational, which would mean that the land could be sold, however this can only be achieved when updating the *Cobar Local Environmental Plan (LEP) 2012*. Given that Council has only recently completed this plan and it would be a lengthy and expensive process, this is not recommended to commence. There is no review date set for the *Cobar LEP 2012*. It remains current until an amendment is required and undertaken.

The people in attendance at the public hearing were advised of the land classification and that Council could not sell the land. They were also advised that if Council were to update the *Cobar LEP 2012* at some point in the future, a decision to change the classification of the land to enable it to be sold would require a Council Resolution and community consultation.

At this stage this specific issue cannot be dealt with, however it was extremely important to the majority of the public who attended the meeting and was a major point of discussion at the public hearing.

#### Golf Club Assets

At the public hearing issues were raised about the sheds that the Cobar Bowling & Golf Club built on Council land. Of greatest concern was the ownership of these assets and a suggestion that the document needed to implicitly state who owns the assets.

The document has been updated in the following sections shown in italics:

Page 7 – Condition of the land and structure on adoption of the plan.

Existing infrastructure on the land *that is owned by the Cobar Bowling and Golf Club Ltd* consists of a sand green.

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Page 7 – Current development and purpose of the land and structures.

*The development was undertaken by the Cobar Bowling & Golf Course Ltd and all infrastructure associated with the Golf Course is owned by the Cobar Bowling & Golf Club Ltd.*

These amendments are not substantial as they do not change or alter the intent of the Plan of Management.

Issues that would be involved in a lease or licence negotiation

There were a few issues such as term of the lease or licence, the annual fee, maintenance issues, a question regarding subleasing etc. that would need to be discussed and negotiated as part of the agreement for a lease or licence. These issues although raised at the public hearing are best left for discussions and negotiations with the Cobar Bowling & Golf Club Ltd.

A future report if issues arise would need to be provided to Council for consideration.

Statement regarding the Heritage Walk from a member of the public

A statement was made in regards to Council not consulting with the Cobar Bowling and Golf Club Ltd when it constructed the Heritage walkway/ bike path. This statement is incorrect as a letter was sent to Secretary/Manager of the Cobar Bowling and Golf Club on the 6 September 2010 thanking the Cobar Bowling & Golf Club for allowing Council to utilise their land in the construction of the new shared bike/pedestrian path.

**Legal Situation**

The *Local Government Act 1993* Section (40)(1) requires Council to consider all submissions received, including the Public Hearing Report concerning the draft Plan of Management.

The *Local Government Act 1993* Section (40)(2) allows Council to:

- 1) adopt the plan without amendment, or
- 2) amend the draft plan and
  - a) publically exhibit the amended draft plan, or
  - b) if it is of the opinion that the amendments are not substantial, adopt the amended plan without public exhibition.

Council is advised that the only changes that have been made to the draft Plan of Management relate to implicitly stating the ownership of the infrastructure developed by the Cobar Bowling & Golf Club Ltd for the Cobar Golf Course. These changes were documented above. There were also several instances where Ltd was missed when referring the Cobar Bowling & Golf Club Ltd and these were added.

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The draft Plan of Management categorised the land as general community. Council did not receive any submissions, comments or objections to the categorisation of the land under the draft plan, so the *Local Government (General) Regulation 2005* Clause 114 is not relevant.

**Policy Implications**

Once adopted the Plan of Management Lot 18 DP 213415 becomes the document which governs all use of this land parcel.

**Risk Implication**

There is a definite risk to the Cobar Bowling & Golf Club Ltd and their operation of the Cobar Golf Course as without a Plan of Management they have no legal tenure or rights to occupy Council owned land.

As per the *Local Government Act 1993*, community land must be used and managed in accordance with a Plan of Management. The Plan of Management provides for the issuing of a lease or licence to the Cobar Bowling & Golf Club Ltd for the continued operation of the Cobar Golf Course.

**RECOMMENDATION**

- 1. Council resolve, following consideration of the amendments to the Plan of Management, that these amendments are not substantial as per the *Local Government Act 1993* Section (40)(2).**
- 2. That Council after consideration of all submissions and the Public Hearing Report resolve to adopt the Draft Plan of Management Lot 18 DP213415 with amendments as detailed in this report.**
- 3. Council resolve, to give public notice of the adoption of the Plan of Management, including the term of any amendments as per the *Local Government Act 1993* Section (40)(2A).**
- 4. That Council authorise the General Manager to negotiate a lease or licence for an appropriate term and conditions with the Cobar Bowling and Golf Club Ltd.**
- 5. That Council authorise the Mayor and General Manager to sign any lease or licence under the Common Seal of Council.**

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**CLAUSE 1B – INFORMATION ON THE RENEWAL OF THE COBAR TOWN HALL CINEMA LEASE FOR TWO YEARS**

**FILE: A10-19**

**AOP REFERENCE: 1.6.4**

**ATTACHMENT: NO**

**AUTHOR: *Acting Director of Planning and Environmental Services, Stephen Poulter***

**Purpose**

To keep Council informed in regard to the renewal of the Town Hall Cinema Lease.

**Background**

Council is in receipt of a request from the current lessees of Cobar Town Hall Cinema to renew the lease.

This request to renew the lease has been made by the lessee being Western Studies of Performing Arts Cobar. The current lease expires on 31 December 2014. The renewal request seeks consideration of a further two (2) year lease of the building.

This report is provided to inform Council that the lease will be renewed for the requested two years.

