

COBAR SHIRE COUNCIL



ORDINARY MEETING AGENDA

THURSDAY 27 NOVEMBER 2014

~ ORDER OF BUSINESS ~

Business for the meeting will be as follows:

1. Apologies
 2. Public Access Session – Jeff Shanks – Luka Group Presentation
 3. Declaration of Interests
 4. Condolences
 5. Confirmation of Minutes
 - Ordinary Meeting of Council – Thursday, 23 October 2014
 - Finance and Policy Committee Meeting – Thursday, 13 November 2014
 - Works Committee Meeting – Thursday, 13 November 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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~ TABLE OF CONTENTS ~

<u>PART A – ACTION</u>	<i>Page Number</i>
Clause 1A – Mayoral Report	6
Clause 2A – Presentation of Council’s Audited Financial Reports and Auditor’s Reports for 2013/2014 – Luka Group	7
Clause 3A – NSW Revenue Professionals Conference	9
Clause 4A – Environmental Education Signage at the Newey Reservoir	11
Clause 5A – Increased Water Restrictions	13
Clause 6A – Development Application - Peak Gold Mine Report	15
Clause 7A – Development Application - Khans IGA Supermarket Report	18
<u>PART B – INFORMATION</u>	<i>Page Number</i>
Clause 1B – Development Approvals - 16 October 2014 to 18 November 2014	33
Clause 2B – Monthly Status Report	35
Clause 3B – Meeting Minutes	57
Clause 4B – Truckwash Wastewater Reuse	58
Clause 5B – Lilliane Brady Village Annual Audited Financial Reports	60
Clause 6B – Investment Report as at 31 October 2014	61
Clause 7B – Comparison of Various Activities Controlled by Council for Year Ended June 2014	62
Reference to Attachments	63

~ 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
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~ COUNCIL'S VALUES ~

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

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

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

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

~ COUNCIL DIARY ~

DATE	ACTIVITY	INVOLVES
Thursday 27 November 2014 (4:30pm)	Confidential Councillor Workshop – IGA Development Application	Councillors/ Senior Staff
Thursday 27 November 2014 (5:00pm)	Council Meeting	Councillors/ Senior Staff/ Community
Thursday 27 November 2014 (5:00pm)	Auditors Report Presentation	Councillors/ Senior Staff/ Community
Monday 1 December 2014 (9:00am)	Kidman Way Promotional Committee AGM and Ordinary Meeting	Councillors/ Senior Staff/ Community
Tuesday 2 December 2014 (8:00am)	Far West Organisation Forum with Minister for Western NSW, Minister for Local Government, Office of Local Government and Far West Councils	Councillors/ Senior Staff
Wednesday 3 December 2014 (3:30pm)	Airport Advisory Committee Meeting	Councillors/ Senior Staff
Tuesday 9 December 2014 (1:00pm)	Liquor Accord Committee Meeting	Councillors/ Senior Staff/ Licencees
Thursday 11 December 2014 (10:00am)	Cobar Water Board Meeting	Councillors/ Senior Staff/ Board Members
Thursday 11 December 2014 (5:00pm)	Council/Committee Meetings	Councillors/ Senior Staff/ Community
Thursday 11 December 2014 (Immediately following the Meeting Closure)	Mayors Christmas Function	Councillors/ Senior Staff

CLAUSE 1A – 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 November 2014.

CLAUSE 2A – PRESENTATION OF COUNCIL’S AUDITED FINANCIAL REPORTS AND AUDITOR’S REPORTS FOR 2013/2014 – LUKA GROUP

**FILE: A12-2, F2-2-17 AOP REFERENCE: 3.3.3.3 ATTACHMENT: YES
(UNDER SEPARATE COVER)**

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

Purpose

For Council to receive its Annual Audited Financial Reports and the Auditor’s Reports for year ended 30 June 2014 pursuant to Section 419 (1) of the Local Government Act 1993.

Background

Council’s financial reports have been prepared and audited in accordance with Sections 415 and 416 of the Local Government Act 1993.

A copy of the reports has been provided to the Chief Executive Officer of the Office of Local Government and to all Councillors.

The schedules contained in the document and the commentary from the audit partner, Mr. Jeff Shanks which forms the auditor’s reports included in the attachment is self-explanatory and limited commentary is provided in this report. Mr. Shanks will make a presentation to the meeting prior to Council formally acknowledging the reports.

It should be noted that the Federal Government ceased paying Financial Assistance Grants in advance in the financial year under review. This practice which commenced in 2008 was part of the Global Financial Crisis management strategy adopted by Treasurer Swan. In 2013 two quarters were paid in advance. The impact in the year ended June 30 2014 when this practice ceased was approximately \$2m less than budgeted income. ***This means that the ‘underlying result’ was a net operating surplus of approximately \$450k from continuing operations.***

As advised in earlier reports to Council this was favorable compared to the Q3 Budget Review due to a successful private works contract in the final quarter and a very robust year at Lilliane Brady Village.

There were three key adjustments made during the course of the audit which contributed to the changes from the draft position presented to Council in September. Employee entitlements were increased by \$124k after consideration of the discount factor, the provision for doubtful debts was adjusted to incorporate two major non collectable amounts in 2013 and 2014 and the water and sewerage parts inventory was adjusted for a worksheet error.

The summary results are as follows:

KEY OPERATING DATA	2013	2014
	\$'000	\$'000
Income Statement		
Total Income from Continuing Operations	24,065	23,712
Total Expense from Continuing Operations	23,557	25,249
Net Operating Result from Continuing Operations	508	(1,537)
Grants & Contributions provided for Capital Purposes	786	84
Net Operating Result before Grants and Contributions	(278)	(1,621)
Net Operating Result for the year	508	(1,537)
Gain on revaluation of I, PP&E	4,904	-
Total Comprehensive Income	5,412	(1,537)

KEY FINANCIAL POSITION DATA	2013	2014
Total Current Assets	9,056	9,226
Total Current Liabilities	(3,666)	(4,071)
Total Non-Current Assets	189,115	187,464
Total Non-Current Liabilities	(3,301)	(2,775)
Total Equity	191,400	189,863

KEY PERFORMANCE INFORMATION	2013	2014
Unrestricted Current Ratio	2.42:1	1.92:1
Debt Service Ratio	11.36%	4.06%
Cash Expense Cover Ratio	3.83%	3.69%
Rates and Annual Charges Outstanding Ratio	3.64%	6.51%
Buildings and Infrastructure Renewals Ratio	51.23%	73.53%

Section 418 of the Local Government Act 1993 prescribes the public notice requirements for the presentation of financial reports. These requirements have been complied with.

Pursuant to Section 420 of the Local Government Act 1993 any person may make submissions within 7 days after the date of this meeting. Any submissions received must be referred to the Auditor.

Copies of the financial reports are available for public inspection on Council's Website, at the Council Offices and the Cobar, Nymagee and Euabalong Libraries.

RECOMMENDATION

- 1. That the Audited Financial Reports and Auditor's Reports for the year ended 30 June 2014 be received and noted.**
- 2. That Council thanks Mr. Jeff Shanks of Luka Group for his presentation.**

CLAUSE 3A – NSW REVENUE PROFESSIONALS CONFERENCE

FILE: S5-1

AOP REFERENCE: 3.3.2.3

ATTACHMENT: NO

AUTHOR: *Rates Officer, Jo-Louise Brown*

Purpose

The purpose of this Report is to provide information to the Council about the NSW Revenue Professionals Conference which is being held in Coffs Harbour on 18-20 March 2015 and to seek approval for a delegated employee to attend. The theme of the Conference is “*Advancing Professionalism in Rating & Revenue for NSW Local Government*”.

Background

The Conference program includes such items as:

- Water and sewer billing best practice;
- Interpreting the Supplementary Valuation List;
- Sundry Debtor accounts – what a Revenue Officer should do prior to raising accounts to ensure the debts are recoverable;
- Office of Local Government update on Rating and Revenue topics;
- Integrated Planning and Reporting process relevant to rating;
- Debt Collection;
- IPART presentation on rate pegging and Special Rate Variation Applications;
- Reviewing Categorisation of properties for rating;
- Financing Local Government into the Future – New Revenue Streams.

Issues

It is usual for the Rates Officer to attend the Annual Conference. This did not occur in 2012 and 2013 due to budget restraints.

The Conferences over the years have been found to be extremely beneficial as several training sessions relevant to rating and revenue raising are conducted during the Conference. The Office of Local Government, Valuer General’s Department and IPART also address issues and changes in legislation relevant to rating.

This Conference is important as it provides the opportunity to keep up to date with changes in rating and categorisation legislation, debt collection, best practice in local government and networking opportunities for Councils that are rural and remote (like Cobar Shire Council).

