

# **COBAR SHIRE COUNCIL**



## **ORDINARY MEETING AGENDA**

**THURSDAY, 28 FEBRUARY 2019**

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## ~ ORDER OF BUSINESS ~

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Business for the meeting will be as follows:

Message from the Chair:

*In the spirit of open, accessible and transparent government, Cobar Shire Council Ordinary and Committee Meetings are video recorded and webcast. By speaking at a Council or Committee Meeting, members of the public agree to being recorded and webcast. Cobar Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council or Committee Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Cobar Shire Council.*

1. Apologies
  2. Declaration of Interests
  3. Condolences
  4. Public Access Forum
    - Nil.
  5. Confirmation of Minutes
    - Ordinary Meeting of Council – Thursday, 13 December 2018.
  6. Matters Arising from Minutes
  7. Notice of Motion
  8. Mayoral Report
  9. General Manager's Report – Part A (Action)
  10. General Manager's Report – Part B (Information)
  11. General Manager's Report – Part C (Confidential)
  12. Matters of Urgency
  13. Correspondence
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Clause 2C – Sale of Land to Health Administration Corporation ...	Under Separate Cover
Clause 3C – Provision of Doubtful Debts – Update Manuka Resources and Mt Boppy Resources Pty Limited Debts .....	Under Separate Cover

*(These reports are confidential in accordance with Section 10A (2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would if disclosed in open Council would prejudice the commercial position of the person who supplied it and Section 10A (2) (a) of the Local Government Act 1993 as the matter and information relates to personnel matters concerning particular individuals (not Councillors).*

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## ~ COUNCIL'S VISION ~

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

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## ~ COUNCIL'S MISSION ~

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

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

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

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

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

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## ~ COUNCIL'S CHARTER ~

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

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

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**NOTION OF MOTION – DATE CHANGE FOR CLEARING CONSENT**

**FILE: L5-26, L5-4-4 & C12-1**

**AOP REFERENCE: 5.2.1.1**

**ATTACHMENT: NO**

**AUTHOR: *Councillor, Peter Yench***

**RECOMMENDATION:**

**That Council together with RDA Orana, Far North West Joint Organisation and the Western Division Councils lobby the Federal Government to have the methodology changed that all farms in the Western area have the same opportunity to participate in the emission reduction fund as currently stands for some properties at present and seek the State Government support.**

**Background**

Carbon sequestration is one way local farmers can better prepare their properties for future drought management.

We have been alerted to the fact that carbon dioxide levels are the highest they have been in 800,000 years and have increasing proportionally since 500AD.

Carbon storage and farming in the Parkes Electorate has been a huge economic win for the state and the local regional communities. Currently there are 2,000 properties in this region capable of carbon storage. Yet not all can utilize this farming strategy. More methodologies need to be introduced and existing methodologies need to be changed so that carbon farming can be made accessible to all farmers across the region.

By opening up the number of methodologies to more landholders, informed decisions on the beneficial outcomes both financially and environmentally can be made, thus enabling them to compete which will benefit their state and region.

We already have in place an opportunity in carbon storage that can be expanded and developed further to combat drought. In Western Division of NSW, there are currently 2,000 properties that could be harnessing the full potential of carbon practices and associated benefits to avoid deforestation. However, regulations state that a commencement date for this project is 2010 thus cutting off 75% of the potential market for worldwide trade and economic income for our country. It restricts this farming sector from fully developing and utilizing this supplementary form of farming practice and technique.

Only 25% of Cobar properties are current carbon storage farmers. A majority of these landholders have improved their land management practices by using better and more affordable farming management tactics. These include water spreading, grazing pressure management with the improvement of better quality fencing, water storage measures either by desilting tanks, sinking new bores with troughs and poly tanks storage, or by using desalination plants to improve water quality for stock.

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**NOTION OF MOTION – LOBBY FOR WATER SECURITY**

**FILE: L5-26 & C12-1 AOP REFERENCE: 4.1.4 ATTACHMENT: NO**

**AUTHOR: *Councillor, Peter Yench***

**RECOMMENDATION**

**That the Cobar Shire Council lobby the State and Federal Government to provide alternative and viable solutions to provide water security for our towns and villages in the Western Region and seek the support of the Far North West Joint Organisation, RDA Orana and the Western Division Association.**

**Background**

Australia is one of the driest continents on Earth, yet we are surrounded by a valuable resource: the ocean. We are yet to fully utilize this resource with the use of desalination plants.

One-sixth of the world's population or 1.2 billion people live in areas where water is scarce. Australia is in this category and it is projected that this figure will increase to 1.8 billion people in 2025.

Our lakes and river systems are in poor shape and a testament that more thought and planning needs to be invested in their future as a viable world trade competitor in agriculture.

The conversation has started and suggestions have been made regarding several desalination plants on the east coast to provide water to inland rivers.

Mark Evans from Walgett wrote to *The Land* on Thursday 30 January outlining a proposal to send water from three desalination plants on the east coast over the Dividing Range to the Namoi, Border and Condamine river systems. This would enable existing dams to hold a 50% capacity and an opportunity to generate hydroelectricity from each plant to power pumps, plant and feedback excess production to the grid.

If our river system can stay at levels of 30-40% from a water injection such as this then the water can feed into the inland system of the Barwon-Darling system and then on to the Murray system. This will provide major ongoing positive effects to agriculture in the Western Division along with benefits to the many dependent ecosystems along the way.

Scientists have already recorded glacial melting in Antarctica which has been accelerating over the past four decades due to global warming.

When the seasons are good desalination plants can be shut down.

Dubai has one of if not the largest desalination plants in the world producing half a billion gallons of fresh water a day at the Jebel Ali Plant Surely, with government investment, we too can make this a way to consolidate our river systems and agricultural industry. We could also better support and conserve our dry continent and bring economic growth and sustainability for our country.



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We can take lead by example. China has proven that carbon capture and grazing management practices are a viable activity and have vested funding into making this industry a profitable and valuable win for their country. China has also invested in water projects with Egypt's western desert where they have drought-proofed Libya by drawing water from deep under the Sahara Desert.

Let us embrace this opportunity to utilize rising sea levels without detriment to keep our rivers, creeks and inland waterways viable again consolidating ourselves as competitive players on the world market.

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**NOTION OF MOTION – GREAT COBAR PROJECT – AURELIA METALS LTD FOR PROPOSED MINERAL EXPLORATION ACTIVITIES**

**FILE: L5-26 & C12-1 AOP REFERENCE: 1.6.3 ATTACHMENT: NO**

**AUTHOR: *Councillor, Peter Yench***

**RECOMMENDATION**

**That Council opposes the Great Cobar Project – Aurelia Metals Ltd for Proposed Mineral Exploration Activities until such time as the residents of Cobar have been guaranteed in writing that:**

- 1. The residents and visitors to Cobar have adequate protection from ill health due to exploration or mining activities in the vicinity of the Cobar town**
- 2. Any assets owned by the residents of Cobar damaged due to exploration or mining activities in the vicinity of Cobar will be repaired or replaced by the mining company**
- 3. Council assets owned by the local community damaged due to exploration or mining activities in the vicinity of Cobar will be repaired or replaced by the mining company.**

**Background**

The NSW Government Resources Regulator (GRR) has invited Council to comment on a Review of Environmental Factors (REF) prepared by Aurelia Metal Ltd for proposed mineral exploration activities in respect of its Great Cobar Project.

The Mayor, in her report in *The Cobar Weekly* on 13 February 2019, advised the public that the community could submit their concerns on the project to Council. The mayor further advised that Council would be considering a report on the matter at its 28 February 2019 meeting prior to providing a formal response to the GRR.

For any members of the public to be able to make a comment they need a detailed map of the entire exploration and mining project that could take place in the future.

The documentation provided on Council's website are extensive in length and technical in detail. The documents are not easy to understand on a first reading.

The questions I would like answered for our residents are:

- a. Is it intended that mining will take place under the town of Cobar in future?
- b. How often will water and air quality testing take place? Where will the testing take place? Will it be at the schools, preschools, youth centre and any other public places?
- c. Will health checks be conducted on our school children?
- d. What sort of noise control will be in place?
- e. In the event of damage to houses or buildings, will there be a guarantee that they will be repaired by the mining company?
- f. Is there an intention to use the existing old mine shafts as air vents in the industrial area and the town precinct, for example near the Copper City Motel?

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There are many more issues that I believe the residents should be informed of. I would like to see a guarantee from the GRR that Cobar residents will be protected before approval is granted for any exploration or mining activity so close to the town. I have no wish to stop mining or limit employment opportunities in Cobar. However, the benefits from mining should not outweigh the health of the town's residents. We have to protect our youth and younger generation. I believe we should do some research on Broken Hill and what requirements are in place today to protect the present generation of Broken Hill people in relation to the health of the community and the living standards of its residents. Mining has been taking place in the centre of Broken Hill for a long time – 100 years or more. We need to find out what trouble they are having and avoid any ill-effects for our community at all costs.

There should be no secrecy about the Great Cobar Project. Further explanation for the residents of Cobar should come from the Council or from Aurelia Metals Ltd.

**General Managers Comment**

Given that this matter is subject to a full report further in this Agenda, I recommend that this Motion be deferred and considered in-conjunction with that report: Clause 11A – Great Cobar Project – Review of Environmental Factors (REF).

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**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 February 2019.**

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**CLAUSE 2A – GENERAL MANAGER’S EMPLOYMENT CONTRACT**

**FILE: C6-11 & Personnel    AOP REFERENCE: 3.3.2    ATTACHMENT: NO**

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

**Purpose**

The purpose of this report is to consider the renewal of the General Manager’s Employment Contract.

**Background**

A further detailed report will be provided in Committee of the Whole Closed Council.

**RECOMMENDATION**

**That the General Manager’s Employment Contract be considered in the Committee of the Whole Closed Council with the press and the public excluded in accordance with Section 10A (2) (a) of the *Local Government Act 1993* as the matter and information relates to personnel matters concerning particular individuals (not Councillors).**

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**CLAUSE 3A – APRIL COUNCIL MEETING DATE CHANGE REQUEST**

**FILE: C12-1**

**AOP REFERENCE: 3.1.5**

**ATTACHMENT: NO**

**AUTHOR: *General Manager, Peter Vlatko***

**Purpose**

To request a change in meeting date for the April Ordinary Council Meeting due to the Anzac Day Public Holiday falling on the same date.

**Background**

The Local Government Act 1993 (NSW) provides that Council is required to hold a minimum of ten (10) meetings per year (each in a different month).

Normally Ordinary Meetings of Council are currently held on the fourth Thursday of each month commencing at 5pm except the December Meeting which would be held on an earlier Thursday of the month to stay clear of the Christmas period (Thursday 12 December 2019) and January where no meeting is held.

In accordance with Council's current Code of Meeting Practice Council shall, by resolution, set the time, date and place of Ordinary Meetings of Council in September each year.

Also in accordance with the current Code of Meeting Practice, agendas for the Ordinary Council Meetings are prepared and distributed on the Thursday afternoon seven (7) days prior to the meeting day.

With the Anzac Day Public Holiday falling on the fourth Thursday of the month (Thursday, 25 April 2019), Council will need to change the meeting date.

**RECOMMENDATION**

- 1. That the 2019 April Ordinary Meeting of Council be held in the Council Chambers commencing at 5pm on Wednesday, 24 April 2019.**
- 2. That the Agendas for the meeting be distributed seven (7) days prior to the meeting on the Wednesday afternoon.**

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**CLAUSE 4A – CONDUCT OF THE 2020 LOCAL GOVERNMENT ELECTION FOR COBAR SHIRE COUNCIL**

**FILE: E2-3-8 AOP REFERENCE: 3.1.4 ATTACHMENT: YES (PAGE 110-123)**

**AUTHOR: *General Manager, Peter Vlatko***

**Purpose**

For Council to consider who will conduct the 2020 Local Government Election for Cobar Shire Council.

**Background**

Further to the Office of Local Government Council Circular dated 12 December 2018 – 18-43 Council decisions on the administration of the September 2020 elections (extract):

- Under section 296AA of the Local Government Act 1993 (the Act), councils must make a decision on how their September 2020 ordinary elections are to be administered no later than **11 March 2019**.
- Each council must resolve either:
  - to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or
  - that the council's elections are to be administered by the general manager of the council.
- If a council fails to resolve to engage the NSWEC to administer its elections by **11 March 2019**, it will be required to administer its own elections.

**What this will mean for your Council**

- Councils should start preparing now, if they have not already done so, to make a decision by March on the administration of their next ordinary election.
- A council should only resolve to administer its own elections if it is confident that it has the capacity to do so. The attached FAQ contains information to assist councils to assess whether they have the capacity to administer their own elections.
- If a council is proposing to engage the NSWEC to administer its elections, it should resolve to do so as soon as possible and notify the NSWEC.

In 2016, the Cobar Shire ordinary election was undertaken by the NSWEC.

**Issues**

**General**

Further relevant information is also attached being the Office of Local Government Circular 18-47 – Amendments to the Election Provisions of the Local Government (General) Regulation 2005.

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Unless Council determines to engage the NSW Electoral Commission to conduct the 2020 Local Government Election the legislation makes the Council General Manager totally responsible for the conduct of the Election. If the NSW Electoral Commission is engaged the only matter the General Manager becomes responsible for is the roll of non-resident owners of rateable land and the roll of occupiers and rate-paying lessees.

### **NSW Electoral Commission (NSWEC)**

If Council decides not to engage the NSWEC for the 2020 Cobar Shire Local Government Elections the NSWEC will still undertake the following work:

- provision of rolls (scanned);
- will provide the template for ballot boxes and voting screens but nothing physical;
- check of nominees/nominates information;
- details of registered political parties;
- details of general postal voters;
- blanket election advertising (general) for the election.

If the NSWEC is not involved Council (the General Manager) will be responsible and need to ensure the following is undertaken:

- managing the returning officer's office;
- appointing and training staff including polling place managers on how to conduct a count and how to determine formality of ballot papers;
- developing procedures to be followed by electoral officials issuing pre-poll, declared institution, postal and election day votes;
- preparing all necessary printed election materials such as forms, declaration envelopes, signs etc;
- obtaining all necessary election material for use in pre-poll and election day venues such as voting screens, ballot boxes, pencils etc;
- determining the quantity of ballot papers required and arranging for their printing, delivery and secure storage;
- making Braille ballot papers available, if requested;
- dealing with political parties, candidates and the public;
- processing candidates' nominations including acceptance of the deposit and conducting the draw for position of candidates on the ballot paper;
- registering 'how to vote' material;
- putting in place all necessary arrangements to enable pre-poll, declared institution, postal and election day voting including booking the appropriate venues.

In 2016 the cost of the Cobar Shire Local Government Election was \$30,7749.69. This election involved a Returning Officer based in Cobar and polling places in Cobar Shire of Cobar, Nymagee and Euabalong.

The NSWEC proposed to provide a very similar election service i.e. Returning Officer based in Cobar and the same polling places in the Cobar Shire. The NSWEC have advised that they are prepared to arrange a part time Returning Officer.



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The Returning Officers “accommodation” at Cobar where practical would be the Council Chambers and Training Room.

### **Legislation**

Section 296AA of the *Local Government Act 1993* (the Act).

### **Financial Implications**

Council will provide a budget of \$40,000 in 2020/2021 for the 2020 Cobar Shire Local Government Election.

### **Options**

1. That Cobar Shire Council’s General Manager conducts the 2020 Cobar Shire Local Government Election;
2. That Council engage the New South Wales Electoral Commission conduct of the 2020 Cobar Shire Local Government Election.

### **RECOMMENDATION**

**That the Cobar Shire Council (“the Council”) resolves to engage the New South Wales Electoral Commission for the conduct of the 2020 Cobar Shire Local Government Election:**

- 1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.**
- 2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.**
- 3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.**

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**CLAUSE 5A – SALE OF LAND TO HEALTH ADMINISTRATION CORPORATION**

**FILE: A-10-3**

**AOP REFERENCE: 4.4.2**

**ATTACHMENT: NO**

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

**Purpose**

To approve signing under seal the sale of land contract for the new Multi-Purpose Health facility currently under construction.

The contract contains confidential information and should therefore be considered in closed Council.

**Background**

Contractual matters for this transaction have generally been agreed by previous resolutions and temporary agreements. Marsden's Law Group have perused the document on our behalf.

**RECOMMENDATION**

**That the sale of land contract be considered in the Committee of a Whole Closed Council with the press and public excluded for the reason as stated in Section 10A (2)(d)(i) of the *Local Government Act 1993*, as discussions of this matter in Open Council would prejudice the commercial position of the person who supplied it.**

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**CLAUSE 6A – PROVISION OF DOUBTFUL DEBTS**

**FILE: R2-3**

**AOP REFERENCE: 3.1.1**

**ATTACHMENT: NO**

**AUTHOR: *Director Finance and Community Services, Kym Miller***

**Purpose**

To advise Council of an increase that may be required in the provision for doubtful debts as at 30 June 2019 due to outstanding rates.

**Background**

There are currently two outstanding debtors that need to be reviewed.