**Legal Situation**

The current lease of the building, held by Western Studies of Performing Arts Cobar is due to expire on 31 December 2014. This impending lease expiry was notified to the lessee.

The lease expiry notification provided advice in relation to Special Condition 9 (a) of the current Lease, which stipulates:

*“9. The Lessor may, in its absolute discretion, elect to renew this lease for a period of up to two (2) years to commence on the day immediately after the terminating date of this Lease. The Parties agree:*

- a) The Lessor must serve written notice of its intention to renew the Lease on the Lessee by 1 December 2014”*

The lessee has sought consideration of its intention to lease the building for a further two years as offered in the current lease special conditions.

**Issues**

Council officers have met with representatives of the lessee’s organisation to discuss the current lease and their intentions of a two year renewed lease.

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This meeting determined that the current use of the premises is acceptable and has been undertaken in accordance with the lease and relevant conditions.

The lessee advised that there is a number of building related issues that they sought assistance with such as:

- The difficulty of operating the front and side access doors; and
- Rainwater penetration issues within the building; and
- Stage lighting not bright enough; and

The building issues advised to Council officers are being investigated to determine causes and possible remedies. These investigations are being undertaken in line with how other building maintenance requests are managed.

Council Officers requested the lessee to make appropriate arrangements with the electricity provider to change the billing name and address from the lessor to the lessee. This was agreed to by the lessee.

With regards to income generated by this lease, Council was in receipt of \$6,050 during the 2013/14 financial year and lease payment obligations are satisfied for the monthly periods within this current financial year. Future rental income will increase in line with consumer price index as per the lease agreement.

The use of the building by the lessee is considered to be of great benefit to the Cobar community. It provides a unique service, is successful and is embraced by the community. The lessee is meeting their obligations pursuant to the current lease and do not intend on varying the current use.

### **RECOMMENDATION**

**That Council note that the lease of the Cobar Town Hall Cinema will be renewed for a further two years commencing on the day immediately after the terminating date of the current lease.**

**CLAUSE 2B – MONTHLY STATUS REPORT**

FILE: C13-10

AOP REFERENCE: 3.1

ATTACHMENT: NO

AUTHOR: *General Manager, Gary Woodman*

COUNCIL RESOLUTIONS 24 SEPTEMBER 2009					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1	Council – Clause 2B – The Wool Track Project	153.9.2009	GM/SPO/DES/ESM	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 to meet again to formulate an Action Plan for 2014/2015.
COUNCIL RESOLUTIONS 28 APRIL 2011					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
14	Committee of the Whole Closed Council – Clause 1C – Cobar Caravan Park Business Development Strategy	81.4.2011	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 arrangements commenced with Land and Property Management Authority. Application provided to the Division of Local Government in regard to acquisition.  Funds now provided for in 2014/2015 Budget.  Will be undertaken at time of acquisition.

				acquisition of the above land, classify this land as Operational under the Local Government Act 1993.	
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**COUNCIL RESOLUTIONS 23 JUNE 2011**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
28	Committee of the Whole Closed Council – Clause 3C – Plant and Equipment Utilisation Improvement Report	122.6.2011	<b>GM/DES</b>	Undertake actions in accordance with the relevant recommendations of the report.	Appropriate communication strategy and action plan instigated. Many matters contained within Staff Attitude Survey Results Action Plan.

**COUNCIL RESOLUTIONS 25 AUGUST 2011**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
61	Council – 3A – Lower Macquarie Water Utilities Alliance (LMWUA) Agreement	149.8.2011	<b>DES</b>	Mayor & GM execute the Deed of Agreement once consent is obtained.	Deed will be executed when consent obtained.

**COUNCIL RESOLUTIONS 27 OCTOBER 2011**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
87	Council – Clause 4A – Land Acquisition – Cobar Caravan Park Lot 317 in DP755649	193.10.2011	<b>DPES/LMO</b>	Undertake all processes required for the acquisition of the Cobar Caravan Park Lot 317 in DP755649.	Action Plan instigated for implementation of resolution.

**COUNCIL RESOLUTIONS 22 MARCH 2012**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
162	Council – Clause 16A - Liquid Trade Waste Policy – Costs and Implementation Method	14.3.2012	<b>DES/SM</b>	Adopts option one (1) for the upgrading of the existing trade waste outlets and purchase the required pre-treatment units and complete the installation works on all trade waste premises with all costs to be funded out of the Sewer Fund Reserves with a no-interest three (3) year loan to local proprietors of businesses, and further that repayment will be a condition of approval on their Liquid Trade Waste licence agreement as per the NSW Office of Water regulations.	Action Plan instigated for implementation of resolution.

**COUNCIL RESOLUTIONS 26 APRIL ADJOURNED TO 3 MAY 2012**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
177	Council - Clause 7A – Nymagee Old School Community Centre	71.4.2012	<b>DPES/LMO</b>	Authorise the Mayor and General Manager to sign a license agreement with the Nymagee Progress Association once incorporated under the Common Seal of Council.	Due to time a new Final Licence Agreement to be sent to Nymagee Progress Association for signing.
194	Committee of the Whole Closed Council - Clause 4C – Sale of Land	94.4.2012	<b>GM/LMO</b>	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	Further Councillor workshop strategies planning for land in concern held on 9 August, 2012.  Action Plan instigated for implementation of resolution.