Financial Implications

Registration costs are \$440.00 (If registration is prior to 19 December 2014 otherwise \$515.00) per delegate inclusive of lunches and Conference dinner. Accommodation costs would be approximately \$720.00 for the entire Conference. Travel costs will be approximately \$400.00 i.e. the total expenses will be approximately \$1,560.00.

Costs are provided for in Council’s 2014/2015 Budget.

RECOMMENDATION

That one delegated Council Employee attend the NSW Revenue Professionals Conference.

CLAUSE 4A – ENVIRONMENTAL EDUCATION SIGNAGE AT THE NEWHEY RESERVIOR

FILE: P1-7

AOP REFERENCE: 4.4.3.1

ATTACHMENT: NO

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

Purpose

For Council to consider installing appropriate environmental education signage at the Newey Reservoir to assist in controlling specific environmental issues being experienced at this site.

Background

For the last three (3) months, inspections of the Newey Reservoir have been undertaken by Council Officers as part of a proactive environmental campaign to educate users of the Newey Reservoir about how certain activities undertaken at the site may impact on the environment.

These inspections were usually undertaken at dusk and concentrated on:

- Companion animal offences;
- Discharge of liquid waste from caravans/RVs;
- Littering;
- Camp fires.

Generally it was found that most users of the site were compliant. Some of the above issues were detected during these inspections, however were sporadic in frequency.

The two main issues noted during these inspections were discharge of liquid waste from caravan/RVs and camp fires. No littering offences were noted during these inspections and only two minor companion animal offences were identified.

Following detection, the issues were highlighted to the relevant parties with a view of educating versus regulating.

The responses received following Councils advice to the relevant parties about these issues were mostly consistent. These users of the site generally had an assumption that they were permitted to have camp fires and/or discharge their waste liquid from their vehicles, citing that they used environmentally friendly cleaners in their caravans/RVs.

Information was conveyed to these people about these issues and the possible impact on the recreational site. Maps were provided detailing locations of dump points and camp fires were asked to be extinguished.

Users of the site that were spoken to, mostly were apologetic for these issues and added that if signage was installed in the site or at the entrance prohibiting these activities, they would not have carried out these activities.

Issues

The two main issues found during Councils inspections of the Newey Reservoir related to discharge of liquid waste from caravans/RVs and camp fires. Both of these issues have the potential of causing environmental harm and should be controlled.

Signage prohibiting lighting of fires and discharging liquid waste from vehicles including caravans/ RVs should be installed at the vehicular entrance point into the Newey Reservoir.

A single location for signage installation was chosen rather than installing signage in the many varied locations across the site.

Legal Situation

Section 632 of the *Local Government Act* allows Councils to give notice (in the form of a sign) that certain activities are prohibited.

In this particular case, Council can install a sign prohibiting the lighting of fires and discharging of waste liquids from vehicles, such as caravans/RVs.

The information contained on the sign needs to be clear in what it is prohibiting and cite the relevant Legislative provisions of the *Local Government Act*.

By installing these signs in accordance with the *Local Government Act*, allow Council to:

- Advising the public of certain activities that should not be undertaken on that site; and
- Where the impact is significant, the ability to take appropriate legal action against offenders.

The principal aim of this signage is to inform and educate. There is currently no demand or community expectation of taking legal action in every instance of these issues being detected. Furthermore, the issues being detected, although having the possibility of being harmful to the environment, are relatively minor and an educative approach is considered appropriate at this point in time.

Financial Implications

Signage will be purchased in accordance with Cobarr Shire Council's Procurement Policy using Council's Parks Budget which has sufficient funding.

RECOMMENDATION

That Council install appropriate environmental educational signage at the vehicular entrance to the Newey Reservoir prohibiting the lighting of fires and discharging of waste liquids from vehicles, including caravan's/RV's.

CLAUSE 5A – INCREASED WATER RESTRICTIONS

FILE: W2-11

AOP REFERENCE: 5.1.3

ATTACHMENT: NO

AUTHOR: *Services Manager, Wayne D. Mills*

Purpose

The purpose of this Report is to demonstrate the need for the current water restrictions to be reviewed and altered.

Background

As Cobar and surrounding areas are now starting to enter into the warmest period of the year it would be an appropriate time for Council to give consideration to adjusting the current level of Water Restrictions.

The recent increase in temperatures caused usage levels which have increased to between 4ML and 5ML; requiring the Filtration Plant working for excessive hours. This is not ideal because maintenance and detention times are affected and will have an effect on the quality of the final product produced.

It is also an environmentally sound move for Council to alter the watering times as Council needs to encourage the community to water when evaporation levels are at their minimum; so this precious resource is not wasted or misused.

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

Cobar, Nymagee, Mount Hope, Euabalong and Euabalong West:

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

It is suggested that the time period for hand held hoses be adjusted to be between the hours of 5pm to 9am for Cobar, Nymagee, Mount Hope, Euabalong and Euabalong West. Change the fixed sprinkler watering times for Cobar, Euabalong and Euabalong West to be set between 6pm to 8am respectively, with fixed sprinkler watering at Mount Hope and Nymagee banned.

RECOMMENDATION

That Council amends the current water restrictions as per the below details, commencing on 8 December 2014:

Cobar, Euabalong and Euabalong West:

- **Hand held hoses are permitted between 5pm and 9am daily;**
- **All fixed sprinklers, irrigation systems etc, be permitted between 6pm and 8am daily;**
- **No car washing be permitted on hard surfaces.**

Nymagee and Mount Hope:

- **Hand held hoses be permitted between 5pm and 9am daily;**
- **All fixed sprinklers, irrigation systems etc, are banned;**
- **No car washing permitted on hard surfaces.**

**CLAUSE 6A – DEVELOPMENT APPLICATION PEAK GOLD MINE –
REPORT**

**FILE: 2014/LD-00031 AOP REFERENCE: 1.6.3.1 ATTACHMENT: YES
(PAGE 66-70)**

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

Purpose

To consider a development application for a proposed Raise Bore and Vent Fan Establishment at Peak Gold Mines.

Due to an unresolved objection to this development proposal, this application is referred to Council for determination.

Background

Council is in receipt of a development application for a proposed Raise Bore and Vent Fan to be installed at the Peak Gold Mines. The Development Application Assessment Report and a copy of the detailed plans are provided as attachments to this agenda.

Issues

This Development Application is categorised by the Environmental Planning and Assessment Act 1979 to be ‘Integrated Development’ as the proposal would require either a new approval/license or modification of an existing approval/license under the Protection of the Environment Operations Act 1997.

Due to the proposed being Integrated Development, the application was publicly advertised and also referred to the NSW Environment Protection Authority (EPA) and NSW Trade and Investment for comment.

During the advertising period, one response was submitted to Council for consideration from an adjoining resident to the mine. A copy of this submission is provided as an attachment to this agenda.

EPA raised no objection to the proposal, while NSW Trade and Investment sought some minor modification to the proposal. These modifications were undertaken by the applicant, which subsequently led NSW Trade and Investment to concur with the proposal.

RECOMMENDATION

That Development Application 2014/LD-00031 for a Raise Bore and Vent Fan be determined under s80(1) of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the following conditions:

1. The building work subject to this consent must be carried out in accordance with the requirements of the Building Code of Australia.

REASON: Legislative requirement.

2. This consent shall be void if the development to which it refers is not substantially commenced within sixty (60) months after the date of the consent.

REASON: To comply with the requirements of section 95 of the Environmental Planning and Assessment Act 1979.

3. You are advised that you must give Council 48 hours notice for the following mandatory inspection to be carried out:

- (a) At the commencement of the building work, and
- (b) After excavation for, and prior to the placement of, any footings, and
- (c) Prior to pouring any in-situ reinforced concrete building element, and
- (d) Prior to covering of the framework for any floor, wall, roof or other building element, and
- (e) Prior to covering any stormwater drainage connections, and
- (f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

4. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.

REASON: To protect the amenity of the area.

5. That work on the site must only be carried out between the hours of 7.00am and 8.00pm, Monday to Saturday inclusive and 8.00am to 8.00pm on Sundays or Public Holidays.

REASON: To reduce the noise nuisance to the occupants of neighbouring properties and to satisfy the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2000.

6. The construction of the building, the subject of this development consent **MUST NOT** commence until:

- a) A Construction Certificate has been issued.
- b) A Principal Certifying Authority has been appointed.
- c) A notice of intention to commence work has been issued to Council as the consent authority.

REASON: Legislative requirement.

7. The building work subject to this consent must be carried out in accordance with the requirements of the Building Code of Australia.

REASON: Legislative requirement.

8. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, identifying the following:

- the name, address and telephone number of the principal certifying authority (Cobar Shire Council) for the work,

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- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

REASON: Legislative requirement.