**RECOMMENDATION**

**That the sale provision of doubtful debts be considered in the Committee of the Whole Closed Council with the press and the public excluded in accordance with Section 10A (2) (a) of the *Local Government Act 1993* as the matter and information relates to personnel matters concerning particular individuals (not Councillors).**

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**CLAUSE 7A – SECTION 356 DONATIONS 2019/2020**

**FILE: D3-1 AOP REFERENCE: 1.4.5 ATTACHMENT: YES (PAGE 124)**

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

**Purpose**

For Council to consider requests for donations pursuant to its Donations Policy for the financial year 2019/2020. This policy has been adopted to ensure compliance with Section 356 of the Local Government Act 1993 and transparency with the Cobar community.

**Background**

Council advertised in the local media for requests for donations from interested community organisations to submit their application by 31 January 2018.

Seven (7) applications approximating \$18,000 were received. This value excludes a motor vehicle requested in one of the applications. All have been checked against the policy requirements and comply. The allowance in the draft budget is similar to recent years at (approx.) \$15,000. Further contributions are made to the 'Roosters' for grounds maintenance which appear in the parks and gardens cost centre. The draft budget will also contain \$5,000 value for the Outback Science and Engineering Challenge which was recently re-established after a break.

To ensure that an equitable evaluation is made Councillors have workshopped the applications. Councillors will need to consider the applications on a merit basis with an appreciation of the Donations Policy and associated guidelines. Each applicant has been able to review the policy and guidelines prior to lodging an application.

The attachment to this report summarises the applications.

Applications are called for at this time of year to enable them to be incorporated into the budget plans for the coming financial year. However, it is recognised that some circumstances are unknown and ad-hoc applications may arise throughout the financial year. These will need to be considered by Council as and when they arise.

In line with prior resolutions Council may consider to continue to contribute \$100.00 of Quids to Cobar High School, Cobar Public School and St Johns Primary School for their end of year awards ceremony and \$100.00 cash to Euabalong West Primary School for its end of year awards ceremony.

At the June 2018 Ordinary Meeting of Council the Mayor and General Manager were authorised to award community donations up to \$5,000 per annum and report such matters to the February Ordinary Meeting of Council each year.

No material donations have been awarded up until the time of preparing this report.

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## **RECOMMENDATION**

- 1. That Council consider the applications for donations on a merit basis and award donations for the budget year ending 30 June 2020 and allocate as follows:**
- 2. That Council allocate \$100.00 of Quids to Cobar High School, Cobar Public School and St Johns Primary School for their end of year awards ceremony and \$100.00 cash to Euabalong West Primary School for its end of year awards ceremony.**

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**CLAUSE 8A – LANDING AND TAKE OFF FEES AT COBAR AIRPORT FOR CHARTER FLIGHTS**

**FILE: A5-3**

**AOP REFERENCE: 3.1.1**

**ATTACHMENT: NO**

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

**Purpose**

For Council to approve passenger fees at the Cobar Airport for charter flights for the last quarter of 2018/2019 with a view also to set the same fees for the draft fees and charges for 2019/2020.

**Background**

Landing and take-off fees per passenger have traditionally applied for charter and R.P.T flights in and out of Cobar airport. They were ceased with the withdrawal of Air Link as a provider of R.P.T. services and the reduction in hours of the Airport Reporting Officer. It was acknowledged at the time that fees for an R.P.T would be set in negotiation with a successor to Air Link and that it was more cost effective for the collection of fees to use the per plane fee collected by AVDATA until a full time ARO was appointed.

The appointment of an R.P.T is close to fruition via the Far North West Joint Organisation with that body negotiating passenger / landing fees with the successful carrier. The Shire again has a full time experienced ARO.

As a consequence of these two factors it is now appropriate to reintroduce landing and take-off fees based on passenger numbers and not plane size.

It is recommended that the amount be \$17.00 (inc GST) which was in place prior to the suspension of passenger fees. Relevant parties will need to be advised and it is therefore suggested that 1 April 2019 be the commencement date.

**RECOMMENDATION**

- 1. That a passenger fee of \$17.00 (inc GST) for inbound and outbound passengers on charter flights apply at Cobar Airport commencing on 1 April 2019.**
- 2. That a passenger fee of \$17.00 (inc GST) for inbound and outbound passenger on charter flights be included in the draft fees and charges for 2019/2020.**

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**CLAUSE 9A – QUARTER 2 2018/2019 BUDGET REVIEW**

**FILE: L5-22**

**AOP REFERENCE: 3.3**

**ATTACHMENT: YES**

**(UNDER SEPARATE COVER)**

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

**Purpose**

To present to Council the budget review for the second quarter of the 2018/2019 financial year. The proposed changes will be made to the budget which was adopted in June 2018 and the amendments made in the quarter 1 review and the capital amounts approved by resolution.

**Background**

Council is required to receive a budget review statement that shows the estimate of income and expenditure as set out in its Annual Operational Plan and a revised estimate of the income and expenditure for that year at the end of each quarter except the fourth quarter.

Appearing as attachments to this report are:

1. Section 94 Contribution details (attachment 1);
2. A report from the Director of Finance and Community Services indicating that he believes the financial position is satisfactory having regard to the adopted estimates for the 2018/2019 year (attachment 2).

**Summary**

A robust review of operating and capital expenditure for the second quarter of this financial year has been conducted. The outlook for the remaining portion of this financial year has also been completed.

Major variations within the General Fund to the forecast are recommended because of the influence of grant activity and the impact of weather on road-works.

Water restrictions currently in place have forced a significant downward revision to the Water Fund revenue.

The impact of these changes is contained within the attachments. If timing differences and the impact of accounting conventions which decide whether a revenue line is operating or a capital contribution are eliminated (for example the federal government drought assistance package of \$1,000,000 will be labelled operating income despite \$895,000 of this being expended on capital projects) the net gain to the general fund forecast is \$423,000 but of this it is recommended that \$362,000 be transferred to capital expenditure. That is the day to day operations of the Council will improve by \$61,000.

It is continued to be assumed that the federal government will pay the Financial Assistance Grant in advance. This timing issue can impact the final result enormously one way or the other and is generally considered to be a nuisance factor in the LG sector.

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The Water Fund has had its forecast negatively impacted by \$250,000 net. It needs to be noted that the consultant's projects not undertaken this financial year will be need to be budgeted for in 2019/2020. Given the prevailing circumstances it is a forecast which has some risk in it and a conservative approach is recommended. The vulnerability of the water fund to the availability of water demonstrates why that fund needs to carry reserves for operating purposes as well as capital renewals.

No amendments to the Waste Fund are required.

A condition assessment of the sewer system has been deferred for operational reasons until 2019/2020 and this will improve the forecast in the Sewer Fund by \$80,000.

### **Detailed comments on General Fund Operating Budget**

1. Increased grant income of \$1,000,000 to reflect the federal government drought assistance package. Whilst this will be classified as operating income under accounting conventions \$895,000 has been allocated to capital projects. Members have received complete details of the allocation of this amount in other forums.
2. The Health Administration Corporation has been invoiced for \$250,000 which it is contributing as part of the MPS formation. This was already budgeted for but appeared as a capital contribution. The terms now indicate that it will be treated as operating income and therefore benefit the accounting surplus due to operations. It is to be noted that this will be expended on capital works at the Lilliane Brady Village i.e. it will assist in recording an operating surplus after capital grants and contributions in the audited financial statements.
3. Interest forecast has been increased by \$50,000 due to continued high cash balances and interest rates higher than expected.
4. The Community Centre is forecasting a reduction in income of \$20,000 for the balance of the year as recent changes in mining employment have caused a lessening interest in the centre's activities.
5. Increase revenue by \$96,000 for a contribution to the cost of gravel pits licensing. Much of this work was done in the prior two years but the contribution has only now been negotiated.
6. Due to the expected terms of the JO RPT tender the fees at the airport will need to be reduced by \$30,000.
7. The asbestos remediation project was over budget due to higher than expected monitoring costs and \$40,000 is required to be adjusted into the budget.
8. Due to the restricted water availability and improved parks management the parks and gardens expenditure will be reduced by \$50,000. It is recommended that this be invested in irrigation renewal to gain further ongoing benefits.
9. Due to higher than expected housing occupancy and some rent set at commercial rates for contractors the rental income will improve by \$40,000.
10. The cost of the by election conducted by the Electoral Commission will require a new expense line of \$45,000.
11. Money (\$142,000) previously held in trust at 30 June 2018 for the Miners Memorial will now be declared as capital grant and contribution.
12. Due to water related issues \$312,000 on transport maintenance will not be able to be done. Fortunately the Musheroo project will absorb labour. The recently departed Director of Engineering has recommended that this amount is reallocated to renewal on roads so as not to lose it to the road network.



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13. Drought donations of \$36,000 have been received and whilst required to be shown as income the money is effectively held in trust until expended on an appropriate option.
  14. A grant of \$100,000 has been received to assist with Crown Lands projects. It is expected that an equivalent amount will be expended and provide a neutral position to the budget.

**Detailed Comments on the Capital Budget:**

**Roads:**

After considering water issues and the labour commitment to the Musheroo project it is recommended that the following projects be deferred until 2019/2020:

Mt Gap Road	\$137,184
Belabaron Road	\$151,099
Burthong Road	\$201,000
Moolah Road	\$150,000
Development Road	\$227,466
Palesthan Road	\$200,000
<b>TOTAL</b>	<b>\$1,066,749</b>

The following projects be added:

Euabalong and Euabalong West reseals	\$120,000
Regional Roads in Euabalong re reseals	\$350,000
Shire Road reseals in Euabalong area	\$180,000
<b>TOTAL</b>	<b>\$650,000</b>

**Parks and Gardens:**

Increase the renewal of irrigation systems in the major parks by the amount saved in water costs( \$50,000)

**Aged Care:**

The new section of the Lilliane Brady Village will have state of the art telephone and internet facilities which is now the 'entry level' for aged care in Australia. It is recommended that the existing section be upgraded to be the equivalent of this at a cost of approximately \$50,000 with a corresponding decrease in bathroom upgrades. The bathroom upgrades will be an ongoing challenge and continue to seek grant funding.

**RECOMMENDATION**

1. That the changes recommended in the attachment be made to the operating budget for 2019/2020.
2. That the changes recommended in the attachment be made to the capital budget for 2019/2020.

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**CLAUSE 10A – COBAR BIOHUB**

**FILE: D7-4**

**AOP REFERENCE: 1.6.3**

**ATTACHMENT: YES  
(UNDER SEPARATE COVER)**

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

To be provided under separate cover.

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**CLAUSE 11A – GREAT COBAR PROJECT – REVIEW OF ENVIRONMENTAL FACTORS (REF)**

**FILE: M4-6**

**AOP REFERENCE: 1.6.3**

**ATTACHMENT: NO**

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

**Purpose**

The purpose of this report is to enable Council to consider the subject REF and authorise a formal response to the NSW Resources Regulator in respect of the REF on behalf of the Council.

A copy of the REF and relevant appendices are available for public viewing on Council's website at [www.cobar.nsw.gov.au](http://www.cobar.nsw.gov.au)

**Background**

Following representations by Council staff the Resources Regulator provided Council and the Environmental Protection Authority (EPA) with a copy of the REF on 24 and 25 January 2019 respectively. The initial advice received from the Resources Regulator was that the REF was provided to Council on a privileged basis as information for Council and not for public exhibition.

The REF was lodged with the Resources Regulator by Aurelia Metals Ltd on or about 5 December 2018 to support an application to conduct exploration activities.

On 1 February 2019 an assurance was obtained from the Resources Regulator that the assessment and approval of the exploration application and the REF was not a fait accompli and the initial 21 days for Council to comment on the application had been extended until after the Ordinary Meeting of Council to be held on 28 February 2019.

Approval of both Aurelia Metals Ltd and the Resources Regulator for the REF to be made available on Council's website with unrestricted public access was confirmed on 7 February 2019. The REF was available on the website from 8 February 2019.

Council was not invited to provide any input or comments into the preparation of the REF by Aurelia Metals Ltd.

**Issues**

A preliminary review of the REF identified a need for further information and additional detailed assessment of the potential impacts of the proposed exploration activities to enable Council and other relevant stakeholders to properly consider and comment on the environmental impacts of the Great Cobar Project.

It is submitted that the REF in its current form is incomplete and should be revised by the proponent. In revising the REF it is recommended that relevant Local, State or Commonwealth Government authorities, service providers, community groups and affected landowners including those listed below must be consulted as part of preparing the revised document.

1. Cobar Shire Council.
2. Environment Protection Authority.

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3. Roads and Maritime Services.
  4. Department of Industry – Land and Water.
  5. Office of Environment and Heritage.
  6. Cobar Local Aboriginal Land Council.
  7. Affected landowners within the REF area.

The following comments are provided to support the above position. Please note that the comments are not an exhaustive list of matters that warrant revision in the current version of the REF.

Consultation with relevant stakeholders will determine the scope for revising the REF.

- Land owned by Cobar Shire Council has been incorrectly identified in the REF as being owned by Peak Gold Mines.

In particular:

- Lot 282 in DP755649;
  - Lot 255 in DP755649;
  - Lot 285 in DP755649;
  - Lot 102 in DP1216518;
  - Lot 1 in DP165125;
  - Lot 73 in DP755649.
- Ngali Pre-School has not been identified as a sensitive receiver in the REF despite being as close to the proposed activities as the residence at 2-4 Harcourt St, identified as R4.
  - The REF incorrectly states that there is no public land classified as community land under the *Local Government Act 1993* present within or surrounding the REF area.
  - The REF does not explain or detail any control measures to be put in place to ensure that the proposed bulk sample or samples will not exceed 20,000 tonnes.

Note: Under *State Environmental Planning Policy (State and Regional Development) 2011* extracting a bulk sample of more than 20,000 tonnes of any mineral ore is State Significant Development for the purposes of Part 4 of the *Environmental Planning and Assessment Act 1979*.

- Existing and/or current waste rock management approvals do not and cannot cover or extend to waste rock from the Great Cobar Project and must be subject to either a detailed assessment as part of the REF if legally possible or subject to separate approval under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- Similarly, any proposal to truck waste or mineral ore from the Great Cobar Project to the Peak Mine site is not covered by any existing or current Part 4 approval under the *Environmental Planning and Assessment Act 1979*.

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Therefore as above such a proposal must be subject to a detailed assessment if legally possible as part of the REF or be subject to a separate Part 4 approval. To include such a proposal in the REF it would be necessary to expand the REF Area identified as part the proposed exploration activities.

It will be necessary to consult with Roads and Maritime Services in respect of hauling waste rock on Kidman Way.

- The management of produced water associated with the Great Cobar Project must be the subject of a detailed assessment as part of the REF if legally possible. There are no existing or current Part 4 approvals that cover or extend to the management of produced water from the proposed Great Cobar Project.

It may be necessary to obtain separate consent under Part 4 of the *Environmental Planning and Assessment Act 1979*. If it is possible to include as a detailed assessment in the REF it may again be necessary to expand the REF Area.

Note: If the proposed exploration activities eg. management of produced water extends into an exempted area as defined in the *Mining Act 1992* then the consent of the Minister is required.

- If any of the proposed exploration activities, including the management of produced water extends onto land owned by Cobar Shire Council all necessary approvals, consultation and land access arrangements should be in place and clearly articulated in the REF. Similar arrangements may be necessary in respect of reserved Crown Land and therefore consultation with the Department of Industry is warranted.
- The REF needs to clearly justify the need for and the location of the two proposed vent rises, including a detailed analysis of alternative options that may result in a reduced environmental impact.
- The REF needs to include a detailed assessment of air quality matters associated with the proposed activity with specific consideration of environmental and human health impacts. Sole reliance on general air quality modelling to support the proposed application is not supported. The proponent needs to consult with Environment Protection Authority to determine its requirements for inclusion in the revised REF document.
- The review of blasting effects provided in Appendix 4 of the REF is in draft form. The revised REF should include the Final version of the report. The revised REF should also include a detailed assessment of specific concerns that have been raised by individuals in the community regarding alleged or potential damage to existing buildings. Council has received two recent letters from individuals with such concerns and subject to obtaining permission, these letters will be provided to Aurelia Metals Ltd for a response with comments included in the revised REF.

It is recommended that the REF must clearly assess the need for dilapidation reports or otherwise being prepared in respect of existing key at risk buildings.

Further consultation in this regard is recommend with both Cobar Shire Council and the Environment Protection Authority.

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## **Conclusion**

It is submitted that the REF in its present form does not contain sufficient information to enable the Resources Regulator to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed exploration activities as described in the subject REF.