			<p>investigations into any party in regards to the standard financial and company checks, the company's previous experience with similar projects and their previous experience in completing projects with timeframes.</p> <p>The Council may in its absolute discretion elect to terminate negotiations with any party prior to exchange of a contract for the sale of land.</p> <p>That Council approve the sale of land conditional on:-          Surveying undertaken and new plans submitted and approved;          Subdivision plans submitted and approved;          Rezoning of the land to allow for motel accommodation;          All legal cost for both parties paid;          Submission of a detailed development application that includes but is not limited to:          Detailed architectural and design plans including elevations, footpaths, ramps, disabled access etc;          Detailed site plan;          Detailed car parking and access plans, including disabled parking;          A detailed risk assessment for Council water and sewerage systems;          Detailed landscaping plan including footpaths;</p>	<p>Currently no interested party.</p> <p>Action Plan instigated for implementation of resolutions.</p>
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				<p>That Council authorise the Mayor and the General Manager to sign all relevant documentation under the Common Seal of Council.</p> <p>That investigations and reporting be undertaken for appropriate master planning of Council land at 100 and 105 Marshall Street, Cobar;</p> <p>That any sale of the land be subject to the negotiated development proceeding within a reasonable time;</p>	
COUNCIL RESOLUTIONS 26 JULY 2012					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
219	Council – Clause 8A – Road Closure – Corner of Murray and Blakey Street, Cobar	168.7.2012	<b>DPES/LMO</b>	<p>That Council resolves to close part of the road reserve on the corner of Murray and Blakey Street, Cobar identified as being Lot 2 in Deposited Plan 46869.</p> <p>That Council provides authority for the General Manager to make application to the Department of Primary Industries, Crown Land Division to close the road.</p> <p>That Council authorise the Mayor and the General Manager to sign all relevant documentation under the Common Seal of Council.</p>	<p>Action plan instigated for implementation of resolution.</p> <p>Advertising of proposed road closure undertaken by Crown Land Division of Department of Primary Industries. Submissions being managed in conjunction with DPI.</p> <p>Follow up has been occurring with providers of submissions and now waiting on response from Crown</p>

				That the land be acquired as operational land pursuant to the provisions of Section 31 of the <i>Local Government Act 1993</i> .	Lands. Classification to be arranged at acquisition.
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**COUNCIL RESOLUTIONS 23 AUGUST 2012**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
234	Council – Clause 7A – Festival of the Miners Ghost	197.8.2012	<b>DCCS/MTPR</b>	Seek grant funding for the event to assist it to grow into an event with broader appeal beyond residents of Cobar.	Action plan instigated for implementation of resolution.
240	Committee of the Whole Closed Council – Clause 1C – Goat Handling Facility – Lot 40 DP755649 Kidman Way, Cobar	213.8.2012	<b>DPES</b>	Decline to accept that the current operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar is a continuing use under S109 of the Environmental Planning and Assessment Act 1979.  That the continued operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar be dealt with as a compliance matter to be followed up by the Director of Planning and Environmental Services.	Action plan instigated for implementation of resolutions.

**COUNCIL RESOLUTIONS 13 DECEMBER 2012**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
307	Council – Clause 12A – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank Trailer in lieu of Side Tipper	320.12.2012	<b>GM/ESM</b>	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.	Rescission Motion reported again to the April 2013 Ordinary Council Meeting which was lost. Action plan instigated and implemented of original resolutions.

	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.	Due to reduction in works for related activity quotation process has been delayed pending consideration of other matters.
<b>COUNCIL RESOLUTIONS 28 FEBRUARY 2013</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
343	Council – Clause 22A – Proposed Hangar Construction and Lease of Plant of Land at Cobar Regional Airport by Sullivan’s Mining and Hardware	28.2.2013	<b>DES/ESM</b>	<p>That Council approve the construction of a hangar (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, Sullivan’s Mining and Hardware be responsible for the cost of relocation of the Aero Club to a site determined by the Engineering Support Manager.</p> <p>That Council enter into a lease with the applicant for a 5 x 5 x 5 year lease with the annual fees being in line with the Fees and Charges as determined by Council.</p>	<p>Once pavement reconstruction completed Council will apply to CASA to upgrade the airport classification to a Certified Aerodrome so that heavier RPT planes (more than 30 passengers) can use the airstrip.</p> <p>Optimistically, RPT flights could fly Broken Hill, Cobar, Sydney and return.</p> <p>Action Plan instigated for implementation of resolution.</p> <p>Action Plan instigated for implementation of resolution.</p>

				That Council investigate the possibility of arranging a lease for the management and maintenance to the appropriate standard of the Cobar Aerodrome, including the house and all amenities.	Expressions of interest advertising will be delayed until final result of Resources for Regions Project is known.
<b>COUNCIL RESOLUTIONS 28 MARCH 2013</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
350	Finance and Policy Committee – Notice of Motion – Management of the Youth and Community centre	41.3.2013	<b>DCCS/MYFC</b>	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 final result of future Resources for Regions EOI's known.
<b>COUNCIL RESOLUTIONS 24 APRIL 2013</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
380	Committee of the Whole Closed Council – Clause 1C – Notice of Rescission Motion – Consideration of Tourism Cost Centre	95.4.2013	<b>DCCS/MTPR</b>	That in the year 2013/2014 that Council develops a tourism management plan that details appropriate commitments and plans that aid the tourist industry in Cobar.	Action plan instigated for implementation of resolution. Interim Report provided to March 2014 Ordinary Council Meeting. Expect Plan to be developed in 2014/2015.
<b>COUNCIL RESOLUTIONS 22 AUGUST 2013</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
435	Council – Clause 9A – Determination of Status of Mt Gap Road	187.8.2013	<b>ESM</b>	That Mt. Gap Road within Mt. Gap Station shall be dedicated a public road and remain on the Roads Register as a	Waiting on gazettal by Western Lands.