CLAUSE 7A – DEVELOPMENT APPLICATION - KHANS IGA SUPERMARKET REPORT

FILE: 2011/LD-00063 AOP REFERENCE: 1.6.3.1

**ATTACHMENT:
YES (PAGE 71-80)**

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

Purpose

To determine Development Application No. 2011/LD-00063 pursuant to the legislative provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Due to unresolved objections to this development proposal, this application is referred to Council for determination.

Attachments

- A. Site Management/ Demolition Plan
- B. Site Plan
- C. Floor Plan
- D. Southern and Western Elevation Plan
- E. Northern and Eastern Elevation Plan
- F. Section Plan
- G. Shadow Diagrams
- H. 3D Views
- I. Landscape Plan
- J. Landscape Planting Detail

Application Details

- Proposed:** IGA Supermarket
- Premises:** Lots 92, 93 and 96 of DP 599, 1-5 Prince Street Cobar
- Applicant:** PRD Architects
- Owner:** Nanga Parbat Pty Ltd
- Zoning:** General Business 3 (A) *Cobar Local Environment Plan 2012*

Background

Council is in receipt of a Development Application seeking Councils consideration of a supermarket development consisting of the construction of a single storey supermarket with associated car parking facilities.

The application was lodged with Cobar Shire Council on 28 October 2011.

Following lodgement of the application, the proposal was notified to a number of nearby property owners and occupiers for fourteen (14) days. The application was also referred to the NSW Police, the Roads and Maritime Services (RMS) and to Council's Engineering Services Department for comments.

A letter was sent to the applicant on 11 November 2011 seeking further information to what was provided in the Statement of Environmental Effects that accompanied the application. Specifically, Council's Assessing Officer required additional information relating to:

- Legislative compliance;
- Compliance with relevant planning controls;
- Parking and Traffic Impacts;
- Impact on Heritage items;
- Impacts on surrounding businesses and the primary and pre-school;
- Crime prevention and Security;
- Impact on local infrastructure;
- Accessibility;
- Energy Efficiency.

Objections to the proposal were received from St John's Primary School on 16 November 2011. NSW Police, Council's Engineering Services Department and the RMS also raised concerns about the development proposal in their responses to Council between 14 November and 8 December 2011. A subsequent letter was sent to the applicant advising them of these various concerns.

Given the time that elapsed since Council's letter to the applicant on 11 November and 12 December 2011, an email was sent to the applicant on 26 April 2012 seeking an update on the additional information sought by Council Officers.

Following Council's email to the applicant a Traffic Impact Assessment Report and Heritage Impact Statement Report was returned via email to Council on the 7 June 2012. This email explained that the matters raised in Council's previous correspondence was being reviewed and additional information would be sent to Council "soon". The Traffic Impact Assessment Report was referred to the RMS for comment.

On 18 June 2012, an email was sent to the applicant suggesting that the applicant consider purchasing the land to the North of the subject site on the corner of Marshall and Bourke Streets to assist with delivery truck manoeuvring.

A meeting was held in Council's Administration Building on 4 July 2012 to discuss Council's request for additional information. This meeting was attended by the Development Site Owner, Cobar Shire Council's Mayor and Council's Director of Planning and Environmental Services.

A further email was sent to the applicant on 6 July 2012 attaching Council's previous requests for information/comments. The applicant responded to this email and Council's previous requests for information in late July. Upon consideration of the additional information provided by the applicant, Council sent a follow up letter to the applicant on 1 August 2012 detailing concerns with:

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- The Heritage Impact Statement Report;
 - Parking, Access and Traffic;
 - Landscaping;
 - Amenity;
 - Social and Economic Impacts;
 - Crime Prevention through Environmental Design;
 - Suitability of the Site and Public Interest.

Comments were received from the RMS dated 14 August 2012 following consideration of the applicant's Traffic Impact Assessment Report. The RMS detailed concerns with delivery vehicle movements onto and around the site and a lack of onsite car spaces. These comments from the RMS were passed onto the applicant on the following day.

Given, once again, the time that had elapsed since Council requested further information a request was made to the owner to have a meeting to discuss the application. The owner advised that this would be difficult to organise as his consultants needed 2-3 weeks' notice.

An amended traffic report was submitted to Council on 5 December 2013 and was subsequently referred to the RMS and Council's Engineering Services Department for comment. Comments in response to Council's referral continued to identify concerns with delivery vehicle movements and the reduced number of on-site car spaces.

A letter was then sent to the applicant comprehensively identifying all outstanding concerns on 7 March 2014. This letter sought the applicants consideration of the following matters:

- The development proposal should be amended to include demolition of the existing structures on site.
- Compliance with Council's *Local Environment Plan* was sought with respect to:
 - Promotion of the efficient and equitable provision of public services, infrastructure and amenities;
 - Details of proposed earthworks;
 - Details of how stormwater is to be managed on site;
 - How this IGA supermarket will operate with respect to the other two IGA supermarkets in town and its correlation to employment opportunities in Cobar;
 - Detachment from the existing business zone.
- Comments in response to concerns raised by RMS, St John's Primary School, NSW Police and Council's Engineering Services Department;
- Details on the operation and management of the supermarket;
- Provision of plan details of the proposed mezzanine floor;
- Details on external advertising and lighting;
- The architectural plans supplied with the application is not consistent with the recommendations made by their Heritage Consultant;
- No details have been provided regarding the landscaping of the site.

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- Provision of a noise impact assessment report to identify whether the operation of the supermarket will impact on surrounding residents and the adjoining motel;
 - The latest version of the traffic impact report has a carpark layout plan which is inconsistent with the site plan car park layout;
 - The site car parking plan needed to provide more detail;
 - Details of what road related works are proposed to Prince and Bourke Streets;
 - Due to the poor state of the road in Bourke Street, what works are proposed to accommodate the large delivery vehicles that will transit this area;
 - Consideration that the site is unsuitable for this proposal.

On 8 May 2014 the applicant sent an email to Council advising that a response would be forthcoming and that they believed that the situation had changed course since previous discussions with Council.

On 17 July 2014, a letter was received from the owner advising that as a condition of consent, the Traffic Management Plan would be implemented by RMS Accredited Traffic Controllers. Council had not suggested this proposal.

Given the extent of time since Council's letter to the applicant on 7 March 2014 without a sufficient response, a letter was sent to the applicant and owner on 25 July 2014 providing a further 14 days before Council would consider refusing the application.

Correspondence from both the owner and applicant sought additional time to lodge the necessary information. An extension of time was granted and limited to the 15 August 2014.

On 15 August 2014, the applicant emailed amended architectural plans, revised landscape drawings and an amended traffic report. The traffic report was subsequently referred to the RMS for comment.

On 16 September 2014, RMS responded to Council's request for comment on the latest amended traffic report. RMS still had concerns with the development proposal with respect to delivery loading arrangements and lack of onsite car spaces.

No further correspondence was sent to or received from the applicant or owner.

Site Description and Locality

The subject site is located on the North Eastern corner of the intersection of Bourke and Prince Streets Cobar.

Lots 96 and 93 are currently vacant properties having some existing vegetation and trees and having a slight elevated ground level from the street. Lot 92 currently has a brick building occupying the site which, as per the last site plan, is to be demolished along with existing fencing, concrete paths, driveway and vegetation/trees.

Compliance with Relevant Statutory Requirements Applicable to the Site

The application has been assessed pursuant to *Section 79C* of the *Environmental Planning and Assessment (EP&A) Act 1979*. A detailed assessment is contained in this report.

1. State Environmental Planning Policy (Infrastructure) 2007

Division 17 of the SEPP applies to proposals of this scale and location. As such, reference was made to Clause 104 (3) of Subdivision 2, this is described as follows:

“(3) Before determining a development application for development to which this clause applies, the consent authority must:

...(b) take into consideration:

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) any potential traffic safety, road congestion or parking implications of the development”*

With respect to the above, Council referred the proposal to (RMS) for comment.

RMS provided the following comments in their latest submission to Council on 16 September 2014:

“The proposed loading arrangements are still considered inadequate and present a serious safety risk to customers and staff, particularly pedestrians within the site and on Bourke Street. Opposite the subject land is a child care facility, primary school and church which each generate high pedestrian movements, including young children. Roads and Maritime reiterates previous advice that to provide a high level of safety for pedestrians and motorists, all vehicles need to enter and exit the site in a forward direction and heavy vehicle manoeuvring areas, particularly reversing movements, need to be kept clear of pedestrian and light vehicle parking areas.

The applicant has not demonstrated that a departure to the number of carparking spaces required under the RTA Guide to Traffic Generating Developments 2002 is warranted on this occasion. Given the close proximity of the site to high pedestrian and traffic generating developments (childcare facility, primary school and church) and Marshall Street (HW8) it is important that adequate, safe and accessible parking is provided on-site.”