## **RECOMMENDATION**

- 1. That Council recommends to the Resources Regulator that the Great Cobar Project - Review of Environmental Factors Revision 1 dated January 2019 must be further revised in consultation with all relevant stakeholders so that proper consideration and comments can be prepared regarding environmental impacts associated with the Great Cobar Project.**
- 2. That Council authorise the Director of Planning and Environmental Services to submit a formal response on behalf of Council to the Resources Regulator in line with the matters outlined in the subject report.**
- 3. That Council authorise the Director of Planning and Environmental Services to engage the services of Warwick Giblin Managing Director, Oz Environmental Pty Ltd to assist Council with further consultation with Aurelia Metals Limited regarding the Great Cobar Project.**
- 4. That the Director of Planning and Environmental Services writes to Aurelia Metals Ltd on behalf of Council to formally insist on Council being consulted in regards to all aspects of the Great Cobar Project.**
- 5. That the General Manager on behalf of Council write to the Resources Regulator to advise that Council objects to the Resources Regulator approving the application as lodged by Aurelia Metals Ltd on or about 5 December 2018 in respect of proposed exploration activities as part of the Great Cobar Project.**
- 6. That voting on this matter be recorded on the basis of an automatic division as required by legislation.**

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**CLAUSE 12A – PROPOSED SUPERMARKET DEVELOPMENT**

**FILE: 2018/LD-013 AOP REFERENCE: 1.6.3.1 ATTACHMENT: YES  
(UNDER SEPARATE COVER)**

**AUTHOR: *Manager Planning and Environment, Stephen Poulter***

**Purpose**

To determine Development Application No. 2018/LD-013 pursuant to the legislative provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

Due to unresolved objections to this development proposal and prominence of the site and impact to Council infrastructure, this application is referred to Council for determination.

**Application Details**

<b>Application number:</b>	2018/LD- 013
<b>Applicant:</b>	Rashid Khan, Nanga Parbat Pty Ltd
<b>Land:</b>	Lots 15-16 in Deposited Plan 129574 No. 1 Marshall Street; and Lot 2 in Deposited Plan 501419 No. 2A Louth Road.
<b>Owner:</b>	Nanga Parbat Pty Ltd
<b>Proposed Development:</b>	Demolition of existing structures and construction of a new supermarket
<b>Zoning:</b>	B2- Local Centre
<b>Integrated Development:</b>	Not Integrated Development
<b>Designated Development:</b>	Not Designated Development

**Attachments**

1. Aerial Photo of site.
2. Architectural Plans.
3. Waste Management Plan.
4. Stormwater disposal design.
5. Statement of Environmental Effects.
6. Landscape Plan.
7. Arborist's Report for Port Jackson Fig Tree in Marshall Street.
8. Traffic and Parking Assessment Report.
9. Letter from Roads and Maritime Services dated 30 October 2018.
10. Public Submissions.
11. Deferral letter to applicant dated 5 July 2018.
12. Councils Engineering Services Department Memorandum dated 4 May 2018.

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## **Background**

Council is in receipt of a Development Application seeking Councils consideration of a commercial development. This development comprises of the following:

- Demolition of all existing structures on all sites
- Construction of a new supermarket and associated on-site carparking, landscaping and advertisement signage

The application was lodged with Cobar Shire Council on 21 March 2018.

Following lodgment of the application, the proposal was notified to a number of nearby property owners and businesses. The application was also placed on public exhibition through a notice in the Cobar Weekly and information on Councils website.

The notification and exhibition of the application was from the 28<sup>th</sup> of March to the 11<sup>th</sup> of April 2018.

The application was also referred to NSW Roads and Maritime Services (RMS), Essential Energy, Councils Director of Engineering Services, Councils Water and Sewer Manager and Councils Urban Services Coordinator.

Following notification, exhibition and referral of the application, nine public submissions were received and additional information was sought by RMS and Councils Engineering Department. Advice was also obtained from Essential Energy.

A letter was sent to the applicant on 5 July 2018 deferring the assessment of the application and requesting additional information. A copy of this letter is attached to this report.

A meeting was held with the applicant and their architect on the 20<sup>th</sup> of August 2018 to discuss the matters raised in Councils letter.

On the 4<sup>th</sup> of October 2018, amended traffic layout plans were provided to Council. These plans were referred to RMS and Councils Engineering Services Department for further assessment.

Following an assessment by both RMS and Councils Engineering Services Department, formal concurrence and acceptance of the amended traffic design was received by Council. A copy of RMS' concurrence to the amended design (dated 30 October 2018) is attached to this report.

As the proposal was amended to re-direct delivery truck movements away from the laneway, the amended traffic layout plans were notified to the persons that raised concerns about the original proposal to use the laneway for truck movements. Letters were sent to these people on the 16<sup>th</sup> of November giving fourteen days to provide further submissions. No further submissions were received in response to this latest notification.

On the 7<sup>th</sup> of November, discussions were held with the applicant's architect regarding the other matters raised in Councils deferral letter dated 5 July 2018. Whilst the delivery truck movement concerns were satisfied, the other matters detailed in Councils letter remained outstanding. A copy of the letter was sent to the architect requesting this additional information.



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On the 29th of November, Council received a final response to the matters raised in the deferral letter of 5 July. In conjunction with advice received from Councils Engineering Services Department during a meeting on the 30<sup>th</sup> of January 2019, the assessment of the development application was finalised.

**Site Description and Locality**

The subject development site is located on the north-western corner of the intersection of Marshall Street (Barrier Highway), Lewis Street and Louth Road. The development site comprises of three lots being Lots 15-16 in Deposited Plan 129574 No. 1-3 Marshall Street and Lot 2 in Deposited Plan 501419 No. No. 2A Louth Road.



The site at 1 Marshall Street was originally used as a pub and accommodation known as the New Occidental Hotel, which was destroyed by fire in 2014. A detached storage shed and remnants of the main bar floor and cellar remain on the site. These structures are proposed to be demolished as part of this proposal.



This part of the site contains some mature trees, particularly on the western side of the site and along the edge of the laneway. All of these trees are to be removed.

A large fig tree exists over the footpath between the southern side of the site and Marshall Street. This tree is to be retained and protected in accordance with an arborists report submitted with this application.



The part of the site known as 2A Louth Road was used mostly as a fuel station, however its last known use was a fruit and vegetable shop, which was approved by Council in 2004 but only operated for a couple of years. Buildings associated with the previous uses of the site still remain and will be demolished as part of this proposal. There is some history of remediation of the land when the fuel tanks were removed, however as the remaining structures remain, there is a potential for land to be contaminated beneath them.



The development site is dissected by a hardstand laneway, which links Lewis Street to Linsley Street. The narrow laneway provides access to the rear of commercial properties along Marshall Street and to some residential properties that front Becker Street.

The laneway is a bitumen sealed roadway and appears to have had some limited maintenance.

The laneway has limited warning signage, particularly at traffic calming device locations and at pedestrian paths. The traffic calming devices (speed humps) are largely damaged, not correctly marked and are in need of replacement.



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### **Permissibility**

The proposal is permissible with consent under the Cobarr Local Environmental Plan 2012. This property is zoned B2- Local Centre.

### **Key Issues**

The following issues were raised with the applicant in a letter from Council dated 5 July 2018. These issues include matters raised by the public in their submissions:

<b>Concern</b>	<b>Raised by</b>	<b>Discussion</b>
1. Lack of on-site car-parking spaces and potential use of Becker Street as over-flow.	Public Submission, Council and RMS	<p>The proposal will rely on both off-street and on-street carparking to provide adequate carspaces. Fifty-one off-street carspaces will be provided, which is considerably more than the on-site carspaces provided at both existing supermarkets in town (Khans- 30, Burgess- 27)</p> <p>The use of on-street carparking spaces in addition to the off-street spaces will afford a reasonable number of vehicle spaces for patrons of this premises. Reference should be made to the on and off street carparking facility assessment detailed later in this report.</p> <p>There is a potential use of on-street carspaces in Becker Street, particularly in peak shopping times surrounding holidays, however it is considered that the majority of customers will use the off-street spaces and the street parking in Marshall street in preference to Becker Street due to the distance of the supermarket building from Becker Street in contrast to Marshall Street. The proposed scenario is likely to be consistent with what is already experienced at the other supermarkets. Furthermore, the use of Marshall Street for carparking is considered as a positive attribute to the main business corridor by appearing to be busy and encouraging patronage.</p>
2. Shop detailed on plans as “Bakery/shop”. What is intended for this space?	Public Submission and Council	<p>Discussions with the applicant and their architect found that the internal layout, including the shop, was a generic internal supermarket floor layout and was not the final fit-out design. The latest design has removed the bakery/shop component of the proposal.</p> <p>Despite this change, the public submission was concerned about the potential competition that this bakery/shop would have to their own bakery business. The High Court has ruled that business competition is not a planning consideration, so if the applicant had retained the proposed bakery, this would still be acceptable.</p>
3. Safety concerns for vehicles using the laneway	Public Submission,	There was considerable concern raised about the intensified use of the laneway between Lewis

and exiting Linsley Street	RMS and Council	<p>and Linsley Streets and the potential conflict with pedestrians and other users of the laneway and surrounding public areas.</p> <p>These concerns were exacerbated by the current lack of signage, appropriate traffic calming devices and poor road surface.</p> <p>While the applicant has amended the plans to re-direct delivery trucks from needing to use the laneway in its entirety, there is still concern raised about the probable increased use of the laneway by light vehicles. It is considered that the majority of light vehicles will use the Lewis Street and Louth Road access/exit points, however some vehicles are also likely to use the laneway/Linsley Street driveway, albeit considerably less than the other driveways.</p> <p>Conditions will be imposed on the applicant requiring the upgrade of the laneway in terms of signage and traffic calming devices.</p>
4. Making the laneway one-way will impact existing users of the laneway that access from the west	Public Submission	The dual carriageway nature of the laneway will be retained.
5. Potential conflict with delivery vehicles that already use the laneway	Public Submission	The laneway is wide enough to allow two vehicles to pass one another in the laneway. During the site inspection of the locality, a number of vehicles safely passed one another at various intervals.
6. Retention of laneway access for other users during construction	Public Submission	<p>Similarly for all construction projects there will be some level of disruption expected during construction. This is of course is inevitable for this project as the construction of the carpark, landscaping works and upgrade of the laneway will necessitate closure of parts of the laneway at various times.</p> <p>A staged approach to this upgrading work will be necessary to maintain access and will be imposed by a condition of consent that requires this type of work schedule and to restrict complete closure periods to specific times that is unlikely to impose conflict with other users of the lane. A condition has been recommended requiring prior notification to users of the laneway before any temporary closure.</p>
7. Blocking of laneway during deliveries/waste collection	Public Submission and Council	<p>Following notification of this matter to the applicant, the proposed plan was amended to reduce the overall width of the supermarket building to afford more space for delivery vehicles/waste collection vehicles.</p> <p>Despite this, the frequency of these service vehicle movements and duration of deliveries/collections is minimal and conflicts of</p>

		vehicles would largely be avoided in reality.
8. Delivery trucks will not be off-street	Public submission	The original site plan showed delivery trucks to be parked partly over the laneway. This has been corrected in the latest drawings showing reasonable space for delivery vehicles. Space for delivery vehicles is now wholly on private land.
9. Northern entrance to carpark too close to intersection of Becker Street and Louth Road	RMS	The latest amended traffic plans have now lengthened the distance from the edge of the Louth Street driveway to the intersection of Becker Street. RMS accept this latest design.
10. Delivery and passenger vehicles are unable to pass at the same time at the exit point of the laneway onto Linsley Street and at the carpark entrance from Lewis St/Louth Rd.	RMS	The latest amended traffic plans have deleted the proposal to utilize the laneway as part of the delivery vehicle path. RMS accept this latest change.
11. Arborist report fails to state any protection measures from angle reverse parking in Marshall Street	Council	As the development utilizes both on-street and off-street carparking, there is concern raised that reversing vehicles will impact the fig tree on Marshall Street. Following advice of this concern, the applicant has agreed to install suitable barriers to prevent vehicle impact on the fig tree. A condition of consent will require the installation of suitable wheel stops in accordance with AS 2890.5- 2004 "On-Street Carparking".
12. As per SEPP 55 (State Environmental Planning Policy No. 55- Remediation of Land), provide documentary proof that both sites are free from contamination	Council	<p>A site validation report dated 21 April 2005 was provided to Council. The report states that the excavation undertaken to remove the fuel systems on site was validated to residential settings and for uses consistent with a business zoning. The exception related to some areas of the site that could not be tested due to the presence of buildings on the site. This land has potential to be contaminated, however cannot be tested and remediated until the buildings are demolished.</p> <p>Clause 7 of SEPP 55 prohibits Council as the consent authority from approving the carrying out of development on land unless it has considered whether the land is contaminated and where it is potentially contaminated either remediated to a suitable standard or certified as suitable for its intended purpose.</p> <p>It is recommended that a condition be imposed on the consent that prior to the issue of a construction certificate that the buildings on the development site be demolished and the land be tested to establish levels of contamination and where levels of contamination exceed levels of contamination deemed inappropriate for the intended use, remediated to a standard deemed appropriate.</p>

13. Provide details of the proposed method of irrigation that would be necessary to sustain the plants detailed on the landscaping plans	Council	Amended landscaping plans have been provided to Council showing a low water use drip irrigation system fitted with backflow prevention. This system is considered appropriate to assist in the appropriate
14. The proposed delivery times are considered unreasonable given the proximity of the site to residential properties and potential impact of noise	Council	The proposed delivery hours were considered unreasonable given the proximity of the site to residential homes. The applicant has advised Council that it can change the delivery hours to 7am to 9am to accommodate the concern. This alternative delivery time is considered reasonable and will be reinforced by a condition of consent.
15. Provide a waste management plan that adequately demonstrates how waste will be managed during civil, demolition, construction and operational stages of the project	Council	A waste management plan was supplied to Council. The plan details a proposed effort in waste minimisation. This plan will be referenced in the development consent and adherence to its waste minimising proposals will be required.
16. Provide details of the carpark logo signage to ascertain its potential impact on driver vision	Council	Details of the logo signs was provided to Council. No further concerns were raised with this part of the proposal.
17. Amend the dust management techniques contained in the statement of environmental effects with the techniques specified on the plans prepared by ATB consulting engineers as the SOEE techniques are considered inappropriate for environmental and site conditions normally experienced in Cobar	Council	Amendments were made to ensure that the most appropriate method of managing dust on this site was proposed. Conditions of consent are to be imposed controlling this concern.
18. On-Site Stormwater Detention	Council	The development site will be mostly impervious. The subsequent stormwater catchment would be considerably large, necessitating a heightened need to appropriately control the stormwater on the site and ensuring that its disposal does not unreasonably impact the local area. The applicant has submitted a stormwater management plan for the site. The method of stormwater is on-site detention which is considered appropriate for the site. Whilst the concept of using this method of stormwater management is acceptable, further in-depth assessment will be necessary before the commencement of work on site. A condition will

		be imposed on the consent to supply Council with detailed construction drawings and specifications to enable this assessment to take place.
19. Standard of existing footpath and nature strip area	Council	<p>During the site assessments of the land, it was found that the footpaths and nature strips were in a poor state and were inconsistent in type (pavers, concrete, gravel etc). Further, the pathway surrounding the fig tree has lifted. Retention of this footpath and nature strip area would be undesirable for a number of reasons, including reducing the aesthetic appeal of the development site.</p> <p>As the development will encourage increased use of the footpath area surrounding the site it is considered reasonable that the applicant be responsible for upgrading this public infrastructure in conjunction with their development.</p>
20. Liquor Shop	Council	It is known that the existing supermarket in Marshall Street, leased by the Khan Group, is being vacated following the establishment of the supermarket subject of this application. The existing supermarket has an existing liquor store, but the floor plans for the proposed supermarket does not show a liquor store. Council staff have assessed the proposal considering the latest plans which do not propose a liquor store.
21. Intersection and road related upgrades.	Council and RMS	An assessment of the existing vehicular access points and the intersection of the laneway and Lewis Street found that this existing road related infrastructure is inappropriate for this proposed development and an upgrade was necessary. As part of this development a new intersection will be constructed to link Lewis Street and the laneway, a new vehicular access/exit point will be constructed linking the development site to Louth Road. These required works will need to be subject of a Section 138 Application under the Roads Act 1993, which assess whether the proposed works will achieve compliance with relevant road and road related construction standards.
22. Clearance of development to electricity infrastructure	Council and Essential Energy	Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 relates to any development application where a proposed building is to be located within 5 metres of an exposed overhead power line. The site plan appeared to show the overhead power-line in Marshall Street outside this distance, however given the safety concerns relating to this requirement, a cautious approach was held by Council and the proposal was referred to

		Essential Energy for comment. The response from Essential Energy, including a site meeting, found that there is a potential for the building works to encroach within 5 metres of the electricity infrastructure, like crane movement. As such, conditions were recommended to be imposed in the development consent requiring specific safety measures to be employed during the works stages of the development.
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***Developer Contributions and Levies***

Calculations have been made with respect to this development and the need to make payment of Section 94A Developer Contributions and Section 64 Water and Sewerage Levies under Cobar Local Infrastructure Contributions Plan 2012 and Development Servicing Plans for Water Supply and Sewerage 2013 respectively.

With respect to s.7.12 (of the Environmental Planning and Assessment Act 1979) Fixed Development Consent Levies, the value of the levy is based on the estimated cost of the development (being \$2,907,080.00). Cobar Shire Council’s Infrastructure Contributions Plan 2012 requires payment of 1% of the estimated cost of the development as the fixed development consent levy where the estimated cost of the development exceeds the value of \$200,000. This which equates to \$29,070.80.