**COUNCIL RESOLUTIONS 12 DECEMBER 2013**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
506	Council – Clause 12A – Division of Local Government Promoting Better Practice Review of Cobarr Shire Council	294.12.2013	<b>GM</b>	That Staff continue to work towards the completion of any work required by the recommendations contained within in the Report and detailed within the Action Plan.	Action plan instigated for implementation of resolution.

**COUNCIL RESOLUTIONS 20 JANUARY 2014**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
510	Extraordinary Meeting of Council – Clause 3A – Increased Water Restrictions to Nymagee	05.1.2014	<b>DES/SM</b>	That Council apply for urgent financial assistance from the NSW Government for Drought Proofing of Nymagee with appropriate advice also through the Local Member.	Action plan instigated for implementation of resolution.

**COUNCIL RESOLUTIONS 27 FEBRUARY 2014**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
523	Council – Clause 9A – 15 Year Rolling Plant Replacement Program	21.2.2014	<b>GM</b>	That Council sell the Caterpillar 12M grader (P3051) at a suitable time to achieve the best possible price.  That Council downsize the caravan fleet and sell off the oldest two vans.  That Council sells off on tender utility belonging to the redundant grader.	Plant 3051 has been sold with a clear income of \$150,000 – No further action required.  Council's two oldest vans sold at auction for \$16,000 – No further action required.  Utility may not be sold as it may be required for patrolman duties.

530	Council – Clause 17A – Cobar Truck Wash Options	28.2.2014	ESM	That approval be given for the signing under seal if required of any documents for the lease or purchase of the land required for the truck wash facility and if required the land be classified as operational.	Action Plan instigated for implementation of resolution.
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**COUNCIL RESOLUTIONS 27 MARCH 2014**

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
537	Council – 3A Cobar Rural Fire Service Brigade Building Proposal	45.3.2014	DES	That Council approves the provision of a parcel of land to the Rural Fire Service for the location of the Cobar Rural Fire Service Brigade building either directly or via a long term lease.  That Council approval be given for the signing under seal of any document for the lease of the land for the construction of Cobar Rural Fire Service Brigade Building.	Action plan instigated for implementation of resolutions.
542	Clause 10A – Cobar Truck Wash	53.3.2014	DES/ESM	That Council continues to seek external funding from Western Local Land Service and/or other Government Departments and/or others.	Grant and other funding being sought, Western Local Land Services have declined to provide any funds at present. Another Grant Application being arranged to the Commonwealth Government for Heavy Vehicle Safety Program Funding.

**COUNCIL RESOLUTIONS 24 APRIL 2014**

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
551	Council - Clause 8A –	75.4.2014	ESM	That Council trial the Grain Road	Action plan instigated for

	Grading of Shire Road 20 (Grain Road) by Local Contractors			<p>contractor in the 2014/2015 financial year and allocate \$46,000 for the section of road from Tallebung Road to the bitumen section at the southern end (approx.40 km long), and compare it with Council's standard. All work to be approved by the Works Manager prior to commencement on each occasion.</p> <p>That Council to investigate a long term strategy of using contractors and Council graders to accomplish its maintenance grading routine.</p> <p>That Council lobby State and Federal Governments for increases in funding to maintain Council's Regional and Shire Roads at a better level.</p>	<p>implementation of resolutions. Initial grade has been completed on Shire Road 20.</p> <p>Mayor and GM have met with the Minister for Roads and Freight and his Deputy Chief of Staff on 7 August 2014 to further detail Council's case in relation to a low level of Regional Road funding in comparison with neighbouring Councils, level of funds required to improve Kidman Way South and funding of Wool Track improvements.</p>
556	Council - Clause 15A – Dalton Park Horse Complex Licence Agreements (Carried over from 27 February 2014)	82.4.2014	<b>LMO</b>	<p>That Council acting as Trust Manager for the Dalton Park Racecourse (R630019) Reserve Trust, resolve to affix the Trusts seal to the 12 month temporary licence agreements for the following organisations and individuals to cover the period 1 July 2013 to 30 June 2014:</p>	<p>Action plan instigated for implementation of resolution, Cobar Miners Race Club and Cobar Pony Club complete, waiting on return of signed documentation from others.</p>

				<ul style="list-style-type: none"> <li>• Mr S Griffiths &amp; Mrs C Griffiths;</li> <li>• Ms Sharon Whitehurst;</li> <li>• Cobar Pony Club;</li> <li>• Cobar Miners Race Club;</li> <li>• Cobar Rodeo Committee.</li> </ul>	
COUNCIL RESOLUTIONS 22 MAY 2014					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
560	Council – Clause 4A – Cobar Shire Council Policy Direction Concerning Coal Seam Gas Exploration and Production	92.5.2014	GM/SPO	<p>That Cobar Shire Council supports in principle the Association of Mining Related Council’s Draft Policy on Coal Seam Gas including the relevant Position Statement and additional information and that Council’s direction is as follows in relation to Coal Seam Gas Exploration and Production:</p> <ul style="list-style-type: none"> <li>▪ That impacts on Local Government Council Infrastructure are adequately compensated for in the immediate and future life of those assets;</li> <li>▪ In regard to the communities environmental assets, that the appropriate oversight body, whether government or private, is engaging effectively and is communicating with Council and the processes are put in place to independently obtain baseline</li> </ul>	Finalised Policy Document being formulated.