The two issues highlighted by RMS in their letter to Council had been communicated to the applicant on two other occasions. However these concerns by RMS remain unresolved.

Council has a legal obligation under Section 79C of the *Environmental Planning and Assessment Act 1979* to consider the relevant provisions of any environmental planning instrument. The *State Environmental Planning Policy (Infrastructure) 2007* is an Environmental Planning Instrument.

In determining this development application, Council must take into consideration the:

- Serious safety risk concerns by RMS to customers and staff, particularly pedestrians within the site and on Bourke Street;
- Lack of suitable on site car parking spaces and applicants failure to demonstrate that this departure is acceptable.

2. Cobar Local Environmental Plan 2012

The subject site is zoned B2 Local Centre pursuant to the *Cobar LEP 2012*. The proposed development is characterised as a commercial premises and is permissible within the B2 zone subject to Council consent.

A commercial premises is defined under the *Cobar LEP* as follows:

“commercial premises means any of the following:

- (a) Business premises*
- (b) Office premises*
- (c) Retail premises.”*

The objectives of the B2 Local Centre zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;
- To encourage employment opportunities in accessible locations;
- To maximise public transport patronage and encourage walking and cycling.

The second objective of the B2 Local Centre Zone relates to encouraging employment opportunities in accessible locations. Council wrote to the applicant on 7 March 2014 questioning how this proposal will satisfy this objective. Specifically, Council wrote:

“To date, the application is silent on whether this development proposal will be in conjunction with the closure of one or both existing IGA supermarkets. This information is critical in order to understand the impact on employment opportunities, social and economic impacts on the CBD locality.

Furthermore, the proposed site, although within the B2 zone, is detached from the main commercial area within Cobar. There is some concern raised that this supermarket will impose a financial impact on the shops in Marshall Street as customers may be

reluctant to undertake their shopping in two areas within Cobar. Comment from the applicant is required in response to this concern”.

The applicant has not specifically responded to Councils concern about ways of encouraging employment. However the applicant’s traffic consultant did state that *“The new IGA will consolidate the new location with one of the existing stores in Cobar.”*

The applicant has not provided commentary on how this specific objective of the B2 zone will be satisfied. Given that it is possible that this new IGA will possibly replace an existing store of the same size, it is difficult to ascertain how this will encourage employment opportunities.

The following table provides an assessment against the relevant provisions within the *Cobar LEP 2012*:

CRITERIA	PROVISION DETAIL	COUNCILS CONCERN	APPLICANTS COMMENT
Clause 1.2 - Aims of the Plan.	One of the aims of the LEP is to promote the efficient and equitable provision of public services, infrastructure and amenities.	Due to the insufficient amount of on-site carparking proposed, it is considered that the proposal will impact on existing street vehicle parking and consequently negate an equitable use of carparking infrastructure in the Bourke/Prince Street locality.	A survey of paying customers and partons was undertaken on the Marshall Street IGA. The applicants traffic engineer noted that a significant proportion of the partons of the Marshall St store have multi-purpose trips. The Engineer estimated that 15% of the existing patrons visited the store, not as their primary trip and therefore imposed a 15% reduction on peak demand. The engineer compared the floor areas of the Marshall Street and proposed supermarket stating that the maximum demand for carparking is 63 carspaces and the proposed carpark will provide 66

			carspaces.
Clause 6.1 - Earthworks.	Earthworks will not have a detrimental impact on environmental functions, neighbouring uses, cultural or heritage items or features of the surrounding land.	Vibration caused by earthworks, ancillary to the supermarket proposal, may impose structural harm to the heritage items in proximity to the development site. The earthworks may also disturb possible relics on Lot 93, as detailed in the provided Heritage Study.	No comment was provided by the applicant in response to this concern.
Clause 6.3 - Stormwater Management.	The development should be designed to maximise the use of water permeable surfaces on land, include on site stormwater retention for use as an alternative supply to mains water, avoid any significant impacts on stormwater runoff on adjoining properties.	The applicant's statement of environmental effects stated that all surface water would be distributed as shown on the accompanying drainage drawing. No drawing was provided. Hydraulic engineering details was requested by Council to permit an assessment of the impact.	No details were provided to Council other than showing rainwater tanks on the floor plans.

Council has a legal obligation under *Section 79C* of the *Environmental Planning and Assessment Act 1979* to consider the relevant provisions of any environmental planning instrument. The *Cobar LEP 2012* is an Environmental Planning Instrument.

In determining this development application, Council must take into consideration the:

- Absence of detail how this proposal will encourage employment opportunities given that the proposal will likely include the closure of one of the two existing supermarkets;
- The possible traffic impacts caused by a lack of on-site car spaces;
- Possible impacts to Heritage items by earthworks on this development site.

3. Likely Impacts of that Development

Section 79C (b) of the *Environmental Planning and Assessment Act 1979* requires Council, as the consent authority, to take into consideration the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The likely impacts relevant to this proposal can be summarised in the following table as:

LIKELY IMPACTS	COUNCILS CONCERN	APPLICANTS RESPONSE
Impact on structural integrity of Heritage items in proximity to development site.	The earthworks may impact on the structural integrity of adjacent Heritage items.	No response.
Employment impacts caused by the possible closure of one of the existing IGA supermarkets.	One or two of the existing supermarkets may close causing employment issues.	No specific response by the applicant however the applicants traffic engineer did state that the new IGA store would be consolidated with an existing store.
Control of surface and stormwater on this site.	There is insufficient detail as to how stormwater and surface water will be managed on site. Due to the almost 100% impermeable site coverage, stormwater captured on this site may impact on existing stormwater infrastructure in that locality or adjoining properties. Hydraulic engineering details were requested by Council to enable assessment of any impact.	No hydraulic engineering details were provided.
Noise emissions and its impact on surrounding residential occupancies.	The noise emitted from compressors and air conditioners as part of the operation of this store may impact on surrounding residential occupancies such as residents in the adjoining motel site. A noise impact assessment report was required to assess the level of impact.	No noise assessment details were provided by the applicant.
Traffic and carparking impacts.	The loading (deliveries) manoeuvring on this site will increase the safety risk to staff and pedestrians on this site and in Bourke Street. The lack of onsite carparking may create traffic issues in that locality as customers unable to park	Applicant supplied report from traffic engineer advising Council that shared delivery parking zone (which is unsupported by Council and RMS) will be managed by a traffic management plan and a trained qualified traffic

	in the supermarket carpark would need to park in either Bourke or Prince Streets, which are at peak times already well utilised.	controller. This same report stated that the 66 carspaces were suitable, citing a traffic survey undertaken by IGA staff at one of the Cobar stores, which is of a similar size to the proposed store.
Management of refuse.	Refuse management, including location of receptacles and types was required to understand how waste would be managed on this site.	No details were provided by the applicant.
Lighting impacts.	Council needs to understand how the carpark and store will be illuminated to ensure that light spill will not unduly impact on the surrounding locality.	No details were provided.
Streetscape impacts and in particular, impacts on adjacent heritage Items.	The position of the supermarket may negatively impact on the heritage items in proximity to the new IGA. The applicants heritage consultant recommended that the supermarket be setback from Prince street with the southern façade to be softened with landscaping. This information was relayed to the applicant by Council as the original design failed to incorporate this design change recommended by the heritage consultant.	The proposal was changed to accommodate the recommended setback and landscaping.

The applicant was made aware of Council's concerns in relation to the likely impacts of the development. These concerns were communicated in writing.

Council is still unable to ascertain whether most of the likely impacts will be unacceptable as little or no detail was provided in response to Council's written concerns and requests for additional information.

It is considered that the applicant has not satisfactorily demonstrated that this development will not adversely impact on the environment, including natural and built, and social and economic impacts on the locality.

4. Suitability of the Site for the Development

Section 79C (c) of the *Environmental Planning and Assessment Act 1979*, requires a consent authority to consider the suitability of the site for the proposed development.

A Land and Environment Court matter (*MCC Energy Pty Ltd v Wyong Shire Council* (2006)) clarifies this legislative consideration:

“The phrase “suitability of the site for the development” operates at a high level of generality. Many facts may be relevant to questions of a site’s suitability for various developments. Identifying those facts is a matter for the consent authority...”

With this interpretation in mind, the following concerns are identified as being principal issues relating to the suitability of this site for this specific proposal:

- Traffic and Parking;
- Deliveries to the site and pedestrian safety;
- Structural impacts on Heritage items;
- Noise impacts;
- The proposals consistency with the Objectives of the B2 zone;
- Management of waste;
- Illumination impacts.

An assessment of each of the above concerns have been raised with the applicant and in some cases, like traffic and parking, with State Authorities.

Council has a legal obligation to determine whether developments are suitable to the relevant site. During the course of this assessment the concerns are advised to the applicant, with a request for a suitable response.