With regards to s.64 (of the Local Government Act 1993) water and sewerage levies, this value is derived by the respective uses of the proposed development and their equivalent loading on Councils water and sewerage infrastructure in comparison to a standard dwelling. Section 64 of the Local Government Act permits Council to apply the functions of Section 306 of the Water Management Act 2000, which is basically to require a contribution from developers with respect to water infrastructure, its existing water management works costs and estimated future water management costs. This levy has been calculated pursuant to Councils Development Servicing Plans for Water Supply and Sewerage Policy. In this particular case, the combined total water supply and sewerage charges payable is \$5288.76 based on charges detailed in Councils 2018/2019 Fees and Charges.

The payment of the developer contribution and services levy will need to be made before release of a construction certificate as per condition of consent.

**LEGISLATIVE CONSIDERATIONS**

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The following matters are considered relevant to this development application.

**Environmental Planning and Assessment Act 1979**

**Section 1.7- Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

The subject development application under the Biodiversity Conservation (Savings and Transitional) Regulation 2017 is a pending planning application and therefore subject to the former Section 5A and 5D of the Environmental Planning and Assessment Act 1979 regarding any significant effect on threatened species, populations or ecological communities or their habitats.



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Inspections of the site in respect of the subject application has verified that the development site is highly modified and disturbed, having being cleared over a long period.

This assessment report accepts that the proposed development is unlikely to significantly affect threatened species, populations or ecological communities or their habitats.

#### **Section 4.15- Evaluation of the Proposal**

##### Planning Controls

- *Cobar Local Environmental Plan 2012*

The proposed development, for the purpose of identifying development categories under the Cobar LEP 2012, are considered to be defined as a retail premises.

This defined use is permissible with consent in the B2- Local Centre zone. The objectives of this zone are:

- 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.

On balance, having considered all relevant factors, it is considered reasonable to accept the position that the proposed development is consistent with the zone objectives.

##### Clause 6.1 Earthworks:

The proposal will include minor earthworks to facilitate the demolition, civil and construction work stages. Council as the consent authority must consider relevant matters as detailed in this clause of the LEP, which are described in the following table:

<b>LEP Consideration</b>	<b>Response</b>
The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development.	There is some potential for impact of a stormwater easement channel directly to the west of the development site by earthworks on the development site. The channel is an open dish drain with the lip of the drain at the same height of the development site ground level. Excavation of the site and associated earthworks could impact on this drain in terms of physical damage to the drain structure and filling of the drain by excavated soil. A condition will be imposed on the development consent requiring the implementation of appropriate safeguards to the structural protection of this drain and the need for appropriate sediment and control

	<p>measures to minimise movement of soil products from the development site. A condition prescribed by Clause 98E Environmental Planning and Assessment Regulation 2000 will also be imposed to implement specific protection measures relating to the shoring and adequacy of adjoining property.</p>
<p>The effect of the development on the likely future use or redevelopment of the land.</p>	<p>The earthworks proposed will be minimal and are necessary to provide an appropriate platform for the construction of this project. More intense earthworks may be necessary to the site located at 2A Louth Road if the ground below the existing buildings is found to be contaminated and requiring remediation. These earthworks would be necessary to remediate the ground, which would improve the environmental conditions that are potentially existent. Overall, the earthworks are likely to improve current site conditions and align them with conditions that are normally expected for a site in a business zone.</p>
<p>The quality of the fill or the soil to be excavated, or both.</p>	<p>Some minor excavation works will be necessary on all parts of the site. Prior to the civil works stage and following demolition of structures, soil contamination tests will be required for the ground on the site of 2A Louth Road to establish potential levels of contamination. The results of these tests will determine the quality of the ground. Likewise, due to the presence of asbestos contaminated material in all existing structures, a certificate of clearance from an occupational hygienist will be necessary to establish whether the ground is safe for further use. The result of this assessment will be required before commencement of building works on site. With regards to fill, some filling will be necessary under the western part of building. Soil brought to the site will need to be declared as virgin excavated natural material as defined in the Protection of the Environment Operations Act 1997. Appropriate documentary proof will be required to ensure that this material is not contaminated and suitable for its intended use.</p>
<p>The effect of the proposed development on the existing and likely amenity of adjoining properties.</p>	<p>This development site borders an open drainage channel, a public laneway, public roadways and a site used by a funeral</p>

	<p>directors business.</p> <p>Utility services are also located in close proximity to this site and potential places of excavation activity. One of the main telecommunications optic fibre cable is located in close proximity to this site and will need to be carefully located and protected during the works stages.</p> <p>A number of conditions will be imposed on the development to safeguard public land, private properties/buildings and utility services during the work stages of the development.</p>
The source of any fill material and the destination of any excavated material.	As per previous discussions, soil brought to the site for the purposes of foundation fill and landscaping will need to be validated as appropriate for this particular site and intended use.
The likelihood of disturbing relics	<p>No submissions were provided to Council concerning the remaining portion of the New Occidental Hotel and its level of community significance.</p> <p>Despite this, there was concern raised relating to what potentially may be found during the demolition and civil works process that may have some level of community interest, and in particular what may be within the old cellar area.</p> <p>A condition will be imposed on the consent requiring a level of caution when conducting demolition and civil works and where elements are found that may be of community interest, the person/s having benefit of the development consent shall appropriately consult with relevant community members and Council regarding its potential value to the community and to determine whether it needs to be safeguarded.</p> <p>Additionally, due to the potential contamination of these elements, the condition would also require that any element chosen to be safeguarded shall be appropriately assessed, remediated and validated as suitable for safe handling.</p>
The proximity to, and potential for adverse impacts on, any watercourse, drinking water catchment or environmentally sensitive area.	As previously discussed specific measures will be required to be implemented during the course of works at this site to protect the open storm-water drainage channel. The earthworks will not impact on any drinking water catchment or environmentally sensitive areas.

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Clause 6.3 - Stormwater Management:

The proponent provided a stormwater disposal design that captured roof stormwater and ground surface water and disposed of this water to Marshall Street.

The system comprises of on-site detention basins that would slow down the discharge rate of captured stormwater before releasing it into the gutter in Marshall Street.

The stormwater concept design is considered adequate for its purpose. A condition will be imposed on the consent requiring submission of final construction/design plan and specifications to Council before the release of a construction certificate to establish that the proposed system will perform as required.

Clause 6.10 - Essential Services:

The essential services detailed in this clause are already existent to service this proposed development.

The proposal has been assessed as satisfying relevant planning controls and objectives in the Cobar LEP 2012.

- *State Environmental Planning Policy 55 (Remediation of Land)*

Clause 7 of this policy details matters to be considered in determining a development application.

Council as the consent authority must not consent to the carrying out of any development on land unless;

- a) It has considered whether the land is contaminated,
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

This assessment has considered the possibility that parts of this development site are contaminated.

The history of both sites has identified that:

- The part of the site fronting Marshall Street has the potential of being contaminated with asbestos material;
- The part of the site fronting Louth Road has the potential of being contaminated with materials associated with the previous use of the site as a service station.

As parts of this site have the potential to be contaminated, Council needs to be satisfied that the land is suitable for this proposed development, or at least will be made suitable.

Following a review of information provided by the applicant with regards to asbestos removal from 1-3 Marshall Street and a site validation report for 2A Louth Road, it is considered that there is still potential for both sites to be contaminated and may require some form of remediation and validation.

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Following assessments of the facts relating to both parts of the site, it is considered that a preliminary site investigation should be undertaken to establish whether any part of the development site is still contaminated and whether any form of remediation is necessary. This will be required as a condition of consent and will need to occur prior to any construction works occurring on the site. The preliminary site investigation will need to be undertaken following demolition of all of the structures on the site to facilitate access to the natural ground.

- *State Environmental Planning Policy 64 (Advertising and Signage)*

Clause 6 of this policy details signage that can be displayed with or without development consent, is visible from any public place or public reserve and is not exempt development. Advertising signage proposed by this development exceeds the maximum dimensions of signage for exempt development signage, and as such consideration of this policy is required.

Clause 8 of this policy states that Council cannot grant consent for any advertising or signage until it is satisfied:

- (a) That the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1 of the policy.

The applicant has detailed how the proposed advertising signage adheres to the provisions of Clause 3 of the policy and satisfies the assessment criteria detailed in Schedule 1 of the policy. This is detailed in the applicants Statement of Environmental Effects.

An assessment of the details provided by the applicant has been undertaken by Council staff. It is considered that the proposed advertising signage will satisfy the requirements set out in this policy.

- *State Environmental Planning Policy (Infrastructure) 2007*

Clause 45 of this policy requires a consent authority to give written notice to the electricity supply authority for the area, inviting comments about potential safety risks, in particular circumstances where the development may impact or be impacted by electricity infrastructure. In this particular case, there was concern about the proximity of the southern facing wall of the supermarket and its proximity to overhead electricity power lines in Marshall Street.

Notice was given to Essential Energy about this particular concern. Following this notification, a site meeting was held with employees of Essential Energy to evaluate Councils concern. Essential Energy provided advice that the separation distances were acceptable, however specific controls will need to be in place during the works stages of the development to maintain safety levels around electrical infrastructure. Conditions, as recommended by Essential Energy, will be imposed on the development consent.

Under Clause 104 of this policy, developments that are defined as ‘traffic generating developments’ must be referred to Roads and Maritime Services for consideration. In this particular case, the development did fall within this definition and was subsequently referred to RMS as earlier discussed in this report.

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RMS have provided concurrence to the development proposal subject to specific conditions.

- *Proposed Instruments*

There are no proposed or draft planning instruments applying to the land.

- *Development Control Plans*

There are no development control plans applying to this land.

- *Planning Agreements*

There are no planning agreements applying to this land.

- *Prescribed Matters- Environmental Planning and Assessment Regulation*

Clause 92 of the Environmental Planning and Assessment Regulations requires a consent authority to consider AS 2601-1991, where the proposal includes demolition of buildings. This proposal does include the demolition of structures.

A condition will be imposed on the development consent requiring demolition works to comply with AS 2601-1991.

- *Likely Impacts of the Development*

Section 4.15 (1)(b) of the EPA Act requires Council, as the consent authority, to have regard to the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality.

With regards to environmental impact, this includes not only the natural environment but also all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings. This planning consideration also includes impacts on both the natural and built environment, which could include implications on local traffic conditions, existing sewerage/water infrastructure, noise emissions, waste management, aesthetic impact on the local landscape, design of the building and its effect on the streetscape, etc.

In this particular case, the development and its potential impacts were all assessed to ascertain their degree of impact, whether or not measures to mitigate harm are needed and whether any impacts are unreasonable.

The main concerns highlighted by this assessment were:

- Traffic;
- On and off street carparking;
- Noise during operation and delivery times;
- Aesthetic appeal of the proposed building works and impact on streetscape;
- Storm-water management;
- Site contamination;
- Potential Impact on the Fig Tree in Marshall Street.

The following commentary is made with respect to the aforementioned matters:

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## Traffic

This development will change existing traffic conditions. This is inevitable, as the site will be used for a purpose that will encourage people to drive to and park either on or in close proximity to the site.

Council as the consent authority must consider whether these changes to traffic conditions will be unacceptable and if so, whether measures can be incorporated to negate or reduce the impact to a satisfactory level.

During the assessment of this application, referral of the proposal was made to RMS and Councils Engineering Services Department.

Following the initial referral, both parties raised concerns with the design of the project and its impact on traffic conditions. Following receipt of this advice, discussions were held with the applicant, RMS and Councils Engineering Services Department to identify particular ways that the concerns could be overcome.

The main issues raised as concerns were:

- Use of the laneway by delivery vehicles;
- Delivery vehicle movements on and off the site;
- Locations of carpark entrance from intersections.

An amended design was provided to Council in October 2018 for further assessment. This design was forwarded back to RMS and Councils Engineering Service Department. The amended design took into consideration the concerns raised and provided an alternative design that addressed each of the concerns.

Following assessment of the revised design, RMS and Councils Engineering Department concurred with revised concept design.

Conditions will be imposed on the development consent requiring submission of plans and specifications giving full details of the proposed construction of all proposed road and road related works. Additional conditions will be imposed requiring the submission of “work as executed” drawings confirming that the works are in accordance with the consent and relevant construction standards.

## On and off street carparking

One of the key considerations for proposed commercial developments is the provision of adequate carparking facilities. There are a range of factors that must be considered when assessing likely parking facility demand.

Proposed supermarket carparking facilities must consider the catchment of people likely to use the premises, the size of the supermarket premises, existing alternative supermarkets and other information like statistical data that give an indication of the likely demand for carparking. This approach is generally consistent with the assessment of carparking arrangements by the Land and Environment Court, most notably *Artro Management Pty Limited v Council of the City of Sydney*. Additionally reference was also made to the *Roads and Maritime Services Guide to Traffic Generating Developments (GTGD)*, which provide some guidance regarding traffic and carparking facility impact assessment.

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The applicant was advised prior to lodging this application that carparking would be an important consideration for this particular proposal. In response to this caution, the proponent provided a traffic and parking impact assessment report.

The proposal seeks to provide 51 off-street carparking spaces, with 25 on-street carparking spaces (directly adjacent to the development site and not counting across the road or to the West of the site) currently available to supplement the off-street spaces. The total number of carparking spaces would be 76.

During the initial stages of the carparking proposal, reference was made to the GTGD, and in particular Section 5.7.1 which includes carparking rates for supermarkets. It should be noted that these rates have been developed following parking surveys and research undertaken by the RTA in the 1990's and 2011, and predominantly in areas of the State that are more densely populated (Sydney, and regional areas like Mittagong, Shellharbour and Tuggerah). Furthermore, the latest traffic surveys undertaken in 2011 details data in areas of significant urban growth and is not characteristic of regional areas like Cobar. While this data has been considered, current local conditions and trends have predominantly been used in the Councils assessment of this proposal.

Using the GTGD, 80 off-street carparking spaces are suggested for the size of this supermarket. The guide only recommends numbers of off-street carparking spaces to allow consideration of a development that does not have any alternative carparking facilities (e.g on-street parking). The GTGD states that a shortage of parking is not necessarily detrimental to the success of a proposed development and potential variations must also be considered. Considering the GTGD's suggested parking space number, its conservative approach of an isolated site with no on-street carparking spaces and the applicant's proposal to provide 51 off-street spaces supplemented by 25 on-street carparking spaces, the overall result is negligible as a shortfall. Additionally, it is reiterated that the data provided in the GTGD relates to areas of the State with higher populations and different local traffic characteristics that demand a higher rate of off-street carparking spaces.

The GTGD also recommends the consideration of the likely average time that a vehicle would be parked in a carspace proposed by the development. A delay in parking time can disrupt vehicle turnover, therefore reducing the availability of carspaces for customers, heightening demand and subsequently dictating a higher number of carspace numbers. A delay can be caused by the type of retail use related to the carpark and also other uses in proximity of the site that may cause the carpark to be commonly used for a few purposes.

The applicant's traffic consultant has found that the average shopping time of customers using the existing IGA supermarkets in Cobar is around 30 minutes. This average time is consistent with the national average supermarket shopping time. Shopping time data is one matter that influences parking rates as it correlates to car parking demand. Due to the consistency between local and national shopping times, there is no unique delay in parking time which could dictate the provision of more carspaces.

Common use delays are experienced where a person visits a number of localised locations in proximity of the carspace rather than a dedicated visit only to the specific business subject of the carspace. This disrupts the normal parking utilization period and can influence the effectiveness and efficiency of the carparking facility particularly in peak shopping periods.



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The existing supermarkets are located centrally in the main street and due to their proximity to busier retail premises, there is a higher likelihood of common use delays within their dedicated off-street carparks. The proposed supermarket is located on the edge of the main business area in the main street. While there are two land uses in close proximity to the development that may encourage common use delays (Copper City Hotel and Cobar Memorial Services Club), it is considered that common use delays associated with these land uses is lessened by the availability of dedicated car parking facilities for these specific land uses, which reduces potential reliance on the carparking facilities for this proposed development.

There are some other land uses in proximity of the site that may encourage some common use delays, however this would likely be considerably less than what is experienced at the existing supermarket sites. Additionally, two of the land uses in proximity of the site (motel and future bar/restaurant and Club), have peak business hours that would not conflict with the peak business hours of this proposed supermarket. As such, it is considered that there is unlikely to be unreasonable common use delays experienced, which would normally dictate a need for more carparking spaces.

Following consideration of the GTGD, a comparative analysis was undertaken of this proposed supermarket and the parking facilities provided at the existing two supermarkets in Cobar. This comparative analysis would provide suitable localised evidence that the proposed number of parking spaces are sufficient for local traffic conditions.

The supermarket at 34 Linsley Street has 27 carspaces and overflow parking capacity in the carpark behind Councils Administration Building and in Linsley Street. The peak period is on Saturday mornings.

The supermarket at 29-33 Marshall Street has around 30 carspaces and overflow capacity in Linsley Street and Marshall Street. The peak period for this premises is also Saturday morning.

Both existing supermarkets utilise a mixture of on and off-street carparking spaces. The main difference between this proposed supermarket proposal and the existing supermarkets is that this current proposal seeks to provide more on-site carspaces (24 more than IGA in Linsley Street and 21 more spaces than IGA in Marshall St).

The existing supermarket's experience some minor levels of traffic disruption during peak periods (particularly on Saturday morning), but overall this impact is negligible.