				<p>data on air and water quality;</p> <ul style="list-style-type: none"> <li>▪ Council’s position as far as practicable is a “nil” effect position in regard to the quality of surface water, domestic, stock and irrigation aquifers used by our community and a “nil” net effect on above ground environmental assets in relation to coal seam gas activities;</li> <li>▪ That health and environmental impact assessments are conducted for all significant mining and extractive industries during the approval process;</li> <li>▪ That individual property rights in regard to unwelcome drilling, exploration and/or extraction activities are supported;</li> <li>▪ That the ten (10) International Council of Mining and Metals (ICMM) principles are supported by Council;</li> <li>▪ That Cobar Shire Council recommends to the State Government that the pre-gateway determination process be modified to enable a refusal where appropriate, and;</li> <li>▪ That Council promotes the dissemination of information to landholders that is independent and informs them of their rights and obligations prior to entering</li> </ul>	
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				into any agreements relating to coal seam gas exploration or production.	
563	Council – Clause 7A – Comparison of Water Restrictions between 2013 and 2014	95.5.2014	SM	That Council collect additional data to allow further analysis to be carried out on the effected changes in water restrictions are having on consumption within the towns and within the whole of the Shire.	Action plan instigated for implementation of resolution.
<b>COUNCIL RESOLUTIONS 26 JUNE 2014</b>					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
568	Council – Clause 4A – Internal Audit Options	108.6.2014	DCCS	That a further report be brought to Council when the model is finalised or if it is not finalised by 31 October 2014 the Luka Group be invited to extend their participation for a further year, pending further evaluation of Council’s internal audit function.	Report expected to be provided to the October 2014 Ordinary Council Meeting, provided that the model has been finalised.
576	Council – Clause 13A – Public Exhibition of the Draft Management Plan Lot 18 DP213415	118.6.2014	LMO	That Council resolve to allow submissions to be received for a period of 42 days.	Report provided to the September 2014 Ordinary Council Meeting (Rural) – No further action required.
578	Council – Clause 15A – 2014/2015 Annual Operational Plan and Budget Including Revenue Policy and Fees and Charges	120.6.2014	DCCS/SPO	Council develops a two tier water charging system to be considered for 2015/2016 including proper consultation with the community based on detailed analysis.  Council approves in principal to the raising of an asset purchase loan of up to \$265,000, with a detailed report	Action plan instigated for implementation of resolution.  Action plan instigated for implementation of resolution.

				<p>being provided prior to the transaction being finalised.</p> <p>That the Director of Engineering Services convene a meeting with the Pilot and Aircraft Owners, and if considered appropriate provide a further report to a Council workshop.</p> <p>That an analysis and report be provided to the September Council Meeting on the impact and possible implications of the new gym on the Cobar Youth and Fitness Centre.</p>	<p>Meeting with Pilot and Aircraft Owners has been undertaken. ESM drafting action plan for the airport, which will be reported to the Airport Advisory Committee Meeting on 9 October 2014 – No further action required.</p> <p>Report provided to the September 2014 Ordinary Council Meeting (Rural) – No further action required.</p>
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**COUNCIL RESOLUTIONS 24 JULY 2014**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
583	Works Committee Meeting – Report 3A – Road Capital Works Program 2014/2015	128.7.2014	<b>ESM</b>	That Council trials the use of chemical and cementitious stabilisation of the unsealed road network in conjunction with gravelling.	Action plan instigated for implementation of resolution.
584	Works Committee – Report 4A – Security Options at the Cobar Waste Depot	128.7.2014	<b>MPES</b>	That Council restricts access to the site between sunset and sunrise by locking the entrance gate and installing a suitable trade waste bin to negate illegal dumping.	Action plan instigated for implementation of resolution.
591	Council – Clause 6A – Visit by Western Division Councils of NSW to T-Corp in relation to the	135.7.2014	<b>GM</b>	That Council assist in the development of additional benchmarks that may be considered relevant in assessment of Rural Councils, particularly those with large road lengths such as Cobar Shire Council.	Noted – assistance will be provided if required – No further action required.

	Methodology Utilised in the Determination of the Financial Sustainability Ratings (FSR) for New South Wales Councils				
<b>COUNCIL RESOLUTIONS 28 AUGUST 2014</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
594	Works Committee Meeting – Report 1A – Quotation for the Supply of Plant and Equipment Hire Rates 2014/2015 Update	151.8.2014	<b>ESM</b>	That Wilga Transport and Saltwater Earthmoving be included in Council’s Register of Approved Contractors for the Supply of Plant and Equipment Hire Rates 2014/2015.	Approved Contractors included in Council’s Register of Approved Contractors for the Supply of Plant and Equipment Hire Rates 2014/2015 – No further action required.
595	Works Committee Meeting – Report 2A – Quotation for the Supply of Trade and Miscellaneous Services 2014/2015 Update	151.8.2014	<b>ESM</b>	That Cobar Mining Contractors Pty Ltd and C.B. Tyres Pty Ltd be included in Council’s Register of Approved Contractors for the Provision of Trades and Miscellaneous Services 2014/2015.	Approved Contractors included in Council’s Register of Approved Contractors for the Provision of Trades and Miscellaneous Services 2014/2015 – No further action required.
596	Committee of the Whole Closed Council – Matter of Urgency – Cobar Cemetery Maintenance	151.8.2014	<b>GM</b>	That the Mayor liaise with the General Manager on advice to arrange an appropriate increase to the maintenance funds provided to the Cobar Cemetery Committee for maintenance works undertaken.	Further legal advice being obtained. Appropriate liaison undertaken – No further action required.
597	Council – Clause 2A – Employee Leave Entitlements Cash Backed Reserves	153.8.2014	<b>DCCS</b>	That Council no longer maintain a separate cash backed reserve for employee leave entitlements but the amount available be reported in the monthly Cash Flow Statement.	Noted and information now detailed in the Monthly Cash Flow Statement Report – No further action required.