In this particular case, most of the above issues, (raised with the applicant in Council’s letter dated 7 March 2014), were either not satisfactorily responded to or no response was tendered at all.

Details relating to the applicant’s response to the above issues, have been provided earlier on in this report.

Following an assessment of the application and the submissions provided by the applicant, State Authorities and the public, it is considered that the site is not suitable for the proposed development.

This is due to:

- RMS raised serious safety concerns with the loading/delivery vehicle movements on the site;
- RMS raised concerns regarding the lack of on-site car parking spaces;
- No information was provided from the applicant regarding structural impacts on surrounding heritage items, possible noise impacts to adjoining residential occupancies, lack of consistency with the objectives with the B2 zone,

management of waste and illumination impacts on surrounding residents/heritage properties.

5. Any Submissions made in Accordance with this Act or the Regulations

This development application was notified for a period of fourteen (14) days to adjoining properties providing an opportunity to comment on the development proposal.

Following this notification, Council received a number of objections to the proposal. These are summarised in the following table:

OBJECTOR	OBJECTION
St John's Primary School.	<ul style="list-style-type: none"> • Increased traffic flow during peak school times and heavy vehicles making deliveries. • Increased traffic during construction process. • Weddings/funerals at Church will induce higher traffic in locality. Elderly parishioners may have difficulties attending weekend mass due to an increase in traffic. • Huge impact on the safety of school students using pedestrian crossings in Bourke and Marshall Streets.
NSW Police.	<ul style="list-style-type: none"> • Impact on existing traffic management arrangements for St Johns Primary School. • Impact on Kubby House Child Care Centre Inc and Cobar Complete Laundry Service in Bourke Street by heavy delivery vehicles. • Impact on alcohol free zone. • Will increase pedestrian movements through police property inadvertently increasing risk to prisoners and the public due to unsecured nature of the rear yard of the police station. • Increase of pedestrian movements adjacent to the lockup keepers residence impacting on acoustic amenity and privacy. • Unrestricted angle parking in Bourke Street reduces sight for motorists in the school zone and on approach to the Prince St/Bourke St intersection. The turning circle at the Eastern end of Prince St is inadequate for a larger volume of vehicles.
Councils Works Manager.	<ul style="list-style-type: none"> • Access to development conflicts with school speed zone. • Additional pedestrian crossing across Prince Street to West of Bourke Street to add to pedestrian safety. • No vehicle access to Prince Street from development. Alternative access to be provided in Bourke Street. • Provision of more on-street parking by widening Prince Street and providing angle parking. • Turning circle at eastern end of Prince Street to be widened with angle parking to be kept clear.
RMS (latest comments).	<ul style="list-style-type: none"> • Proposed loading arrangements are still considered

	<p>inadequate and present a serious safety risk to customers and staff, particularly within the site and on Bourke Street. Opposite the subject land is a childcare facility, primary school and church which each generate high pedestrian movements, including young children. RMS reiterates previous advice that to provide a high level of safety for pedestrians and motorists, all vehicles need to enter and exit the site in a forward direction and heavy vehicle manoeuvring areas, particularly reversing movements, need to be kept clear of pedestrian and light vehicle parking areas.</p> <ul style="list-style-type: none"> • The applicant has not demonstrated that a departure to the number of car parking spaces required under the RTA Guide to Traffic Generating Developments 2002 is warranted on this occasion. Given the close proximity of the site to high pedestrian and traffic generating developments (child care facility, primary school and church) and Marshall Street (HW8) it is important that adequate, safe and accessible parking is provided on-site.
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The submissions received related to:

- Parking issues;
- Traffic safety issues;
- Pedestrian safety;
- Loading and unloading;
- Impact on alcohol free zone;
- Conflict with other uses in the locality.

6. The Public Interest

Section 79C (1) (e) requires a consent authority, when determining a development application, to consider “the public interest”.

Following notification of the development, Council received comments from the public that highlighted concerns about the development. These concerns related to safety, amenity, equity of public space and infrastructure and impact on the use of surrounding properties.

In addition to public commentary about this development, Council should determine whether this development sets a desirable precedent with regards to development proposals. In this particular case, Council advised the applicant of relevant concerns about possible impacts by this development proposal. The most recent response by the applicant fails to adequately demonstrate the severity or relevance of these impacts.

Without knowing the true severity or relevance of the concerns raised by Council, it must be assumed that these impacts are unacceptable. Ignoring these possible impacts would set an undesirable precedent for Council when determining Development Applications.

Therefore, it is concluded that this development proposal is not in the public interest.

Conclusion

In conclusion, the following is noted:

1. This application proposes the construction of an IGA Supermarket.
2. The subject site is zoned B2 Local Centre as stipulated in the *Cobar Local Environmental Plan 2012* and the proposed development is permissible within the B2 Local Centre zone subject to Council consent.
3. The application was referred to RMS for comment as required by *State Environmental Planning Policy (Infrastructure) 2007*. RMS have raised objections to the proposal with respect to loading (deliveries) and on-site parking.
4. The application fails to adequately satisfy concerns related to noise, waste management, heritage, illumination spill, employment, traffic, parking, impact on school zones and alcohol free zones.
5. The application was notified for a period of 14 days to surrounding premises. Objections were received regarding the proposal which remain unsatisfied.
6. The proposed development has been assessed and considered having regard to the matters for consideration under *Section 79C* of the *Environmental Planning and Assessment Act 1979*.

Accordingly, it is recommended that the construction of an IGA supermarket be refused.

Options

This application needs to be considered and determined by Council as there are unresolved objections to this proposal. Council Officers do not have delegation to determine this application.

Following consideration of the details contained in this report, Council has the following options:

1. Resolve to defer the application a further time seeking further information in line with the current list of outstanding concerns;
2. Approve the application;
3. Refuse the application.

RECOMMENDATION

Following an assessment of this application by Council Officers, Council refuse Development Application No. 2011/LD-036 pursuant to *Section 80* of the *Environmental Planning and Assessment Act 1979* and provide notice to the applicant of its decision pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*.

CLAUSE 1B – DEVELOPMENT APPROVALS 16 OCTOBER 2014 TO 18 NOVEMBER 2014

FILE: T5-1 AOP REFERENCE: 1.6.3.1 ATTACHMENT: NO
AUTHOR: *Acting Director of Planning & Environmental Services, Stephen Poulter*

Complying Development Approvals

There were no Complying Development Applications approved under delegated authority for the period 16 October 2014 – 18 November 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 similar period in 2013/2014.

Local Development Approvals

The following Local Development Applications have been approved under delegated authority for the period 16 October 2014 – 18 November 2014.

CERTIFICATE NO.	ADDRESS	DESCRIPTION	VALUE (\$)
2009/LD-00044 REV01	53 Linsley St, Cobar	Modification of Development Consent	-
2014/LD-00045	42 Acacia Dr, Cobar	Detached Garage	17,000
2014/LD-00040	136 Lerida Rd, Cobar	Above Ground Swimming Pool	9,000
2014/LD-00047	10 Linsley St, Cobar	Demolition of Existing Structure and Construction of Shed	17,000
2014/LD-00046	68 Bathurst St, Cobar	Shed	8,000
2014/LD-00050	‘Four Corners Stn’ Burthong Rd, Nymagee	Change of Use – Recreational Hunting	-
2014/LD-00049	66 Marshall St, Cobar	Change of Use of Existing Premises and Associated Fit Out for the Purpose of a Pharmacy.	33,000
2014/LD-00048	Old Great Cobar Copper Mine, Kidman Way, Cobar	Vibration Monitor	19,000

2014/LD-00051	6/18 Bourke Rd, Cobar	Awnings x 4	15,000
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The value of Local Development approvals for 2014/2015 to date is \$458,010.00.

The value of Local Development approvals for the similar period in 2013/2014 was \$1,885,114.00.

Construction Certificates

The following Construction Certificates have been approved under delegated authority for the period 16 October 2014 – 18 November 2014.

CERTIFICATE NO.	ADDRESS	DESCRIPTION
2014/CB-00038	42 Acacia Dr, Cobar	Detached Garage
2014/CB-00037	136 Lerida Rd, Cobar	Above Ground Swimming Pool
2014/CB-00039	10 Linsley St, Cobar	Demolition of Existing Structure and Construction of Shed
2014/CB-00040	68 Bathurst St, Cobar	Shed
2014/CB-00041	Old Great Cobar Copper Mine, Kidman Way, Cobar	Vibration Monitor
2014/CB-00042	6/18 Bourke Rd, Cobar	Awnings x 4

RECOMMENDATION

That the information detailing the Local Development and Construction Certificate approvals for the period 16 October 2014 - 18 November 2014 be received and noted.