In a comparative sense, the proposed supermarket's carparking facilities and the existing IGA parking facilities are consistent in arrangement (mixture of on and off street), however the proportion of overall spaces is greatest at the proposed supermarket and will likely exceed demand once the supermarket is established.

Council's assessment also took into consideration the information contained in the traffic and parking impact assessment report provided by the applicant. This report discussed the requirements of the RMS' GTGD and local demand data to demonstrate that the proposed carparking facilities were acceptable and concluded that the proposed arrangements would have no detrimental effects on traffic flow efficiency or residential amenity surrounding the site.

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Overall, it is considered that the number and arrangement of carparking spaces is considered appropriate.

#### Noise during operation and delivery times

The supermarket is proposed to be located within 50 metres of a residential dwelling. The normal operations of the supermarket are unlikely to cause noise impacts on residents in close proximity to the development site, however some concern was raised in relation to the proposed delivery hours of 6am to 10pm.

These concerns were raised with the applicant. The delivery times were changed to be from 7am to 9am. The revised hours are considered reasonable and no further concerns are raised in relation to potential noise impacts.

Conditions will be imposed on the development consent citing the revised delivery times. The trading hours detailed in the Statement of Environmental Effects (8.30am to 9pm 7 days a week) will also be subject of a condition.

#### Aesthetic appeal of the proposed building works

The land subject of this location is a prominent site at the commencement of the business area from the east.

During early discussions with the proponent, a number of designs were forwarded to Council for consideration showing the building in different locations on the site. The preferred design was chosen as it orientated the front of the supermarket towards to the east where people would be arriving into the Cobar business area. This design presented an opportunity to soften the south-eastern corner of the site and allow a continuous shop front design up the northern side of Marshall Street.

The location and orientation of the supermarket building is considered a good outcome for the main street precinct. The scale and design of the front (eastern) and side (southern) facing facades have been designed taking into consideration the existing streetscape and the design aspirations detailed in Councils main street study from 1993, which remains to be a valid guide for the design of new buildings, building work and street landscaping in the main street of Cobar.

The façade incorporates elements associated with the existing Cobar business streetscape and industrial tones associated with the mining industry in Cobar.

In addition to the built forms of this development the proposed landscaping that surrounds the site and the carpark assists in providing a safe and attractive public place. The landscaping plan submitted by the applicant has taken into consideration Councils main street study and the need for appropriate street plantings to impart the sense of entering the business precinct and to partly buffer the front of the supermarket.

The planting schedule proposed by the applicant is considered appropriate for the seasonal conditions experienced in Cobar and the prominent location of the site. The plants that surround the carpark are compatible with the on-site detention basin stormwater system contained in the carpark. The plants chosen are not deciduous or likely to drop plant material often that could impact on the efficiency or performance of the detention basin.

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Overall the final design of the supermarket is considered appropriate for its location and will complement the existing unique streetscape found in the main business area.

### Storm-water management

The proposed development seeks to largely make the whole site impervious, excluding landscaping areas in the carpark.

When a site reduces its ability to allow stormwater to absorb into the ground, there is a heightened challenge with respect to stormwater management on the site.

The stormwater catchment for this building is comprised of the building roof, carpark and the laneway.

The applicant supplied to Council a stormwater disposal plan that proposed a stormwater system that included elements of detention basins which would assist in reducing the velocity of stormwater flows and delaying its discharge into Marshall Street.

The proposed design was considered adequate and no further concerns were raised in this regard. Specific conditions have been recommended for the development consent to ensure that the final design and construction of the stormwater management system will be satisfactory and perform as expected.

### Site contamination

This concern has been discussed during the SEPP 55 consideration part of this report.

### Potential Impact on the Fig Tree in Marshall Street

The Port Jackson Fig Tree (the Fig Tree) located in Marshall Street and adjacent to the development site is a significant tree and has been a subject contained in submissions to Council with respect to protecting and retaining the tree during the works and operational phases of this development.

This particular tree and other similar fig trees in the Cobar town-ship were planted around 1893 to provide shade and add beauty to the streets.

This tree is subject of Councils Tree Preservation Policy, where the objectives of this policy are:

- To preserve and maintain the existing trees and any future trees within the areas covered by the policy.
- To promote awareness that trees are a necessary require to improve the environment of Cobar.
- To provide a consultative process if it is proposed or necessary to remove any existing tree or trees.
- To appropriately manage trees and shrubs so that they are safe to exist in public spaces.

As part of the early discussions about this proposal, the applicant was advised that this tree was to be retained and protected and that an arborist report was to be submitted documenting the health of the tree and proposed methods to protect the tree. This arborist report was submitted with the Development Application. The

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south-eastern corner of the building was also modified to accommodate a nursery area that would have limited impact on the fig tree.

Council's assessment of the report found that there is potential for the fig tree to be damaged by this development. Specific safeguards were recommended to be implemented by the arborist in relation to safeguarding the health of the tree, restricting access to and impact on the tree and measures need to be implemented as part of the construction of the building, particularly the nursery area.

The measures recommended by the reporting arborist are considered acceptable to assist in the retention and protection of the fig tree. Following an assessment of the report, Council staff have considered it necessary to recommend additional measures to safeguard the tree during the works stage. These additional measures are included as conditions of consent and include:

- Provide an elevated pedestrian pathway under the canopy line of the fig tree to replace the existing concrete paved pathway to alleviate issues relating to impact on the root system, permitting rainwater to permeate into the ground surrounding the root system and to offset probable issues with trip hazard caused by uplifting pedestrian paths in the future. The provision of this new pathway will be in conjunction with the upgrade of the existing footpath/nature strip and kerb and gutter that adjoins this development site.
- Implementing additional measures to the tree protection zone including 1.8metre chain-wire mesh fencing on temporary fencing feet only, warning signage prohibiting access to the tree protection zone, installation of suitable mulch within the tree protection zone and appropriate scheduled watering to reduce stress on the tree during the works phases of the development.
- Installing wheel stops 1.2 metres from the kerb at a 45 degree angle to suit the angled on street carspaces in Marshall Street. Wheel stops shall be provided for all carspaces where vehicles can reverse into the trunk or root system of the fig tree.
- *Suitability of the site for development*

The subject site is located on the eastern end of the main street of Cobar and is essentially the beginning of the business precinct from the east. While the whole site will be re-developed, the supermarket building itself will only use around 40% of the site, with the remaining parts used for carparking and associated landscaping. This is considered to be an appropriate use of the land with the building

The development has been designed taking into consideration the existing streetscape evident in the main street, as well as incorporating elements that reflect the local mining industry. A copy of the "Cobar Main-Street Study" (1993) was provided to the applicant during initial meetings with the applicant about this proposal. The proposal has taken into consideration the design aspirations and local character ideals detailed within this study.

Marshall Street is Cobar's local centre. Local Centre's act as focal points for activity and social interaction, fostering a sense of community. A supermarket in particular is an important component of the local centre, especially when it is co-located with other types of businesses and services to encourage social interaction and community wellbeing. This supermarket will be co-located with a range of other businesses and services, which is an objective of the B2 local centre zone.

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Currently the development site is unoccupied, other than some redundant structures that are proposed to be demolished as part of this proposal. The re-development of the site will improve the current entrance to the business precinct by improving the current aesthetic value of this space, particularly as it is viewed as the gateway to the business area.

The development has the potential to reinvigorate this part of Marshall Street in terms of aesthetic appeal and encouraging more customer traffic. The positioning of this development will encourage more foot traffic towards the eastern end of the main street, which has the potential to benefit businesses in this path.

The positioning of the building closer to Marshall Street will encourage people to use the on-site carpark and on-street parking options in Marshall Street in preference to parking in Becker Street, although there is nothing legally preventing customers from using Becker Street, however this option is only likely to be used in unique peak periods (like before holiday periods or during the early initial stages of this supermarkets operation) where other parking options are exhausted.

The trading hours of the supermarket and its likely peak customer times will compliment surrounding commercial premises like the Copper City Hotel/Motel and the Cobar Memorial Services Club which has differing peak customer times. The trading times for the supermarket is considered to be appropriate for the type of proposal and its proximity to residential sites in Becker Street.

The supermarket building has been positioned in the south western corner of the development site with the building facing to the east, with the southern façade incorporating design elements to compliment the current streetscape of the main street. The siting of the building has enabled the remaining parts of the site to the north and the east to incorporate a carpark and appropriate landscaping that will assist in buffering the visual bulk of the supermarket building.

The orientation of the building takes into consideration summer and winter sun paths. The building faces east allowing the front facade to experience the summer sun in the morning. The northern side of the building will experience the summer and winter sun around midday while the afternoon summer sun will be largely shielded by the neighboring building to the west. This orientation is considered ideal from a solar access perspective, as the building will not unreasonably impose shadow impacts on adjoining sites or experience extended periods of direct summer sun.

The development site is fairly flat and will require minimal excavation and filling to provide a uniform foundation for the site.

The existing trees and vegetation on the site are to be removed to facilitate the construction of this proposal. The landscaping design proposed the use of plants and trees appropriate for the conditions experienced in Cobar and will assist in enhancing the aesthetic appeal of this site, particularly from the east.

The existing fig tree in Marshall Street is to be retained as part of this development and measures are to be incorporated to ensure its protection during construction and operation of the development. The canopy line of the tree has dictated the design of the south-eastern corner of the supermarket building.

Overall, it is considered that this site is suitable for this proposed development. This assessment has considered the site in relation to the broader Cobar town-ship, the

mixed use neighbourhood in proximity of the site and the streetscape. The proposed supermarket is likely to cohesively operate in conjunction with existing business and services surrounding the site, as well as limiting potential noise, traffic and parking impacts on the surrounding area.

- *Submissions*

The consent authority must take into consideration in so far as relevant any submissions made in accordance with the Act or the Regulations. The failure by a consent authority to take a submission into consideration may render the consent authority's decision void.

During the course of this assessment, Council considered all submissions made in response to this application. Submissions were received from the public, RMS and Councils Engineering Department. All submissions are attached to this report.

Following public exhibition, neighbour notification and referral of the application, the following submissions were received:

<b>Response</b>	<b>Relating To</b>
Roads and Maritime Services (RMS)	Loading arrangements for delivery vehicles in relation to the laneway, potential conflict of delivery and passenger vehicles using the Linsley street/Laneway driveway and the Louth Road carpark entrance, and proximity of the Louth Road carpark entrance from Becker Street being too close.

*Comment:* RMS sought additional information in response to the initial concerns detailed above. A meeting was held with the applicant and Council to discuss a number of options that could resolve the concerns raised by RMS. Amended plans were provided to Council detailing an alternative design that addressed the relevant concerns. These plans were forwarded to RMS for re-assessment. Concurrence was given to this alternative design subject to specific conditions.

<b>Response</b>	<b>Relating To</b>
Councils Engineering Department	Location of northern carpark entrance in proximity to Becker Street intersection, delivery/loading arrangements and Section 64 water and sewer developer charges.

*Comment:* The matters raised by Councils Engineering Services Department are largely similar to what RMS expressed in their response, excluding the comments relating to the Section 64 developer charges which will be imposed as a condition of development consent. Section 64 charges are applicable due to the type of proposal being a type of development proposal stated in Clause 226 of the Water Management (General) Regulation) 2018.

Following lodgment of amended plans, Councils Engineering Services Department raised no further concerns with the proposal.

<b>Response</b>	<b>Relating To</b>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• The proposed supermarket will drive other businesses out of town</li> </ul>
Council comment	This proposed supermarket will replace an

	<p>existing supermarket that already services this town. This particular concern was raised in relation to the proposed 'shop/bakery' shown on the initial design and its potential impact on an existing bakery. In response, Council as the consent authority cannot take business competition into consideration as the High Court have ruled that this particular matter is not a planning consideration. Additionally, the 'shop/bakery' has been deleted from the final design.</p> <p>The shop/bakery was shown on the initial plans as a generic layout for supermarkets for this company and did not reflect the final intended layout.</p>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Location of supermarket will draw customers to one end of town</li> </ul>
Council comment	<p>It is agreed that this proposal will draw customer to the eastern end of the business area, however it is unlikely to draw all customers to one end of the town. There are still unique businesses and services at at other sections of the business precinct, where customers will continue to visit. It is considered that the addition of the supermarket at the eastern end of the main street will re-invigorate this part of the precinct and encourage patronage of a wider area of the business centre.</p>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Carparking numbers, customers likely to use rest-stop as alternative means to park vehicles</li> </ul>
Council comment	<p>Carparking is largely provided on-site with overflow parking options in the main street. The floor area of this proposed supermarket is consistent with the existing main street supermarket, which only has 30 carspaces with on-street coverflow options in Linsley and Marshall Streets in comparison to this proposal which will have 51 on-site carspaces and overflow carspaces in Marshall Street.</p> <p>The amount of carspaces is considered acceptable.</p>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Shop/Bakery non-descriptive/broad definition</li> </ul>
Council comment	<p>This part of the proposal has been deleted.</p>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• If a seating area or café is offered it will have a detrimental impact upon existing businesses</li> </ul>
Council comment	<p>The shop/bakery has been deleted from the</p>

	proposal. Despite this, business competition is not a planning consideration and retention of the shop/bakery would have likely been acceptable from a planning point of view.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Potential conflicts with existing users of the laneway and pedestrians in Linsley Street/Equitable use of the laneway</li> </ul>
Council comment	<p>This particular concern was raised in a number of public submissions. The concerns were discussed with the applicant who has amended the delivery truck route to exclude use of the laneway except for the portion running through this development site.</p> <p>Use of the laneway by customers will remain to be a possibility and may intensify during operation of this premises. As such, the proponent will be required to upgrade the laneway in terms of providing compliant traffic calming devices and appropriate signage.</p>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Changing the laneway to one-way will impact on existing users of the laneway</li> </ul>
Council comment	The laneway's dual carriageway will remain and is considered suitable for light vehicle traffic.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Laneway potentially will be blocked during construction</li> </ul>
Council comment	The proponent has advised that it will fence each part of the site (northern and southern parts) separately to retain access to the laneway. At some point the laneway will be temporarily closed to upgrade the area in accordance with the proposed plans, but this period will be a limited period of time in comparison to the overall construction works stage.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Plans show trucks blocking access in laneway</li> </ul>
Council comment	<p>The original plans did show trucks encroaching over the laneway, which would have made it difficult for vehicles to safely pass this area in addition to staff off-loading delivered goods.</p> <p>The proponent has amended the plans to allow more space for trucks to wholly unload off the laneway.</p>
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>• Will fig tree be retained</li> </ul>
Council comment	One of the early matters raised with the proponent before lodgment of the



	application required that the fig tree had to be retained and protected as part of this proposal. An arborists report was submitted as part of the application that detailed how the tree would be protected during construction and operation.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>Laneway unlikely to be suitable to support loads and frequency of delivery trucks</li> </ul>
Council comment	The final design has deleted the proposal to utilise the laneway as part of the delivery truck route.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>Initial delivery hours (6am to 10pm) likely to impact on residents in the Brennan Centre</li> </ul>
Council comment	The delivery times have been revised to 7am to 9am, which is consistent with existing delivery times for the existing main street supermarket. As the delivery trucks will no longer utilise the laneway, the impact by noise on residents of the Brennan Centre is considered to be lessened by this current proposal in comparison to current impacts that may be experienced.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>No mention as to whether the liquor store is to move into proposed supermarket building/concern that parking area will become a drive-through bottle shop</li> </ul>
Council comment	The final design of the supermarket does not propose the inclusion of a liquor store within the supermarket building space, or a shop/bakery as initially proposed.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>Potential congestion that will occur at the rear entrance to the Brennan Centre carpark</li> </ul>
Council comment	This development is likely to have some additional vehicle traffic in Becker Street, however this additional traffic loads are not considered to be unacceptable. This has been determined on the basis of the on-site carparking provided, off-site carparking options in Marshall Street and the distance of the supermarket entrance to Marshall Street in comparison to Becker Street.
Public Submission Comments/Concern	<ul style="list-style-type: none"> <li>Inaccurate representation on plans of other businesses in proximity of proposal</li> </ul>
Council comment	This was noted on the plans. This streetscape elevation was provided to

	demonstrate the proposed buildings scale and design in comparison to adjoining buildings.
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*Comment:* Overall Council, as the consent authority, has considered all submissions lodged in response to this application.

- *Public Interest*

A consent authority must take into consideration in so far as relevant the public interest. The concept of public interest is wide, and when considering it, it is legitimate to consider the ultimate use to which a site is to be put.

Community response to a proposed development can be regarded as an aspect of public interest, so too is the application of ecologically sustainable development principles.

With respect to this development, Council provided increased opportunity for public involvement and participation by placing the application on public exhibition, notifying adjoining residents and business owners and referring the application to relevant authorities.

The ultimate use of the site, should this proposal be approved, would be a new supermarket and associated carpark. The tenant of the existing supermarket (Khans IGA) in the main street would vacate that property to occupy this new building. Whilst this would mean that an existing large commercial space would become vacant in the main street, Council understands that this would be a temporary situation.

The current site is dilapidated, unoccupied and is currently undesirable from an aesthetic point of view. This proposal will improve this current situation, by cleaning up the site and providing a new development appropriately designed for this specific location.

The matters raised by the public in their submissions have been addressed by the applicant, where relevant.