				That Council no longer specifically apply non-financial asset sale proceeds to employee leave entitlement reserves.	Noted – No further action required.
598	Council – Clause 3A – Community Notice Board	154.8.2014	<b>DCCS</b>	That the guidelines contained within the Report for the Community Notice Board be adopted.	Setting up of Guidelines for Community Notice Board has been completed, distributed and on web – No further action required.
599	Council - Clause 4A – To Approve the Tenure of Occupancy for the Cobar Mobile Children’s Services Inc	155.8.2014	<b>DCCS</b>	<p>a) That Cobar Mobile Children’s Services Inc. is offered tenure by way of Memorandum of Understanding for a period of one (1) year with a mutually agreeable option of a further year, commencing on 1 July 2014 and subject to Council’s Grant Applications and continuing to operate the building with its current use.</p> <p>b) That the annual payment be \$2,600 indexed at CPI.</p> <p>That other occupants of Council premises that have no occupancy agreement be recognised and an appropriate agreement entered into.</p>	Action plan instigated for implementation of resolutions.
600	Council – Clause 5A – National Local Roads and Transport Congress	156.8.2014	<b>DES</b>	That the Director of Engineering Services or nominee and Councillor Greg Martin be authorised to attend the National Local Road and Transport Congress that will be held at the Tamworth Memorial Hall from 12 – 14 November 2014 with attendance met from within the relevant budget allocation.	Attendance arranged – No further action required.
601	Council – Clause 6A – NSW Family Day Care (FDC) Association	157.8.2014	<b>DCCS/MCS</b>	That approval be given to Council’s Children’s Services Manager and FDC Educational Leader attend the 2014 NSW	Attendance arranged – No further action required.

	Annual Professional Development and Networking Forum and National In Home Childcare Association (NICA) Conference			Family Day Care Association Annual Professional Development & Networking Forum in Sydney.  That approval be given to Council's Children's Services Manager to attend the 2014 National In Home Child Care Association AGM & Conference at the Gold Coast.	Attendance arranged – No further action required.
602	Council – Clause 7A – 2013/2014 Budget Items Required to be Carried Over	158.8.2014	<b>DCCS/MCS</b>	Be increased by \$620,640 to fund capital items carried forward from 2013/2014;  Be increased by \$45,000 to fund a 14' trailer at 'change over price';  That the Operating Budget be increased by \$32,905 to fund operating items carried forward from 2013/2014.	Budget items set up in 2014/2015 Budget – No further action required.
603	Council – Clause 9A – 2014 NSW Public Libraries Conference	160.8.2014	<b>MLS</b>	That a Cobar Shire Council Staff Representative be authorised to attend the 2014 NSW Public Libraries Conference.	Attendance arranged – No further action required.
604	Council – Clause 10A – New Tractor and Delta Wing Slasher Review Report	161.8.2014	<b>ESM</b>	That Council in the current financial year reviews and reprioritises this year's financial budget prior to summer and purchases a Delta Wing Slasher for \$45,000 - \$55,000 and connect to Cobar's current 81 H.P. John Deere Tractor whilst retaining the existing 6 foot slasher for small areas.  Evaluate the effectiveness of current 81 H.P. Tractor prior to 2015/2016 budget and include the purchase of a 125 H.P. Tractor if required.	Action plan instigated for implementation of resolutions.

605	Council – Clause 11A – Unregulated Free Camping in the Cobar Shire	162.8.2014	<b>GM/ ADPES</b>	<p>That Council undertake no regulation of free camping at this time with Council Officers continuing to specifically regulate certain offences such as liquid waste disposal, littering and traffic related offences which at times relate to free camping.</p> <p>That Council Officers work with the Cobar Caravan Park Operators to help ascertain alternative measures to the regulation of free camping in Cobar Shire that will increase the financial standing of the caravan park.</p>	<p>Noted – Council Officers have commenced monitoring Free Camping Locations where practical in relation to liquid waste disposal, littering and traffic related offences – No further action required.</p> <p>Action plan instigated for implementation of resolution.</p>
606	Council – Clause 12A – New Cobar Water Treatment Plant – Selection of Site and Financial Aspect	163.8.2014	<b>PM</b>	<p>The new Cobar Water Treatment Plant be constructed at the site of Location 4B; currently located on land under the ownership of Peak Gold Mines Pty Ltd.</p> <p>That the subject land be acquired as operational land pursuant to the provisions of Section 31 of the Local Government Act 1993.</p> <p>That Council authorise the Mayor and the General Manager to sign all relevant land purchase documentation under the Common Seal of Council; including a Memorandum of Understanding between Peak Gold Mines Pty Ltd and Council for future interest by Peak Gold Mines Pty Ltd in regard to the Cobar Wrightville Common.</p> <p>That all financial information on any proposed land purchase and negotiation</p>	<p>Action plan instigated for implementation of resolutions.</p>