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 will be the only priority for the 2015/2016 Repair Program. 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.	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.

				Following successful acquisition of the above land, classify this land as Operational under the Local Government Act 1993.	Will be undertaken at time of acquisition.
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COUNCIL RESOLUTIONS 23 JUNE 2011

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
28	Committee of the Whole Closed Council – Clause 3C – Plant and Equipment Utilisation Improvement Report	122.6.2011	GM/DES	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 27 OCTOBER 2011

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
87	Council – Clause 4A – Land Acquisition – Cobar Caravan Park Lot 317 in DP755649	193.10.2011	DPES/LMO	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

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
162	Council – Clause 16A - Liquid Trade Waste	14.3.2012	DES/SM	Adopts option one (1) for the upgrading of the existing trade waste	Action Plan instigated for implementation of resolution.

	Policy – Costs and Implementation Method			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.	
COUNCIL RESOLUTIONS 26 APRIL ADJOURNED TO 3 MAY 2012					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
177	Council - Clause 7A – Nymagee Old School Community Centre	71.4.2012	DPES/LMO	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 has been sent to Nymagee Progress Association for signing.
194	Committee of the Whole Closed Council - Clause 4C – Sale of Land	94.4.2012	GM/LMO	<p>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.</p> <p>That Council provides authority for the General Manager to undertake investigations into any party in regards to the standard financial and company checks, the company's previous experience with similar projects and their previous experience in completing projects with timeframes.</p>	<p>Further Councillor workshop strategies planning for land in concern held on 9 August, 2012.</p> <p>Action Plan instigated for implementation of resolution.</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>Currently no interested party.</p> <p>Action Plan instigated for implementation of resolutions.</p>
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				<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>	
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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	DPES/LMO	<p>That Council resolves to close part of the road reserve on the corner of Murray and Blakey Street, Cobar identified as being Lot 2 in Deposited Plan 46869.</p> <p>That Council provides authority for the General Manager to make application to the Department of Primary Industries, Crown Land Division to close the road.</p> <p>That Council authorise the Mayor and the General Manager to sign all relevant documentation under the Common Seal of Council.</p> <p>That the land be acquired as operational land pursuant to the provisions of Section 31 of the</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 Lands with a huge backlog of road closing matters delaying the progress.</p> <p>Classification to be arranged at acquisition.</p>

COUNCIL RESOLUTIONS 23 AUGUST 2012

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
234	Council – Clause 7A – Festival of the Miners Ghost	197.8.2012	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, next round of suitable grants not due until December 2014.
240	Committee of the Whole Closed Council – Clause 1C – Goat Handling Facility – Lot 40 DP755649 Kidman Way, Cobar	213.8.2012	DPES	Decline to accept that the current operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar is a continuing use under S109 of the Environmental Planning and Assessment Act 1979. That the continued operation of the goat handling facility at Lot 40 DP 755649 Kidman Way, Cobar be dealt with as a compliance matter to be followed up by the Director of Planning and Environmental Services.	Action plan instigated for implementation of resolutions.

COUNCIL RESOLUTIONS 13 DECEMBER 2012

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
307	Council – Clause 12A – Plant Replacement Program, Proposed Purchase of 34,000 Litre Water Tank Trailer in lieu of Side Tipper Trailer	320.12.2012	GM/ESM	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	Rescission Motion reported again to the April 2013 Ordinary Council Meeting which was lost. Action plan instigated and implemented of original resolutions. Due to no guarantee at

				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.	present of appropriate level of works for related activity quotation process has been delayed pending consideration of other matters.
COUNCIL RESOLUTIONS 28 FEBRUARY 2013					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
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	DES/ESM	<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.
COUNCIL RESOLUTIONS 28 MARCH 2013					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
350	Finance and Policy Committee – Notice of Motion – Management of the Youth and Community centre	41.3.2013	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 final result of future Resources for Regions EOI's known.
COUNCIL RESOLUTIONS 24 APRIL 2013					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
380	Committee of the Whole Closed Council – Clause 1C – Notice of Rescission Motion – Consideration of Tourism Cost Centre	95.4.2013	DCCS/MTPR	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.
COUNCIL RESOLUTIONS 22 AUGUST 2013					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
435	Council – Clause 9A – Determination of Status of Mt Gap Road	187.8.2013	ESM	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.

				Shire Road.	
COUNCIL RESOLUTIONS 12 DECEMBER 2013					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
506	Council – Clause 12A – Division of Local Government Promoting Better Practice Review of Cobar Shire Council	294.12.2013	GM	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					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
510	Extraordinary Meeting of Council – Clause 3A – Increased Water Restrictions to Nymagee	05.1.2014	DES/SM	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, hoping to be able to use future Water Security for Regions Programs.
COUNCIL RESOLUTIONS 27 FEBRUARY 2014					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
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.
COUNCIL RESOLUTIONS 27 MARCH 2014					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
537	Council – 3A Cobar	45.3.2014	DES	That Council approves the provision of	Action plan instigated for

	Rural Fire Service Brigade Building Proposal			<p>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.</p> <p>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.</p>	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 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 – Grading of Shire Road 20 (Grain Road) by Local Contractors	75.4.2014	ESM	<p>That Council trial the Grain Road 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</p>	Action plan instigated for implementation of resolutions. Initial grade has been completed on Shire Road 20.

				<p>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>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>
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"> ▪ That impacts on Local Government Council Infrastructure are adequately compensated for in the immediate and future life of those assets; 	Finalised Policy Document being formulated.

				<ul style="list-style-type: none"> ▪ 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 data on air and water quality; ▪ 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; ▪ That health and environmental impact assessments are conducted for all significant mining and extractive industries during the approval process; ▪ That individual property rights in regard to unwelcome drilling, exploration and/or extraction activities are supported; ▪ That the ten (10) International Council of Mining and Metals (ICMM) principles are supported by Council; ▪ That Cobar Shire Council recommends to the State Government that the pre-gateway 	
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				determination process be modified to enable a refusal where appropriate, and; <ul style="list-style-type: none"> ▪ That Council promotes the dissemination of information to landholders that is independent and informs them of their rights and obligations prior to entering 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.

COUNCIL RESOLUTIONS 26 JUNE 2014

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
578	Council – Clause 15A – 2014/2015 Annual Operational Plan and Budget Including Revenue Policy and Fees and Charges	120.6.2014	DCCS/SPO	<p>Council develops a two tier water charging system to be considered for 2015/2016 including proper consultation with the community based on detailed analysis.</p> <p>Council approves in principal to the raising of an asset purchase loan of up to \$265,000, with a detailed report being provided prior to the transaction being finalised.</p>	<p>Action plan instigated for implementation of resolution.</p> <p>Action plan instigated for implementation of resolution.</p>

COUNCIL RESOLUTIONS 24 JULY 2014

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
583	Works Committee Meeting – Report 3A – Road Capital Works Program 2014/2015	128.7.2014	ESM	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	MPES	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.	Site access restrictions implemented – No further action required.
COUNCIL RESOLUTIONS 28 AUGUST 2014					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
599	Council - Clause 4A – To Approve the Tenure of Occupancy for the Cobar Mobile Children’s Services Inc	155.8.2014	DCCS	<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.
604	Council – Clause 10A – New Tractor and Delta Wing Slasher Review Report	161.8.2014	ESM	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.	Slasher purchased and working, effectiveness trial commenced.

605	Council – Clause 11A – Unregulated Free Camping in the Cobar Shire	162.8.2014	GM/ ADPES	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.	Initial meeting undertaken on 29 September 2014.
606	Council – Clause 12A – New Cobar Water Treatment Plant – Selection of Site and Financial Aspect	163.8.2014	PM	<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 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</p>	Action plan instigated for implementation of resolutions.

				cost projections will be reported to Council as the project is delivered.	
608	Council – Clause 4B – Meeting Minutes	169.8.2014	DES/RM	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	ESM/SM	That Council be provided a further report if required once the Commonwealth Grant Application outcome is known.	Action plan instigated for implementation of resolution.

COUNCIL RESOLUTIONS 25 SEPTEMBER 2014

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
622	Council – Clause 5A – Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy	183.9.2014	HRO	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.	Report provided to November 2014 Ordinary Council Meeting – No further action required.
623	Council – Clause 6A – SR23 Booberoi Road Euabalong Traffic Options	184.9.2014	ESM	That Cobar Shire Council erect large advisory route signs, one on Lachlan Street on the intersection with Robison Street and the Booberoi Road indicating the bitumen road alternative.	Action plan instigated for resolution.
624	Council – Clause 7A – RMS Regional Roads Repair Program for 2015/2016 Funding	185.9.2014	ESM	That Council only nominate the Wool Track in the 2015/2016 Regional Road Repair Program.	Action plan instigated for implementation of resolution.