The proposed development will complement existing businesses and services in Cobar and is in keeping with the planning objectives of the business zone. Overall, it is considered that this proposed development is in the public interest.

### **ASSESSMENT CONCLUSION**

The development proposed by this development application is considered to be consistent with the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

### **RECOMMENDATION AND CONDITIONS OF DEVELOPMENT CONSENT**

**Section 4.16 of the Environmental Planning and Assessment Act 1979 requires a consent authority to determine an application by:**

**a. Granting consent to the application, either unconditionally or subject to conditions,**

**b. Refusing consent to the application.**

**In this particular case, it is recommended**

*That Council resolve to determine Development Application 2018/LD-013 under Section 4.16 (1) of the Environmental Planning and Assessment Act 1979 by granting consent subject to conditions.*

**The following conditions have been drafted in consultation with the applicant before the completion of this report are recommended to form part of the Development Consent for this proposed development:**

**ADMINISTRATIVE CONDITIONS**

**1. The development may only be carried out:**

- a) In compliance with the conditions of consent;
- b) In accordance with the following documents and plans in the table below:

<b>Architectural Plans prepared by PRD Architects</b>			
<b>Drawing Number</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA-00-D	D	Title Sheet	28/11/2018
DA-01-C	C	Survey/Demolition Plan	8/11/2018
DA-02-C	C	Site Analysis	8/11/2018
DA-03-C	C	Site Plan	8/11/2018
DA-04-D	D	Ground Floor Plan	28/11/2018
DA-05-C	C	First Floor Plan	8/11/2018
DA-06-C	C	Elevation and Section	8/11/2018
DA-07-C	C	Shadow Diagrams	8/11/2018
DA-08-D	D	3D Perspective and Signage	28/11/2018
DA-10-C	C	3D Impression	8/11/2018
<b>Site Waste Minimisation and Management Plan prepared by PRD Architects dated November 2018</b>			
<b>Stormwater Disposal Plan prepared ATB Consulting Engineers</b>			
<b>Drawing Number</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
SW2	3	Ground Floor Stormwater Layout	8/11/2018
C3	1	Erosion and Sediment Details	31/10/2017
SW3	2	Stormwater Details	1/3/2018
C1	1	Soil and Water Management Notes	31/10/2017
SW1	1	STW Specifications	31/10/2017
<b>Landscape Plan prepared by Ochre Landscape Architects</b>			
<b>Drawing Number</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
1834-LC01A	A	Landscape Plan	31/10/2017
1834-LC02	-	Landscape Details	31/10/2017
<b>Arboricultural Impact Assessment Report prepared by Allied Tree Consultancy</b>			
<b>Reference No.</b>	<b>Revision</b>	<b>Name of Report</b>	<b>Date</b>
D3303	-	Arboricultural Impact Assessment	Feb 2017
<b>Traffic and Parking Impacts Assessment Report by McLaren Consultants</b>			

<b>Reference No.</b>	<b>Revision</b>	<b>Name of Report</b>	<b>Date</b>
17025.01FA	Final	Traffic and Parking Impact Assessment of Proposed IGA Supermarket at Corner of Marshall Street and Lewis Street Cobar	28/11/2017

2. In the event of any inconsistency between conditions of this consent and documents referred to above, the conditions of this consent prevail.

3. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

4. This consent in no way implies or grants approval for the following:

a) Internal fit-out of any areas within the building

Separate approvals shall be obtained from the relevant consent and/or certifying authority for the above works and uses (except where exempt development applies)

5. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with conditions of this consent relevant to activities they carry out in respect of the development, including operation.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

6. The applicant must ensure that all obligations under the *Building and Construction Industry Long Service Payments Act 1986* have been satisfied prior to commencing any development on the site. A Construction Certificate cannot be issued until any required Long Service Levy payable under the above Act has been paid.

7. Prior to the issue of a construction certificate, a receipt for the payment to Cobar Shire Council of Section 7.12 the fixed development consent levy (pursuant to the Environmental Planning and Assessment Act 1979 and the Cobar Shire Council Infrastructure Contributions Plan 2012) shall be submitted to the certifying authority.

The total contribution to be paid to Council (as applicable at the date of this consent) is \$29,070.80 as per Councils 2018-19 Fees and Charges.

8. Prior to the issue of a construction certificate, an approval pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council in relation to all proposed or required works to a public road (including laneway), or road related area. Full construction drawings, including levels, and specifications shall be submitted to Council as part of this application. The details accompanying this application shall also detail the safety upgrades to the lane

9. Prior to the issue of a construction certificate, an approval under Section 68 (Part C-4) shall be obtained in relation to the proposed discharge of liquid trade waste into Councils sewer. Details shall be supplied demonstrating how the

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proposal will adhere to the requirements of the Department of Industry's "Liquid Trade Waste Regulation Guidelines".

10. Prior to the issue of a construction certificate, full construction drawings, including levels and specifications shall be submitted to Council for assessment and approval of the renewal/ upgrade of the pedestrian pathway, nature strip areas and kerb and gutter in Marshall Street, Lewis Street , Becker Street and Louth Road that bounds this development site. This renewed/upgraded infrastructure shall consist of:

- a. Kerb and guttering- standard profile matching the existing levels in all relevant streets bounded by this development site.
- b. Footpaths and Nature Strip Area (excluding the area beneath the canopy line of the fig tree- Full width concrete footpath having a surface and gradient consistent with the Austroads "Guide to Road Design: Part 6A Pedestrian and Cyclist Paths" and shall take into consideration utility infrastructure and any street trees (excluding the fig tree in Marshall Street).
- c. Pedestrian area below Fig Tree Canopy Line: An elevated pedestrian pathway that is permeable and consistent with the Austroads "Guide to Road Design: Part 6A Pedestrian and Cyclist Paths".

11. Prior to the issue of a construction certificate, final/construction design plans and specifications shall be submitted to Cobarr Shire Council for assessment and approval. The following details shall be shown on the plans

- a. Location and surface levels of all drainage pits, weir levels and dimensions.
- b. Invert levels of:
  - The internal drainage lines.
  - Orifice plates.
  - Outlet control pit.
- c. Finished floor levels of proposed building
- d. All levels shall be determined in conjunction with and certified by a registered land surveyor.

12. Prior to the issue of a construction certificate, final/construction design plans and specifications shall be submitted to Council detailing the proposed developments connection to Councils Water and Sewer mains.

13. Prior to the issue of a construction certificate, final/construction design plans and specifications shall be submitted to Council identifying compliance with AS 2890.1-2004 "Off Street Car Parking, AS 2890.2-2002 "Off-Street Commercial Vehicle Facilities, AS 2890.3-1993 "Bicycle parking facilities" and AS 2890.6: 2009 "Off Street Carparking for People with Disabilities".

14. Prior to the issue of a construction certificate, the applicant shall submit a tree protection management plan detailing how the Port Jackson Fig located in Marshall Street is to be protected during the works stages and operational stage of the development. These details should at a minimum include the following details:

- a. Providing details of an elevated pedestrian pathway that is to be located under the canopy line of the subject tree, including construction details, material selection, pathway gradients/levels and slip resistance ratings.

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b. Tree protection measures to be implemented during the work stages such as fencing type, warning signage, mulching details and watering schedules.

15. Prior to the issue of a construction certificate, a receipt for the payment to Cobar Shire Council of Section 64 water and sewerage levies (pursuant to the Local Government Act and the Cobar Shire Council Development Servicing Plans for Water Supply and Sewerage 2013) shall be submitted to the certifying authority. Where Cobar Shire Council is the certifying authority, a copy of the receipt shall be forwarded to the Planning and Environmental Services Department.

The total levy payable to Council (as applicable at the date of this consent) is \$5288.76 as calculated by the 2018-19 Cobar Shire Council Fees and Charges.

*Please note that the applicable Section 64 Levy has been calculated based on the current Equivalent Tenement charge as detailed in the 2018-19 Fees and Charges. This charge may change if not paid within the 2018-19 financial year.*

16. Prior to the issue of a construction certificate, all existing structures are to be demolished on site. Following the demolition process a contaminated land preliminary site investigation referencing the SEPP 55 Planning Guidelines be undertaken in respect of this development site and recommendations from the investigation implemented as a condition of this consent. The preliminary site investigation is required to be prepared and lodged with and accepted by Council as satisfying this condition prior to any demolition, civil or construction works commencing on site.

17. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard AS 4282-1997 so as not to impact upon the amenity of the occupants of nearby residential premises. The construction plans are to address the principles of Safer by Design in regard to external lighting and details submitted with the Construction Certificate application.

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

18. Prior to the commencement of any works on site Erosion and Sediment Control Measures shall be established in accordance with Managing Urban Stormwater- Soils and Construction Volume 1 (2004). These measures shall be maintained during the course of works and shall be removed at the completion of the construction stage.

19. Pursuant to Roads and Maritime's concurrence to this development, the following conditions shall be complied with during the development:

- a. Any redundant kerb layback kerb crossings servicing the land are to be removed and replaced with kerb and gutter to match existing kerb and gutter.
- b. All vehicle movements to and from the land are to be in a forward direction
- c. The driveway access is to be constructed of concrete, match existing road and footpath levels and not interfere with existing road drainage.
- d. Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site. Safe Intersection

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**Sight Distance (SISD) is to be provided and maintained in both directions at the intersection of each driveway entrance to the development site.**

**e. Prior to the commencement of construction work, the proponent is to contact Roads and Maritime's Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy License (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes of Louth Road.**

**20. The applicant must implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development.**

**21. Prior to the commencement of any works on site a sign must be erected in a prominent position on any site on which building work is being carried out, identifying the following:**

- a) The name, address and telephone number of the principal certifying authority for the work,**
- b) 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**
- c) 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.**

**22. Prior to the commencement of any works on site, fencing shall be installed to restrict unauthorised public access to the development site. The fencing shall be installed so as to permit access to the laneway that connects Lewis Street and Linsley Street. The fencing shall be maintained during the course of works at the site and removed at the completion of the construction works stage. This fencing shall be at least 1.8 metre high and erected in a way that it does not restrict public access or impose a risk to the public on footpaths or in the adjacent rest area.**

**23. 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 at least two (2) days prior to the commencement of any construction works.**

**24. All utility service infrastructure shall be identified prior to the commencement of any works on site. A 'dial before you dig' enquiry shall be undertaken before the commencement of works to establish the location of any infrastructure network. The applicant shall make all relevant enquiries with known infrastructure network asset owners to identify all required measures or procedures to be implemented during the works stages of this development.**

## **WORKS STAGES**

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**25. Demolition work must comply with the provisions of Australian Standard AS 2601-1991 “The Demolition of Structures” as per Clause 92 of the Environmental Planning and Assessment Regulation 2000.**

**26. An asbestos clearance certificate shall be submitted to Cobar Shire Council following the removal of all asbestos contaminated material from the development site and any other site that may be subject of any works associated with this development.**

**27. The development shall comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure and SafeWork NSW’s Code of Practice- Work near Overhead Power Lines.**

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

**29. 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.**

**30. All on-street car parking spaces shall be line marked to identify their location and dimensions. The car parking spaces shall have dimensions required for a high turnover use category as detailed in AS 2890.5-1993.**

**31. All construction and demolition works, including the delivery of material to and from the site, may only be carried out between the following hours:**

- a. Between 7am and 7pm Monday to Fridays inclusive;**
- b. Between 7am and 5pm, Saturdays;**
- c. No works may be carried out on Sundays or Public Holidays.**

**32. Any noise generated during the works stages of this development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the subject development site.**

**33. Heavy Vehicles and oversized vehicles must not queue or idle in Becker Street or within 50 metres of the intersection of Marshall Street, Louth Road and Lewis Street.**

**34. All adjacent building elements, utility services and public infrastructure shall be protected during the works stages from potential damage. Where damage does occur, work shall cease on site until such time as the appropriate authority having jurisdiction is contacted and the damage is evaluated. Rectification works to any damaged adjacent building elements, utility services or public infrastructure shall be at the cost of the developer.**

**35. Should any new information come to light during any of the works stages which has the potential to alter previous conclusions about site contamination, Council must be immediately notified and works must cease. Works must not recommence on site until Council confirms works can recommence.**

**36. The laneway, public footpath and any public road shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances during the works stages of this development. Where the laneway needs to be closed to**



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facilitate new work, all relevant users of the site shall be notified at least one (1) week prior to the closure.

37. All loading and unloading associated with the works stages of this development must be accommodation wholly on the development site, other than with written approval from Cobar Shire Council.

38. The use or occupation of the subject premises is not to commence until such time as the terms of Development Consent have been complied with to the satisfaction of the principal certifying authority (PCA). The use of/or occupation of incomplete premises is not permitted until the premises have been inspected by the PCA and an Occupation Certificate (interim or final) released.

39. Prior to the release of the final occupation certificate, the following work shall be undertaken to the satisfaction of the Principal Certifying Authority:

- a. Grading of the external ground.
- b. Removal of the construction site fencing.
- c. Repair of any damage to Councils, RMS or utility company infrastructure.

40. Following completion of the road works and prior to the issue of an occupation certificate, the applicant shall provide to the Principal Certifying Authority a detailed “work as executed” drawing signed by a registered surveyor showing the finished surface levels of the access, road shoulder, driveway and any lot filling, carried out under this consent.

41. On completion of the drainage works and prior to issue of an Occupation Certificate, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- a. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- b. Location and surface levels of all drainage pits, weir levels and dimensions.
- c. Invert levels of:  
The internal drainage lines:
  - Orifice plates.
  - Outlet control pit.
- d. Finished floor levels of the proposed building.
- e. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- f. Verification that a trash screen is installed.
- g. Location and levels of any overland flow paths through the site.
- h. Details of any variations made from approved plans.

42. Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater system on the property.

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The terms of the instruments are to be determined by prior discussion and agreement with Cobar Shire Council. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

43. Dust suppression and management shall be undertaken and maintained during the works stages in accordance with the approved plans prepared by ATB Consulting Engineers.

44. The open drainage channel located on Lot 1 in Deposited Plan 937652 and Lot 1 in Deposited Plan 937651 shall be protected during the works stages of this development. Any debris of sediment shall be removed from this channel on a regular basis and at least daily and immediately before any scheduled wet weather events. Any damage incurred to this infrastructure shall be informed to Council as soon as possible and works surrounding this specific area shall cease until Council allows the works to continue.

45. Prior to installing any footing, wall panel or associated building element, a registered land surveyor shall undertake a set-out survey to confirm that the building is located in accordance with the approved plans as documented in this consent. A set-out survey verifying the siting of the proposed building must be provided to Council/Principal Certifying Authority before pouring any footing or floor slab establishing the position of the building on the site.

46. Any fill brought to the site during the works stages shall be validated as safe for its intended purpose and free of contamination. Documentary proof of this validation shall be provided to the Principal Certifying Authority.

47. During demolition and civil works stages of the development, care shall be exercised if relics or other elements associated with previous uses of the site are found that may be of community interest, particular at the site of the New Occidental Hotel. Where relics or other elements are found, Council shall be notified to identify the potential value of this relic or other element to the community. As the development site is potentially contaminated, any relic or other element found and confirmed as of community value, shall not leave the development site until the relic or other element is assessed for potential contamination and cleared for release.

48. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

## **OPERATION OF THE DEVELOPMENT**

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49. Operation of the development shall comply with the following hours of operation:

**Trading Hours**

a. 7 am to 9pm seven (7) days a week

**Delivery Hours**

b. 7am to 9am any day

50. The supermarket shall operate in accordance with the legislative provisions of the Food Act 2003 and Australia New Zealand Food Standards Code, and the Australian Standard AS 4674-2004 “Construction and Fit-Out of Food Premises Standard”.

51. Any advertising signage which is not exempt development or included by this consent, shall not be installed until prior approval is obtained from Council or a Principal Certifying Authority.

52. The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete and cement rendered walls covered to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

53. All pallets, waste, waste receptacles or goods for sale, shall be stored wholly within the building at all times.

54. All plumbing and drainage (water supply, sanitary plumbing and drainage, stormwater drainage and hot water supply) are to comply with the Plumbing and Drainage Act 2011.

55. The development shall be maintained in order to be consistent with the approved plans referenced within this consent.

**REASONS:**

1. To ensure the proposed development:

- a) Achieves the objects of the *Environmental Planning and Assessment Act 1979*;
- b) Complies with the provisions of all relevant environmental planning instruments.

2. To ensure the protection of the amenity of land adjoining and in the locality of the proposed development.

3. To minimise any potential adverse environmental, social or economic impacts of the proposed development.

4. To ensure the development does not conflict with the public interest.

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**CLAUSE 13A – RAW WATER SUPPLY TO DALTON PARK HORSE COMPLEX**

**FILE: A2-7-7**

**AOP REFERENCE: 4.4.4**

**ATTACHMENT: YES (PAGE 125-133)**

**AUTHOR: *Graduate Water and Sewer Engineer, Victor Papierniak***

**Purpose**

For Council to resolve to seek grant funding for the extension of a raw water pipeline to the Dalton Park Racecourse.

**Background**

Council have requested a feasibility study on connecting a new raw water service to the Cobar racecourse. The racecourse is currently supplied with two potable water connections and have requested raw water to supplement the watering of their grounds. This would result in cheaper ongoing and operating costs related to the maintenance of their gardens.