				<p>remain in Committee of Whole Closed Council until the land acquisition has been finalised.</p> <p>That Council note that final costs may be higher for the new Cobar Water Treatment Plant than initially estimated; but all final cost projections will be reported to Council as the project is delivered.</p>	
607	Council – Clause 13A – Approval of Design for Cobar Skate Park Upgrade	164.8.2014	<b>SPO</b>	That Council approves the Skate Park Design and the location (Lot 4 DP 214174) and agrees to construction commencing.	Advice provided to Contractor and works to commence end of September – No further action required.
608	Council – Clause 4B – Meeting Minutes	169.8.2014	<b>GM</b>	That in regard to the Motion that was passed by the Rural Roads Advisory Committee: “Copies of Grid Policies of other Councils in the area, including CDSC, Lachlan, Bourke Shires requested for discussion at the next meeting. Consideration is to be given to incorporate aspects into CSC’s Policy on Grids” that a report be brought to the Works Committee Meeting on the matter.	Action plan instigated for implementation of resolution.
609	Council - Clause 5B – Cobar Truck Wash Independent Review	170.8.2014	<b>ESM</b>	<p>That Council be provided a further report if required once the Commonwealth Grant Application outcome is known.</p> <p>That Council approach the Cobar Rugby Union Club and investigate if they have any use for the effluent water and if there are any costs in setting this up.</p>	Action plan instigated for implementation of resolutions.
610	Council – Committee of the Whole Closed Council – Clause 1C –	171.8.2014	<b>MPES</b>	That approval be given to purchase the system of covert surveillance cameras from Professional Trapping Services for \$3,239	Action plan instigated for implementation of resolution.

Quotations for Purchase of Covert Surveillance Cameras			and to be installed by Council staff at the Cobar Waste Depot.	
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**EXTRAORDINARY COUNCIL RESOLUTIONS 11 SEPTEMBER 2014**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
611	Extraordinary Meeting of Council – Clause 1A – Election of the Mayor and Deputy Mayor	175.9.2014	<b>GM</b>	<p>That Council note that the General Manager or his nominee is the Returning Officer for the purpose of electing the Mayor and Deputy Mayor.</p> <p>That the period of appointment of the Deputy Mayor be consistent with the period of the appointment of Mayor, being one (1) year.</p> <p>In the event of more than one (1) nomination that Council conduct the election of the Mayor and Deputy Mayor by ordinary ballot and in accordance with the Local Government (General) Regulations 2005.</p> <p>That following the election the ballot papers used in the election of the Mayor and Deputy Mayor be destroyed.</p>	<p>Noted – No further action required.</p> <p>Noted – No further action required.</p> <p>Undertaken – No further action required.</p> <p>Ballot papers destroyed – No further action required.</p>
612	Extraordinary Meeting of Council – Clause 2A – Meeting Dates and Times	176.9.2014	<b>GM</b>	That the Ordinary Meetings of Council be held in the Council Chambers commencing at 5pm on the fourth Thursday of each month except for the December meeting which is to be held on the second Thursday of the month to stay clear of the Christmas period and January where no meeting is held	Noted and advertised including the September 2014 Rural Council Meeting at Mount Hope – No further action required.

				<p>and where practical the September Council Meeting to be designated as the Rural Council Meeting that will commence at 2:00pm.</p> <p>The Rural Council Meeting be held on a rotating basis through the Council Election cycle as follows:</p> <ul style="list-style-type: none"> <li>- Euabalong (undertaken November 2012);</li> <li>- Nymagee (October 2013);</li> <li>- Mt Hope (September 2014);</li> <li>- Tilpa (September 2015).</li> </ul>	Noted – No further action required.
613	Extraordinary Meeting of Council – Clause 3A – Delegations of Authority	177.9.2014	<b>GM</b>	That the Delegations of Authority for the Mayor, Deputy Mayor and General Manager be confirmed.	Noted – No further action required.
614	Extraordinary Meeting of Council – Clause 4A – Council Committees/ Delegates	178.9.2014	<b>GM</b>	<p>That Council adopt the Committees and Committee Structure as detailed in this report.</p> <p>That Council confirm the quorum for the Finance and Policy and Works Committees as five (5) Councillors.</p> <p>That Council confirm the meeting time and date for the Standing Committees as 5.00pm on the second Thursday of the month. Except for the month of December and January where no meetings will be held.</p> <p>That Council determine its delegates for each of the listed Committees/ Organisations</p>	<p>Noted and advertised – No further action required.</p> <p>Noted – No further action required.</p> <p>Noted – No further action required.</p> <p>Noted and advertised – No further action required.</p>

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			as detailed.	
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**RECOMMENDATION**

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

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**CLAUSE 3B – INVESTMENT REPORT AS AT 31 AUGUST 2014****FILE: B2-7****AOP REFERENCE: 3.1.1.7****ATTACHMENT: NO****AUTHOR: *Manager Finance & Administration, Neil Mitchell*****Purpose**

Regulation 212 of the Local Government (General) Regulation 2005 requires that a written report of investments be tabled at the monthly meeting. The table below shows the balances of Council's Investments as at the report date. Funds available throughout the month for short-term investment were transferred to a NAB Sweep Account because the interest rate remains competitive. Loan proceeds from the National Australia Bank on 29 June 2012 were transferred to a NAB term deposit. This term deposit, attracts 3.65% interest, will mature on 6 November 2014. Another term deposit of \$3m was opened on 16 December 2013. When this term deposit matured in June, \$2m was reinvested and attracts an interest rate of 3.65% and will mature on 16 December 2014. This deposit was opened to increase Council's interest income due to interest from the Sweep Account being lower than the forward estimates. Other term deposits are being negotiated. Included in the table below is the accrued interest attributable to 31 August 2014. Two additional term deposits of \$2m each were opened after 31 August, with differing terms, in order to spread the maturity dates throughout the year. The amount restricted in the Unaudited Financial Accounts for Employee Leave Entitlements is \$313,647.