	Allocation				
625	Council – Clause 8A – Analysis of Affects of the New Gym Report	186.9.2014	DCCS	<p>That further consideration of the viability of the gym is made at each quarterly budget review in 2014/2015.</p> <p>That a major consideration of the viability of the gym be made as part of the 2015/2016 Budget deliberations.</p>	Action plan instigated for resolutions.
626	Council – Unaudited Financial Statements 2013/2014	187.9.2014	DCCS	<p>In accordance with Section 413(1) of the Local Government Act 1993 Council refer the draft Financial Statements for audit.</p> <p>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.</p> <p>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.</p>	<p>Draft Financial Statements referred for audit – No further action required.</p> <p>Statement signed – No further action required.</p> <p>Appropriate advertising arranged and Auditor’s Report and Financial Statements reported to the November 2014 Ordinary Council Meeting – No further action required.</p>
627	Council – Clause 10A – Adoption of Management Plan for Lot 18 DP213415	188.9.2014	LMO	<p>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.</p> <p>That Council authorise the Mayor and General Manager to sign any lease or licence under the Common Seal of Council.</p>	Action plan instigated for implementation of resolutions.

COUNCIL RESOLUTIONS 23 OCTOBER 2014

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
628	Works Committee Meeting – Report 1A – Quotation for the Supply of Trade and Miscellaneous Services 2012/2015 Update	189.10.2014	DES	That Ausshredding Pty Ltd and Looknofurther.com.au Pty Ltd be included in Council’s Register of Approved Contractors for the Provision of Trades and Miscellaneous Services 2012/2015	Register amended – No further action required.
629	Council – Clause 1A – Mayoral Report	199.10.2014	GM	That Council write and speak to Minister Kevin Humphries and Deputy Premier Troy Grant outlining Council’s concerns at the ability of the justice system to adequately deal with juvenile crime offenders to reduce the chance of reoffending.	Letters arranged and conversations held – No further action required.
630	Council – Clause 2A – Mayoral Report	200.10.2014	MAYOR	That Council advise Mr Gary John Woodman that it proposes to renew his Contract of Employment for a period of five (5) years commencing 12 July 2015. That the authority be given to the Mayor and Deputy Mayor to negotiate the new Contract of Employment with Mr Gary John Woodman as General Manager in the approved format and report back to Council for formal adoption.	Letter arranged – No further action required. Negotiations finalised. Report provided to the December 2014 Ordinary Council Meeting – No further action required.
631	Council - Clause 3A - Meeting Arrangements - Christmas and New Year	201.10.2014	GM	That the following Meeting arrangements be adopted for the Christmas and New Year period: ▪ Ordinary Council Meeting – Thursday 11 December 2014	Noted – No further action required.

				<p>(including Committee Meetings);</p> <ul style="list-style-type: none"> ▪ No Meetings to be held during January 2015; ▪ The normal Meeting cycle to resume in February 2015. <p>That the Mayor and General Manager be delegated authority, jointly, to deal with matters of an urgent nature for the period commencing 12 December 2014 to 12 February 2015, and further that if any urgent matters are dealt with under this authority that they be reported to the February 2015 Ordinary Meeting of Council.</p>	Action plan instigated for implementation of resolution.
632	Council – Clause 4A – Expression of Interest – Pilot Joint Organisation – Orana Regional Organisation of Councils (OROC) under the Fit for the Future Program	202.10.2014	GM	That Council endorse the position taken that Cobar Shire Council agrees to be involved and supportive with the other existing Orana Organisation of Councils (OROC) Councils in the proposed Expression of Interest (EOI) to participate as a pilot group for a Joint Organisation under the ‘Fit for the Future’ Program of the NSW Government.	Letter provided to OROC – No further action required.
633	Council - Clause 5A – Dalton Park Horse Complex Licence Agreements	203.10.2014	LMO	<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 2014 to 30 June 2015:</p> <ul style="list-style-type: none"> • Mr S Griffiths & Mrs C Griffiths; • Ms Sharon Whitehurst; • Cobar Pony Club; • Cobar Miners Race Club; 	Action plan instigated for implementation of resolution.

				<ul style="list-style-type: none"> Cobar Rodeo Committee. 	
634	Council – Clause 6A – Bathurst Street Reserve Licence Agreement	204.10.2014	LMO	That Council acting as Trust Manager for the Bathurst Street (R64199) Reserve Trust, resolve to affix the Trusts seal to a 12 month temporary licence agreement for the Cobar Tennis Club to cover the period 1 July 2014 to 30 June 2015.634	Action plan instigated for implementation of resolution.
635	Council – Clause 7A – Revision of Community Enhancement Program	205.10.2014	SPO	That Council adopts the draft Community Enhancement Program.	Adopted Community Enhancement Program distributed and on Council Website – No further action required.
636	Council – Clause 8A – Building Stronger Regions Fund	207.10.2014	SPO	<p>That Council’s three priorities for the National Stronger Regions Fund, Round 1 be the Cobar Youth and Fitness Centre, Cobar Shire Park Playground Upgrade and Museum Building Preservation and Enhancement;</p> <p>That the Cobar Youth and Fitness Centre be Council’s priority one project for the National Stronger Regions Fund, Round 1 and that an application be lodged under the National Stronger Regions Funding;</p> <p>That Council allocate 50% of the required funding for the project; and</p> <p>That Council write to the local Federal Member expressing their concern at the need to provide matching funding under the National Stronger Regions Fund as it severely limits the ability of smaller Councils such as Cobar Shire Council to</p>	<p>Noted – No further action required.</p> <p>Application lodged – No further action required.</p> <p>Noted – No further action required.</p> <p>Letter written – No further action required.</p>

				meet eligibility criteria for funding.	
637	Council – Clause 9A – Visit by City of Canterbury to Cobar Shire	208.10.2014	SPO	That Councillors note the visit by the City of Canterbury delegation to further strengthen the relationship between the two Councils and that Councillors attend where possible the events organised as part of the visit.	Noted – No further action required.
638	Council – Clause 10A – First Quarterly Review of the Annual Operational Plan	209.10.2014	SPO	That Council receives and endorses the first quarterly review of the 2014-2015 Annual Operational Plan, covering the period July to September 2014.	Received and endorsed, appropriate advertising arranged – No further action required.
639	Council – Clause 11A – Code of Conduct Annual Report	210.10.2014	DCCS	That the Code of Conduct Annual Report be received and noted. That the statistics contained in the Report be reported to the Office of Local Government.	Noted – No further action required. Statistics reported to OLG prior to deadline – No further action required.
640	Committee of the Whole Closed Council – Clause 2C – Tender for the Supply of Road Patching Machine	28COW.10.2014	ESM	That Council defers the replacement of the CAT 140 H Grader and allocates these funds to purchase the Paveline Autopatch Isuzu FXY1500 Auto Tar Patching Machine for \$358,260 including GST; That Council purchase the Paveline Autopatch Isuzu FXY1500 Auto Tar Patching Machine for \$358,260 including GST; That the existing Paveline truck and machine be disposed of at the best commercial option to Council; That details of the unsuccessful tender remain in the Committee of the Whole Closed Council.	Noted – No further action required. Purchase arranged, waiting on delivery. Action Plan instigated for implementation of resolution. Noted – No further action required.

RECOMMENDATION

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

CLAUSE 3B – MEETING MINUTES

FILE: R5-36, C8-17, C6-5, C8-6-4

AOP REFERENCE: 3.1

ATTACHMENT: YES (PAGE 81-91)

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:

- Rural Roads Advisory Committee Meeting – Wednesday, 5 October 2014;
- Liquor Accord Committee Meeting – Tuesday, 21 October 2014;
- Local Emergency Management Committee Meeting – Monday, 3 November 2014;
- Cobar Youth Council Committee Meeting – Tuesday, 18 November 2014.

RECOMMENDATION

That the minutes of the meetings of the Rural Roads Advisory, Liquor Accord, Local Emergency Management and Cobar Youth Council Committees be received and noted.

CLAUSE 4B – TRUCKWASH WASTEWATER REUSE**FILE: W1-3****AOP REFERENCE: 3.1.1.2****ATTACHMENT: NO****AUTHOR: *Services Manager, Wayne D. Mills*****Purpose**

The purpose of this Report is to review the possibility and suitability of effluent waste from the Truck Wash being reused on the grounds of the Rugby Union Club located at the intersection of Lewis Street and Kidman Way.

Background

A request for the investigation into and the feasibility of the waste wash water from the proposed new Truck Wash being reused for irrigation on the Rugby Union Club grounds.

Issues

As a decision on the construction and location of the proposed Truck Wash has not been finalised and the distance between the Rugby Union fields and proposed Truck Wash may change, this will increase the costs associated with the pumping of the effluent to the Rugby Union Club grounds in accordance with Environment Protection Authority (EPA) requirements as discussed below.