The prospective costs to install a raw water system is discussed in the feasibility report attached. Three options are explored for Council's consideration:

- Option 1 is found to deliver the greatest pressure and flow to the racecourse. However, this option requires the most excavating through urban environments.
- Option 2 is found to be the cheapest option, however, requires the repurposing of the potable water supply to the racecourse.
- Option 3 is found to be the most expensive option, however, it is the most beneficial for the racecourse. It is expected that the actual cost will be considerably lower than the reference rates used as the terrain could be particularly quick to excavate through if hard rock is not encountered.

**Financial Implications**

Depreciation, maintenance and repair costs of the pipeline will be added to the expenditure of the water fund if this project proceeds.

**RECOMMENDATION**

**That Council resolve to seek grant funding for \$202,140 for the extension of a raw water pipeline to the Dalton Park Racecourse as outlined in Option 3 of the attached report.**

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**CLAUSE 1B – DEVELOPMENT APPROVALS: 5 DECEMBER 2018 – 19 FEBRUARY 2019**

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

**Complying Development Approvals**

There were no Complying Development Applications issued for the period 5 December 2018 – 19 February 2019.

**The value of Complying Development approvals for 2018/2019 to date is Nil.**

The value of Complying Development approvals for the similar period in 2017/2018 was Nil.

**Local Development Approvals**

The following Local Development Applications have been approved under delegated authority for the period 5 December 2018 – 19 February 2019.

<b>CERTIFICATE NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>VALUE (\$)</b>
2017/LD-00016 REVO1	40 Lewis St, Cobar	Adds + Alts to Copper City Restaurant/Motel	N/A
2018/LD-00044	4-8 Cowper St, Cobar	House	\$200,000
2018/LD-00046	12 Hartman St, Cobar	Industrial Shed	\$150,000
2019/LD-00001	62 Bradley St, Cobar	Patio Cover	\$16,100
2019/LD-00003	31 Murray St, Cobar	Shade Structure	\$15,235
2018/LD-00047	4 Keewong St, Euabalong	Manufactured home	\$201,300
2017/LD-00051 REV01	33 Woodiwiss Ave, Cobar	Health Service Facility and Alterations to Existing Residential Aged Care Facility	N/A
2019/LD-00005	3 Margaret St, Cobar	Skillion Roof Double Carport	\$3,500
2019/LD-00008	29 Monaghan St, Cobar	Garage	\$19,500

**The value of Local Development approvals for 2018/2019 to date is \$26,099,980.00**

The value of Local Development approvals for the similar period in 2017/2018 was **\$2,887,412.00**

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**Construction Certificates**

The following Construction Certificates have been issued for the period 5 December 2018 – 19 February 2019.

<b>CERTIFICATE NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>
2017/CB-00004 REV01	40 Lewis St, Cobar	Adds + Alts to Copper City Restaurant/Motel
2019/CB-00001	62 Bradley St, Cobar	Patio Cover
2019/CB-00003	29 Monaghan St, Cobar	Garage

**RECOMMENDATION**

**That the information detailing the Local Development and Construction Certificate approvals for the period 5 December 2018 – 19 February 2019 be received and noted.**

**CLAUSE 2B – MONTHLY STATUS REPORT**

**FILE: C13-10**

**AOP REFERENCE: 3.1**

**ATTACHMENT: NO**

**AUTHOR: *General Manager, Peter Vlatko***

<b>COUNCIL RESOLUTIONS 25 SEPTEMBER 2014</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
627	Council – Clause 10A – Adoption of Management Plan for Lot 18 DP213415	188.9.2014	<b>GM</b>	<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>	<p>December 2017 target will not be met.</p> <p>Timeframe to be reviewed.</p> <p>Staff working on this subject to resources available.</p>

<b>COUNCIL RESOLUTIONS 10 DECEMBER 2015</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
821	Council – Notice of Motion – Establishment of a Cobar Community Trust	251.12.2015	<b>GM</b>	That Council investigates the establishment of a Cobar Community Trust with the aim of sourcing grants for the improvement of facilities, infrastructure or anything of benefit to the Cobar Community and Shire.	No further resources can be allocated – No further action required.

**COUNCIL RESOLUTIONS 28 APRIL 2016**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
870	Committee of the Whole Closed Council – Report 1C – Analysis of Plant and Equipment Hire and Trades and Miscellaneous Services Register	58.4.2016	<b>GM</b>	That any future projects within Cobar Shire that we look at supporting the local businesses (where applicable) to ensure their viability and have a review of the Policy.	Policy to be reviewed and all purchases to have quotes provided and encourage the use of locals.
879	Council – Clause 6A – Raw Water Supply to Dalton Park Horse Complex	68.4.2016	<b>DES</b>	That the Raw Water Supply to Dalton Park Horse Complex be listed on Councils 10 Year Long Term Financial Plan and that Council seek any available grant funding in the interim.	<p>In draft budget. Business Case to be considered.</p> <p>A detailed Estimated Cost will be provided to Council at the August Ordinary Meeting.</p> <p>Cost estimates were presented to Council Workshop in August 2018. A further report will be provided to December 2018 Ordinary Council Meeting.</p> <p>Further information was provided to the February Council workshop.</p>

**COUNCIL RESOLUTIONS 23 FEBRUARY 2017**

983	Council – Notice of Motion – Augmentation of	05.2.2017	<b>DES</b>	That Council seek funding for the establishment of a bore and associated works in the Lachlan River aquifer	Expression of Interest application has been assessed as eligible for submission of detailed application
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	Water Supply Euabalong/ Euabalong West			adjacent to Euabalong for the purpose of augmenting the raw water supply for the two villages.	within 12 months from 17 November 2017.  Consultant engaged to prepare application for funding for Business Case.  Submission being prepared to be submitted by 17 November 2018 - Application has been submitted.
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**COUNCIL RESOLUTIONS 9 MARCH 2017**

1007	Council – Clause 7B – Expenditure for Roads Network	59.3.2017	<b>DES</b>	That a Rest Area be built along the Wool Track and that it be named after Duncan Gay.	Matter to be raised with funding request for Wool Track. An updated funding application for sealing of the Wool Track is being prepared.
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**COUNCIL RESOLUTIONS 27 APRIL 2017**

1021	Council – Clause 11A – Minutes of the Economic Taskforce April Meeting	81.4.2017	<b>MTPR</b>	That Council resolves to further investigate the idea of a freight depot for Cobar and report back to the Taskforce.  That a Call for Expressions of Interest from businesses who would like to engage the services of a security company to monitor their premises and answer alarms to establish demand for such a service.	Initial positive discussions held with Livestock and Bulk Carriers Association who will provide further information.  Matter on hold due to grant application seeking funding to develop a new industrial estate.  One on one visits to potential businesses commenced to determine interest in such a venture. Strong interest so far.
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				That Council resolves to approach Mr Hausler in regards to the future of his rail track and loco for use in a public space in Cobar.	No action to date.
1025	Council – Clause 7B – Expenditure for Roads Network	92.4.2017	<b>DES</b>	That RMS be contacted in relation to a turning lane being installed at the Meadow Glen Rest Area as a matter of urgency.	Letter has been sent to RMS to request improvements to entrance to Meadow Glen Rest Area.  Letter has been acknowledged by RMS and they are programming work subject to available funding.  At this stage RMS has not allocated funds to the project.

#### COUNCIL RESOLUTIONS 22 JUNE 2017

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1048	Clause 3B – Unsealed Road Stabilisation Trials Report	146.6.2017	<b>DES</b>	That an investigation be reported to Council in relation to bore costs on rural roads.	Report is being prepared and will be reported to December 2018 Ordinary Council Meeting – No further action required.

#### COUNCIL RESOLUTIONS 24 AUGUST 2017

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1066	Council Meeting – Clause 2A – Review of Current Water Restrictions	200.8.2017	<b>GM</b>	That Council staff prepare a report in relation to water catchment damming in the Cobar area to increase water security for Cobar	Currently seeking contractors to undertake the investigation through Department of Water.

				residents.	Public Works preparing a Desktop Study to be completed by December 2018. Study still be undertaken.
1071	Council Meeting – Clause 6A – Sale of Land at Duffy Drive	205.8.2017	<b>DFCS</b>	That the two blocks of land which are the subject of this report be auctioned with the reserve to be determined by Council at the meeting preceding the advertised auction date.	These blocks will be offered in 2019 with other unpaid rate properties.  Initial report to Council in December. April 2019 auction expected.
1081	Council Meeting – Clause 5B – Meeting Minutes	220.8.2017	<b>DES</b>	That Council look into acquiring Public Stock Watering Points as a method of guaranteeing access to water for Council use.	Investigation to be undertaken.  Lack of staff resources has restricted progress.

**COUNCIL RESOLUTIONS 28 SEPTEMBER 2017**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
1092	Council Meeting – Clause 12A – Minutes of Economic Taskforce Meeting	248.9.2017	<b>MTPR</b>	<p>That Council resolves to accept the recommendations of the Economic Taskforce:</p> <p>That Council identify the Pulpulla Road as a high priority for its ability to contribute to tourism and economic development and that Council work with National Parks and Wildlife Service to establish a plan of action and budgets to maintain it to a standard suitable for all vehicle access.</p> <p>That Council investigate options of</p>	<p>Recommendations accepted.</p> <p>Initial discussions held with NPWS with positive feedback. Discussion held with Destination NSW - there are possible funding options, success more likely if more developments undertaken at Mt Grenfell. Council awaiting to see what developments the Mt Grenfell Board progress prior to seeking this funding.</p> <p>Ongoing and for budget</p>

				<p>providing street signage to locate key facilities, such as the pool, sports facilities and water recreation areas.</p> <p>That the celebrations to mark Cobar's 150<sup>th</sup> Anniversary be an item on Council's agenda and that projects be scoped and indicative budgets developed.</p> <p>That Council convene a meeting of major contractors to identify a list of ideas that could be undertaken to improve the efficiency of working across mine sites and reduce the costs of doing business in Cobar. Discuss options for implementing the ideas with the mines in Cobar Shire.</p>	<p>consideration 2018/2019.</p> <p>Next meeting of the team is scheduled for 15 November 2018, which did not go ahead.</p>
<b>COUNCIL RESOLUTIONS 14 DECEMBER 2017</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
1116	Council Meeting – Clause 3A – RMS Repair Program for 2018/2019	325.12.2017	<b>DES</b>	<p>That Council nominate RR7518 Fifty Two Mile Road for funding for \$400,000 from the 2018/2019 REPAIR Program for seal extension.</p> <p>That if funding is not obtained that council continues to nominate RR7518 Fifty Two Mile Road in</p>	<p>Funding application has been submitted for 2018/2019.</p> <p>Application for 2018/2019 was unsuccessful.</p> <p>Funding application has been submitted for 2019/2020.</p>

				subsequent years until funding is obtained.	
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**COUNCIL RESOLUTIONS 22 FEBRUARY 2018**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
1124	Council Meeting – Notice of Motion – Re-Location of Western Division Office	05.2.2018	<b>GM</b>	That Cobar Shire Council request the NSW Government to re-locate the Western Division Office from Dubbo to Cobar.	No action to date.
1131	Council Meeting – Clause 5A – Development Application 2018/LD-00004	13.2.2018	<b>DPES</b>	That Council establishes a Policy for Fencing in Urban Areas in Cobar.	Resources are not available for this at this time.

**COUNCIL RESOLUTIONS 22 MARCH 2018**

<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
1141	Council Meeting – Notice of Motion – Government Incentive Programs for Attracting Health Care Professionals to the Region	46.3.2018	<b>GM</b>	That Council seek an urgent meeting with the Deputy Premier and the Minister for Health to seek a commitment from the NSW Government to establish and provide incentives and programs for the attraction and delivering Doctors, Specialists and other staff to rural communities such as Cobar and in particular the Western Area of NSW.	Letter's sent seeking support. Awaiting response in order to organise the meeting.  Letters of support received and forwarded to Ministers Office.  Mayor to meet with Minister Brad Hazzard in Albury on 21 October 2018.

					Minister was an apology. Mayor supported the Gwydir Council in providing representation to Canberra to raise the issue.
1142	Council Meeting – Notice of Motion – Installation of an Independent Pedestrian Crossing	47.3.2018	<b>GM</b>	That Council write to John Holland Rail, being the entity that maintains the RailCorp assets for Rural NSW, to increase the width to accommodate two vehicles crossing at same time on the level crossing on Bourke Road between Railway Parade South and Railway Parade North and install an independent pedestrian crossing.	Negotiations between John Holland Rail, RMS and Council has commenced.  Awaiting RMS funding allocation.
<b>COUNCIL RESOLUTIONS 26 APRIL 2018</b>					
<b>NUMBER</b>	<b>ITEM</b>	<b>RESOLUTION NUMBER</b>	<b>ACTION BY</b>	<b>ACTION REQUIRED</b>	<b>OUTCOME</b>
1152	Council Meeting – Notice of Motion – Investigations into Water Cost Reduction Options	75.4.2018	<b>GM</b>	That Council investigate options and ways of reducing the cost of water to the households and to include such things as:  i. Desalination of water; ii. Additional bore water; iii. Reduce the number of parks, gardens and ovals; iv. Increase water storages.  That Council seek grant funding to engage a consultant to undertake the investigations.	Investigations to be undertaken once grant funding is found.
1153	Council Meeting –	76.4.2018	<b>GM</b>	That Council develops a Policy to	Meeting has been requested with

	Notice of Motion – Policy Development for Development Applications for Mining Operations			assist in the determination of Development Approvals (DA's) for Mining Operations in order to reduce the impact of Fly-in, Fly-out (FIFO) and Drive-in, Drive-out (DIDO) on our community.	Department of Planning Staff in Sydney to discuss policy issues and report to be provided back to Council.
1157	Council Meeting – Clause 4A – Report on Promotional Packages During Summer 2017/2018 at the Cobar Memorial Swimming Pool and Cobar Youth and Fitness Centre	81.4.2018	DFCS	That a report be brought to Council on options to improve the efficiency and usage of the pool including a profit and loss analysis from other Council's in the region.	Report provided to December Council Meeting – No further action required.

#### COUNCIL RESOLUTIONS 24 MAY 2018

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1169	Council Meeting – Notice of Motion – Community Consultative Committee – Inland Rail	108.5.2018	GM	That discussions be held in relation to the Inland Rail proposal and the impact on Cobar be put to a Councillor Workshop.	Workshop planned for December 2018.
1176	Council Meeting – Clause 12B – Grant Funding	131.5.2018	DES	That Council lobby the Government to amend the formula for Fixing Country Roads grants applications to include value of freight.	Submission being prepared.

#### COUNCIL RESOLUTIONS 28 JUNE 2018

NUMBER	ITEM	RESOLUTION	ACTION BY	ACTION REQUIRED	OUTCOME
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		NUMBER			
1179	Council Meeting – Notice of Motion – Ward Oval Free Camping	139.6.2018	<b>DPES</b>	That as a matter of urgency Council investigate the opportunity to open Ward Oval to temporary free camping in order to remove the current situation of a lack of organised and appropriate free camping sites within Cobar.	Briefing paper to be prepared for a future workshop not later than May 2019.
1180	Council Meeting – Notice of Motion – Arid Research Centre	140.6.2018	<b>GM</b>	That a submission be made to the Prime Minister of Australia and the Premier of NSW seeking their support and consideration of establishing an Arid Research Centre in Cobar for the Far Western NSW.  That a letter and submission be made to the National Farmers Association that a letter of support be sought.	Submission being prepared.

**COUNCIL RESOLUTIONS 24 AUGUST 2018**

NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1211	Council Meeting – Clause 5A – Medical Community Committee	210.8.2018	<b>DFCS</b>	That Council support in principle the formation of the entity outlined in this report.  That subject to individual choice Council supports the membership of this entity of the Mayor and Director of Finance and Community Services.	Principle support provided.  Awaiting communication from Dr Heyns. Note: Dr Heyns has left Cobar.  Matter to lay on table until someone else takes over – No further action at this stage.



					As Dr Deon Heyes as now left Cobar – No further action required.
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COUNCIL RESOLUTIONS 24 SEPTEMBER 2018					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1217	Council Meeting – Clause 7A – Bathurst Street Reserve Licence Agreement	240.9.2018	ES	That Council acting as Crown Land Manager for the Bathurst Street Reserve (R64199), resolve to renew 12 month short term license agreements to Cobar Tennis Club to cover the period 1 July 2018 to 30 June 2019.	License agreement to be issued.
1219	Council Meeting – Clause 9A – Minutes of the Economic Taskforce Meeting – Tuesday, 14 August 2018	242.9.2018	MTPR	That Council resolve to accept the recommendation of the Economic Taskforce that:  Council investigate the possibility of the local mining companies setting up a buy local scheme for their employees.	No investigation to date.