<b>Date</b>	<b>Opening Balance</b>	<b>Transfers to Investments</b>	<b>Transfers from Investment</b>	<b>Interest earned – Investments- Month</b>	<b>Closing Balance</b>
	<b>01.08.2014</b>				<b>31.08.2014</b>
NAB Sweep Acct	\$ 3,075,203	\$ 2,497,758	(\$ 267,000)	\$ 8,004	\$ 5,313,965
NAB Term Deposits					
3.65% Interest	\$ 1,008,936			\$ 3,128	\$ 1,012,064
3.65% Interest	\$ 2,009,008			\$ 6,228	\$ 2,015,236
<b>Totals</b>	<b>\$ 6,093,147</b>	<b>\$ 2,497,758</b>	<b>(\$ 267,000)</b>	<b>\$ 17,360</b>	<b>\$ 8,341,265</b>

*I hereby certify that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Clause 212 of the Local Government (General) Regulation 2005 and the Council's investment policy.*

  
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Manager Finance & Administration

**RECOMMENDATION****That Council receive and note the Investment Report as at 31 August 2014.**

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**CLAUSE 4B – DEVELOPMENT APPROVALS 20 AUGUST 2014 – 16 SEPTEMBER 2014**

**FILE: T5-1                      AOP REFERENCE: 1.6.3.1                      ATTACHMENT: NO**  
**AUTHOR: *Director of Planning & Environmental Services, Garry Ryman***

**Complying Development Approvals**

There were no Complying Development Applications approved under delegated authority for the period 20 August 2014 – 16 September 2014.

**The value of Complying Development approvals for 2014/2015 to date is Nil.**

There were no Complying Development Applications approved under delegated authority for the financial year 2013/2014.

**Local Development Approvals**

The following Local Development Applications have been approved under delegated authority for the period 20 August 2014 – 16 September 2014.

<b>CERTIFICATE NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>VALUE (\$)</b>
2014/LD-00038	Lot 11 Old Bourke Rd, Cobar	Demolition of Existing Structure and Construction of Double Garage & Double Carport	23,300
2014/LD-00036	Fort Bourke Hill, Cobar	Subdivision – One Additional Lot & Boundary Adjustment	-
2014/LD-00034	Lot 17 Jones Dr, Cobar	Inground Swimming Pool	36,000
2014/LD-00032	Lot 9 Denman St, Cobar	Manufactured Home	30,000
2014/LD-00037	Lot 53 Mopone St, Cobar	Carport	7,710

**The value of Local Development approvals for 2014/2015 to date is \$279,010.00.**

The value of Local Development approvals for the similar period in 2013/2014 was **\$633,114.00.**

**Construction Certificates**

The following Construction Certificates have been approved under delegated authority for the period 20 August 2014 – 16 September 2014.

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<b>CERTIFICATE NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>
2014/CB-00029	Lot 11 Old Bourke Rd, Cobar	Demolition of Existing Structure and Construction of Double Garage & Double Carport
2014/CB-00031	Lot 17 Jones Dr, Cobar	Inground Swimming Pool
2014/CB-00030	Lot 53 Mopone St, Cobar	Carport

**RECOMMENDATION**

**That the information detailing the Local Development and Construction Certificate approvals for the period 20 August 2014 – 16 September 2014 be received and noted.**

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**CLAUSE 5B – MEETING MINUTES**

**FILE: L5-4-3, C8-17, WB1-22    AOP REFERENCE: 3.1    ATTACHMENT:  
YES (PAGE 102-116)**

**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:

- OROC Board Meeting – Held at Dubbo City Council – 15 August 2014;
- Cobar Liquor Accord Committee Meeting - Held at Cobar Shire Council – 19 August 2014;
- Cobar Water Board – Held at Cobar Shire Council – 11 September 2014.

**RECOMMENDATION**

**That the minutes of the meetings of the OROC Board Meeting, Cobar Liquor Accord and Cobar Water Board be received and noted.**

# **ATTACHMENTS**



## **ORDINARY MEETING AGENDA**

**THURSDAY 25 SEPTEMBER 2014**

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## ~ REFERENCE TO ATTACHMENTS ~

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### **PART A – ACTION**

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Clause 5A – Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy .....	62-76
Clause 6A – SR23 Booberoi Road Euabalong Traffic Options.....	77
Clause 7A – RMS Regional Roads Repair Program for 2015/2016 Funding Location .....	78-84
Clause 8A – Analysis of Affects of the New Gym Report .....	85
Clause 9A – Unadited Financail Statements 2013/2014 .....	86-89
Clause 10A – Adoption of Management Plan for Lot 18 DP 213415 .....	90-101

### **PART B – INFORMATION**

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