Legal Situation

A review of the requirements necessary for effluent reuse, raise several conditions relating to the disposal of and reuse of waste products on a separate parcel of land to where the waste is produced included the following:

- An Environment Protection Authority (EPA) Licence is required for the disposal of effluent on land in receipt of the effluent and will include:
 - Chlorination of the waste prior to discharge;
 - Sample testing for analysis on a regular time frame.
- Pumped discharge to be constructed from the proposed Truck Wash to the Rugby Union Club grounds along the road corridor including directionally drilled crossing of Kidman Way. Permit to under bore the State Highway (Kidman Way) with installation of enveloper pipe will be required from Roads and Maritime Services (RMS).
- Disposal area of wastewater is required to be fenced and restricted unless all waste is to be disposed by sub-surface irrigation. Also there is a requirement of necessary signage warning of waste disposal in the area.

Financial Implications

The cost to Council, will be minimal as all costs associated with the installation of an Effluent Pressure Transfer Main, supply and installation of a Pumping Station, the

pumps power costs and chlorination of waste prior to transfer would be expected to be at a cost to the Rugby Union Club.

An additional license of discharge will be required from the Environment Protection Authority (EPA) for the disposal of effluent onto the land owned by the Rugby Union Club.

Risk Implication

Provided that the pressure discharge pipeline is installed within the road reserve; it must be constructed in accordance with Council's specifications. There is a likelihood that a failure of the pipe line may occur; resulting in a waste spillage that will require notification of the event to the EPA. Consequent clean-up of the spillage would be required to be carried out in accordance to the Environment Protection Authority (EPA) requirements.

RECOMMENDATION

That information in the Truckwash Wastewater Reuse Report be received and noted.

**CLAUSE 5B – LILLIANE BRADY VILLAGE ANNUAL AUDITED
FINANCIAL REPORTS**

FILE: C8-4-6

AOP REFERENCE: 3.1

ATTACHMENT: YES

(UNDER SEPARATE COVER)

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

Purpose

To receive the Annual Audited Financial Reports for the Lilliane Brady Village as at 30 June 2014.

Background

Whilst part of Council, various legislative and accreditation requirements for the Lilliane Brady Village require that a separate set of books are kept and audited. Most of its income is received from the Federal Government.

A significant surplus has been achieved due to a favourable client mix, high occupancy and the Director of Nursing working as a Registered Nurse for a high number of shifts because no one else was available. The surplus will not be replicated in the current financial year as occupancy has been under pressure for the first half.

Financial Implications

Lilliane Brady Village is cash positive – some of this will be required to improve bathrooms in the short to medium term if these improvements do not eventuate as a result of the development of a Multi-Purpose Health Facility which is in research mode currently.

Consideration may also have to be given to converting the multiple bedroom units into single bed units.

RECOMMENDATION

That the Annual Audited Financial Reports for the Lilliane Brady Village for the year ended 30 June 2014 be received and noted.

CLAUSE 6B – INVESTMENT REPORT AS AT 31 OCTOBER 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. The term deposits have differing terms in order to spread the maturity dates throughout the year. Included in the table below is the accrued interest attributable to 31 October 2014. The amount restricted in the Financial Accounts as at 30 June 2014 for Employee Leave Entitlements is \$313,647.

Date	Opening Balance	Transfers to Investments	Transfers from Investment	Interest earned – Investments- Month	Closing Balance
	01.10.2014				31.10.2014
NAB Sweep Acct	\$ 1,161,288	\$ 1,019,811	\$ 1,050,000	\$1,349	\$1,131,099
NAB Term Deposits					
3.65% Interest (6 Nov)	\$ 1,015,097			\$ 3,147	\$ 1,018,244
3.65% Interest (16 Dec)	\$ 2,021,282			\$ 6,266	\$ 2,027,548
3.55% Interest (2 Dec)	\$ 2,005,252			\$ 6,046	\$ 2,011,298
3.41% Interest (1 Jan)	\$ 2,004,364			\$ 5,730	\$ 2,010,094
Totals	\$ 8,207,203	\$ 1,019,811	\$ 1,050,000	\$ 22,538	\$ 8,199,632

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.



Manager Finance & Administration**RECOMMENDATION****That Council receive and note the Investment Report as at 31 October 2014.**

CLAUSE 7B – COMPARISON OF VARIOUS ACTIVITIES CONTROLLED BY COUNCIL FOR YEAR ENDED JUNE 2014**FILE: A10-1-6****AOP REFERENCE: 3.1.3****ATTACHMENT: NO****AUTHOR: Director of Corporate and Community Services, Kym Miller****Purpose**

To advise Council of the Financial Comparison for the Year ended June 2014.

Background

Council has requested that after the completion of each financial year a comparison of the following activities be reported to Council for information.

<u>ACTIVITIES</u>	ACTUALS									
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Lilliane Brady Village										
Income	1,795,944	1,856,613	1,890,997	2,049,321	2,010,193	2,117,329	2,336,856	2,400,614	2,498,771	2,889,051
Expenses	1,449,606	1,894,386	2,122,724	2,203,103	2,201,931	2,352,961	2,338,932	2,387,935	2,426,987	2,531,822
Net Surplus/(Deficit)	346,338	(37,773)	(231,727)	(153,782)	(191,738)	(235,632)	(2,076)	12,679	71,784	357,229
Youth Centre										
Income	126,826	131,573	133,313	150,228	140,665	133,050	181,540	185,222	218,064	192,892
Expenses	205,704	258,869	266,879	284,333	332,136	334,438	342,310	328,654	337,289	351,929
Net Deficit	(78,878)	(127,296)	(133,566)	(134,105)	(191,471)	(201,388)	(160,770)	(143,432)	(119,225)	(159,037)
Museum										
Income	74,142	82,461	86,558	93,504	94,601	108,121	106,456	114,537	106,486	105,789
Expenses	113,887	156,196	163,384	190,148	201,594	262,989	256,875	301,203	296,197	318,590
Net Deficit	(39,745)	(73,735)	(76,826)	(96,644)	(106,993)	(154,868)	(150,419)	(186,666)	(189,711)	(212,801)

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Tourism										
Income	13,600	1,560	15,065	2,469	6,638	13,620	5,820	20,256	5,030	11,372
Expenses	160,020	172,740	196,920	194,873	202,524	176,726	172,074	197,878	196,768	173,760
Net Deficit	(146,420)	(171,180)	(181,855)	(192,404)	(195,886)	(163,106)	(166,254)	(177,622)	(164,738)	(162,388)
Special Projects										
Income				660	1,820	20,970	7,042	9,749	25,693	1,931
Expenses				37,107	122,305	149,226	155,163	155,584	169,768	143,481
Net Deficit				(36,447)	(120,485)	(128,256)	(148,121)	(145,835)	(144,075)	(141,550)
Library										
Income	38,847	40,310	39,103	38,055	38,327	39,562	40,365	57,300	41,740	40,291
Expenses	186,157	246,136	255,752	298,113	319,799	312,036	316,135	314,348	315,936	321,307
Net Deficit	(147,310)	(205,826)	(216,649)	(260,058)	(281,472)	(272,474)	(275,770)	(257,048)	(274,196)	(281,016)
Swimming Pool										
Income	55,828	58,984	52,558	6,800	-	-	84,202	72,142	96,307	88,157
Expenses	214,317	195,175	170,785	188,306	316,735	404,399	444,203	492,581	488,182	519,088
Net Deficit	(158,489)	(136,191)	(118,227)	(181,506)	(316,735)	(404,399)	(360,001)	(420,439)	(391,875)	(430,931)
IT SERVICES										
Income		-	-	-	-	-	-	-	-	-
Expenses		226,315	234,458	124,397	121,283	114,483	97,317	159,817	157,882	171,285
Net Deficit		(226,315)	(234,458)	(124,397)	(121,283)	(114,483)	(97,317)	(159,817)	(157,882)	(171,285)

It should be noted that the above figures do not include capital works.

RECOMMENDATION

That the Comparison of Various Activities Controlled by Council for Year Ended June 2014 Report be received and noted.

ATTACHMENTS



ORDINARY MEETING AGENDA

THURSDAY 27 NOVEMBER 2014

~ REFERENCE TO ATTACHMENTS ~

PART A – ACTION

Page Number

Clause 2A – Presentation of Council’s Audited Financial Reports for 2013/2014	Under Separate Cover
.....	
Clause 6A – Development Application - Peak Gold Mine Report	66-70
Clause 7A - Development Application – Khans IGA Supermarket Report	71-80

PART B – INFORMATION

Page Number

Clause 3B – Meeting Minutes.....	81-91
Clause 5B – Lilliane Brady Village Annual Audited Financial Reports	
.....	Under Separate Cover