COUNCIL RESOLUTIONS 22 NOVEMBER 2018					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1233	Council Meeting – Clause 4A – Community	284.11.2018	DFCS	That Council seeks expressions from interested persons to join the Airport Advisory Committee.	Airport Advisory Committee expression of interest advert placed – Deane Brookman to join the AAC -

	Membership of the Airport Advisory Committee			That the existing members are authorised to appoint up to three members from those expressions for the duration of the current Airport Advisory Committee.	No further action required.
1236	Council Meeting – Clause 8A – Newey Planning Proposal	288.11.2018	DPES	That Council authorises the Director of Planning and Environmental Services on behalf of the Council to request the NSW Department of Planning and Environment that a draft Local Environmental Plan be prepared to amend the Cobar Local Environmental Plan 2012 in accordance with the Planning Proposal Report prepared by Rebecca Ben-Haim, Eco Logical Australia Pty Ltd and dated June 2018.  That voting on this matter to be recorded on the basis of an automatic division as required by legislation.	Cobar LEP 2012 has been amended and will come into force immediately upon notification on the NSW Legislation Website – No further action required.
1241	Council Meeting – Matter of Urgency - \$1 Million Community Drought Funds Projects	306.11.2018	SPO	That the projects listed in the tabled resolution be submitted for under the Drought Communities Fund.	Projects submitted awaiting response/ approval.
<b>COUNCIL RESOLUTIONS 13 DECEMBER 2018</b>					
NUMBER	ITEM	RESOLUTION NUMBER	ACTION BY	ACTION REQUIRED	OUTCOME
1242	Council Meeting –	310.12.2018	GM	That Council determine its	Delegates appointment – No further

	Clause 3A – Council Committee/ Delegates			delegates for each of the listed Committees/ Organisations and where an election is required it be by open voting by show of hands:  As per the tabled resolution.	action required.
1243	Council Meeting – Clause 5A – Pool Efficiency and Usage	312.12.2018	<b>DFCS</b>	That no further action be taken until the matter is reconsidered prior to the expiration of the existing management contract.	No further action required.
1244	Council Meeting – Clause 6A – Sale of Land for Unpaid Rates	313.12.2018	<b>RO</b>	That the General Manager be given authority to commence sale of land proceedings under Section 713 of the <i>NSW Local Government Act 1993</i> in respect of those properties for which either full settlement has not been received or satisfactory payment arrangements have not been made.  That the sale be conducted during June 2019 with a full list of properties being presented to Council in February 2019 for approval and advertising commencing in March 2019.  That the General Manager be given the authority to call for expressions of interest to appoint an auctioneer to conduct the sale.	Authority given – No further action required.
1245	Council Meeting – Clause 7A – Public	314.12.2018	<b>RWM</b>	That council resolve to exhibit the draft active transport plan for a	Draft active transport plan on public display – No further action required.

	Exhibition of the Draft Cobar Shire Active Transport Plan			period of 28 days.	
1246	Council Meeting – Clause 8A – Annual Rubbish Collection Day	315.12.2018	MPES	That Council note the information contained in this report and take no further action regarding the provision of a bulky waste collection service.	Noted – No further action required.
1247	Council Meeting – Clause 8A – Annual Rubbish Collection Day	316.12.2018	MPES	That staff prepare a report for hard rubbish collection for pensioners or disability card holders within Cobar Shire for the purpose of providing assistance.	Report to be provided to March Ordinary Council Meeting.
1248	Council Meeting – Clause 9A – Regional Inspection Policy for Weeds (Western Region)	317.12.2018	ES	That Council adopts the Western Regional Weed Committee “Regional Inspection Policy for Weeds (Western Region)” and “Rapid Response Plan for new incursions of high risk and other new weeds (Western Region)”.	Regional Inspection Policy for Weeds (Western Region) and Rapid Response Plan adopted – No further action required.
1249	Council Meeting – Clause 10A – Preferred Local Suppliers Register – Drought Communities Program Grant Projects	318.12.2018	SPO	That council, for the below funding only, allow a preferred local suppliers register to be used in lieu of the current procurement policy for the remainder of those projects. a register will be kept in order to ensure the suppliers do not reach more than \$150,000 in procurement:  As per the tabled resolution.	Local suppliers register created – No further action required.
1250	Council Meeting – Clause 11A – Tourism	320.12.2018	GM	That Council allocate the full \$1.5m of Far North West Joint	Completed – No further action required.

	Fund under the Far North West Joint Organisation			Organisation Tourism funds to upgrades at the Great Cobar Heritage Centre.	
1251	Council Meeting – Committee of the Whole Closed Council - Clause 2C – Consideration of Nymagee Airstrip Runway Crossing into Neighbouring Property	334.12.2018	DFCS	<p>That Council proceed to shorten the northwest runway at Nymagee by 200 metres and advise key stakeholders immediately.</p> <p>That the General Manager be authorized to purchase Lot 2 DP 127362 for up to \$37,000 exc GST should the vendor believe that this becomes the best option for it as recommendation1 is implemented.</p> <p>That should the demand lead to a requirement to develop the strip at the northern end, the proposal be first considered by Council.</p>	<p>Stakeholders advised.</p> <p>Vendor not proceeding as yet.</p> <p>Investigating extension of other runways.</p>

### **RECOMMENDATION**

**That the information contained in the monthly status report be received and noted, with the following items to be removed: 821, 1048, 1157, 1211, 1233, 1236, 1242, 1243, 1244 Part 1, 1245, 1246, 1248, 1249 and 1250.**

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**CLAUSE 3B – INVESTMENT REPORT AS AT 31 JANUARY 2019****FILE: B2-7****AOP REFERENCE: 3.1.1.7****ATTACHMENT: NO****AUTHOR: *Finance Manager, Neil Mitchell*****Purpose**

Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2005 and the Council's investment policy require Council's investments to be reported to the Council on a monthly basis.

**Issues**

The tables below shows the balances of Council's Investments as at the end of the months for November, December and January. Term deposits have differing terms to spread the maturity dates throughout the year. The amount restricted in the Audited Financial Report for Employee Leave Entitlements is \$342,042.

<b>Investments for December</b>	<b>Opening Balance</b>	<b>Transfers to Investments</b>	<b>Transfers from Investment</b>	<b>Interest Earned</b>	<b>Closing Balance</b>
NAB Sweep Acct	\$3,211,577	\$1,567,352	\$2,945,043	\$2,770	\$1,836,655
NAB Term Deposit					
2.54% (Sep) 4039	\$2,010,874	\$2,000,000	\$2,011,720	\$4,586	\$2,003,739.73
AMP Bank Term Deposits					
2.85% (Feb) 4037	\$2,022,587			\$4,898	\$2,027,484.45
2.65% (Jan) 4047	\$1,017,927			\$2,291	\$1,020,217.89
2.60% (Feb) 4048	\$1,007,528			\$2,560	\$1,010,088.70
2.65% (Jan) 4049	\$1,017,927			\$2,291	\$1,020,217.89
ME Bank Term Deposit					
2.85% (Jan) 4036	\$2,021,336			\$4,884	\$2,026,220.14
G & C Mutual Bank Term Deposit					
2.86% (Sept) 4041	\$1,005,731			\$2,442	\$1,008,173.17
Auswide Bank Term Deposits					
2.75% (Apr) 4038	\$2,007,634			\$4,522	\$2,012,155.72
2.91% (Jan) 4040	\$3,037,256			\$7,508	\$3,044,764.04
<b>TOTALS</b>	<b>\$18,360,377</b>	<b>\$3,567,352</b>	<b>\$4,956,764</b>	<b>\$38,752</b>	<b>\$17,009,717</b>

*Annualised Average return on Investment for the Month: 2.63%*

Investments for January	Opening Balance	Transfers to Investments	Transfers from Investment	Interest Earned	Closing Balance
NAB Sweep Acct	\$1,836,655	\$4,998,217	\$3,056,008	\$4,278	\$3,783,143
NAB Term Deposit					
2.54% (Sep) 4039	\$2,003,740			\$4,646	\$2,008,386
AMP Bank Term Deposits					
2.85% (Feb) 4037	\$2,027,484			\$4,908	\$2,032,392
2.75% (Oct) 4047	\$1,020,218	\$1,000,000	\$1,020,401	\$2,197	\$1,002,014
2.60% (Aug) 4048	\$1,010,089			\$2,402	\$1,012,491
2.75% (Oct) 4049	\$1,020,218	\$1,000,000	\$1,020,401	\$2,197	\$1,002,014
ME Bank Term Deposit					
2.72% (Apr) 4036	\$2,026,220	\$2,000,000	\$2,028,123	\$4,287	\$2,002,385
G & C Mutual Bank Term Deposit					
2.86% (Sept) 4041	\$1,008,173			\$2,449	\$1,010,622
Auswide Bank Term Deposits					
2.75% (Oct) 4038	\$2,012,156			\$4,614	\$2,016,770
2.91% (Jan) 4040	\$3,044,764		\$3,046,161	\$1,397	\$0
<b>TOTALS</b>	<b>\$17,009,717</b>	<b>\$8,998,217</b>	<b>\$10,171,095</b>	<b>\$33,376</b>	<b>\$15,870,216</b>

Annualised Average return on Investment for the Month: 2.44%

*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.*



**Finance Manager**

### **RECOMMENDATION**

**That Council receive and note the Investment Report as at 31 January 2019.**

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**CLAUSE 4B - BANK RECONCILIATION, CASH FLOW & LOAN FACILITY**  
**SUMMARIES AS AT 31 JANUARY 2019**

**FILE: B2-7**

**AOP REFERENCE: 3.1.1.5**

**ATTACHMENT: NO**

**AUTHOR: *Finance Manager, Neil Mitchell***

**Purpose**

Council has requested that the following financial information be presented to each meeting of Council: reconciled bank balance, cash flow statement, and loan facility.

**Issues**

**Bank Reconciliation**

Balance as per Bank Statement	10,000
Add Outstanding Deposits & Receipting	1,494
Less Unreceipted Cheques	(22,669)
<b>Reconciled Balance</b>	<b>(11,175)</b>

*In accordance with the requirements of the Local Government Act, 1993, I hereby certify that the Cash Book has been reconciled with the appropriate Bank Statements on a daily basis during the month and that the reconciliations have been recorded.*



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Finance Manager

**Summary of Total Funds Available at Month End for the Last 12 Months**

Month	Investment Balances	Operating Account	Total Available Funds
Feb 18	16,480,346	18,784	16,499,130
Mar 18	16,068,503	(7,720)	16,060,783
April 18	15,482,686	5,976	15,488,662
May 18	15,818,138	3,172	15,821,310
Jun 18	18,959,272	6,905	18,966,177
Jul 18	19,692,731	9,114	19,701,845
Aug 18	19,851,551	24,356	19,875,877
Sept 18	17,397,785	9,887	17,407,672
Oct 18	18,088,990	18,099	18,107,089
Nov 18	18,361,800	(163,625)	18,198,175
Dec 18	17,009,717	18,601	17,020,318
Jan 19	15,870,216	(11,175)	15,706,591

*The amount restricted in the Audited Financial Report for Employee Leave Entitlements is \$342,042*



## Cash Flow

November		December		January		Description	Forecast
Forecast	Actual	Forecast	Actual	Forecast	Actual		February
18,099	18,099	10,000	(163,625)	9,887	18,601	Bank Balance Forward	(11,175)
2,317,901	1,387,414	242,000	1,155,230	-	213,140	FAG / R2R / RMCC	848,677
14,336	14,336	14,336	14,336	14,336	14,336	RMS Agency	14,336
630,000	806,994	250,000	342,979	310,000	486,885	Rates /Water/User Charges	350,000
150,000	249,790	150,000	83,971	150,000	170,132	Private Works/Debtors	150,000
180,000	178,603	180,000	324,540	180,000	250,308	LBV – Residents Fees & Grant	200,000
170,000	244,505	170,000	180,817	170,000	146,176	Child Care/In Home Care	170,000
(1,180,336)	(1,375,154)	1,283,664	725,910	1,465,777	2,031,456	Net Movement of Investments	1,626,839
1,000,000	1,571,350	1,000,000	1,508,690	1,000,000	23,400	Sundry Income & Grants	800,000
						<i>Less</i>	
(2,500,000)	(2,448,118)	(2,500,000)	(3,382,122)	(2,500,000)	(2,612,606)	Creditors	(2,500,000)
(790,000)	(811,444)	(790,000)	(772,125)	(790,000)	(753,003)	Wages / Salaries	(790,000)
10,000	(163,625)	10,000	18,601	10,000	(11,175)	Bank Reconciliation Cr/(Dr)	10,000

Borrowing Instruments as at 31 January 2019

Swimming Pool and Street Upgrade Loan (6.22%)	(1,112,924)
2 x Tyre Rollers Leaseback	-
Bomag Tyre Roller Lease	-

## RECOMMENDATION

That Council receive and note the Bank Reconciliation, Cash Flow and Loan Facility Report as at 31 January 2019.

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**CLAUSE 5B – MEETING MINUTES**

**FILE: C8-17, C6-14 & R5-36 AOP REFERENCE: 3.1 ATTACHMENT: YES  
(PAGE 134-151)**

**AUTHOR: *Executive Assistant General Manager/ Mayor, Janette Booth***

**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 and the Status Reports of those meetings which have been held recently for the information of Councillors. They include:

- Traffic Committee Meeting – Tuesday, 20 November 2018 (Status Report);
- Cobar Liquor Accord Committee – Tuesday, 11 December 2018 (no Status Report);
- Rural Roads Advisory Committee – Wednesday, 6 February 2018 (Status Report);
- Cobar Liquor Accord Committee – Tuesday, 12 February 2019 (no Status Report).

**RECOMMENDATION**

**That the Minutes of the Traffic Committee, Cobar Liquor Accord and Rural Roads Committee and the Status Reports be received and noted.**

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**CLAUSE 6B – EXPENDITURE FOR ROADS NETWORK**

**FILE: R5-31**

**AOP REFERENCE: 4.3.2**

**ATTACHMENT: YES**

**(PAGE 152-156)**

**AUTHOR: *General Manager, Peter Vlatko***

**Purpose**

To provide Council with financial information on the expenditure on Council's Local and Regional Roads.

**Background**

A report detailing the Expenditure on Capital/R2R (orange), Council's Shire Local Roads (blue) and Regional Roads Network (green) is provided as an attachment to this agenda for Council's information.

**RECOMMENDATION**

**That the information detailing the Expenditure for Council's Roads Network be received and noted.**

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## **CLAUSE 7B – ENGINEERING WORKS REPORT**

**FILE: C6-20-2 AOP REFERENCE: 4.3.2 ATTACHMENT: YES (PAGE 157-160)**

**AUTHOR: *General Manager, Peter Vlatko***

### **Purpose**

To inform Council of completed and ongoing Engineering Works for the period of December 2018 and January 2019.

### **Discussion**

#### **State Highways**

##### **Maintenance Work**

- Sign replacement works as required – **ongoing**;
- Pothole repairs – **ongoing**.

##### **Construction Work**

The Musheroo Project is continuing. Load, haul and spreading of gravel is finalised and commencement of stabilising and construction commences on Monday, 4 February 2019.

#### **Urban Roads/Shire Roads/Regional Roads**

##### **Maintenance Work**

- Maintenance grading – SR12, SR16, SR19, SR21, SR46;
- Signs – SR22;
- Removal of storm debris – SR13B, SR26, SR29, SR33, MR228;
- Reseal Preparation – MR411 and RR7521;
- Pothole repairs – SR13A, SR24, SR42, MR407, MR411, MR416, RR7521 and MR461.

##### **Construction Work**

- MR7518 – Windara Bend – Construction and sealing has been completed. Minor decommission works are to be completed;
- Urban streets – line marking.

#### **Water and Sewer**

##### **Maintenance Work**

- Pest control within sewer reticulation network being carried out where necessary – **ongoing**;
- Clearing and control of vegetation along the Nyngan to Cobar raw water pipeline easement (CWB) – **ongoing**;
- Four water faults were reported during the month and all were resolved.
- Repairs are being undertaken to the Sewer Treatment Plant embankment – **ongoing**;
- A chlorine installation audit and identified remedial works is being undertaken – **ongoing**.

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## **Water Operations**

The water treatment plant is producing approx. 5.1 ML per day and alternate day water restrictions with hand watering only between 6pm and 9pm have been introduced for Cobar to ensure demand is controlled as Burrendong Dam continues to drop and future restrictions on High Security Town Water are a possibility.

## **Parks and Gardens**

- General maintenance carried out within parks and reserves within the Shire as required – **ongoing**;
- Drummond Park Upgrade.

## **Resources for Regions**

### **Construction of New Water Treatment Plant**

- The contract was let to Laurie Curran Water (LWC) on 23 June 2017.

Work completed to date:

- Site and road reserve clearing;
- Security fence erected around main treatment plant site;
- PAC Contact Tank and Clear Water Tank;
- Clarifier and filter tank;
- Pipelines from new WTP to Fort Bourke Hill reservoirs;
- Sludge Lagoons.

Work in progress:

- Construction of the blockwork walls and structural steelwork for the main treatment building is continuing.

Expenditure to end of January on the contract by LWC is \$7,835,705.76 (71.7% of the contract). Commissioning of the WTP is still programmed for April 2019.

## **RECOMMENDATION**

**That the information contained in the Engineering Works Report detailing maintenance on Shire and Regional Roads, State Highways and Water Sewer Mains, Resources for Regions Projects and other Major Grant Works be received and noted.**

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**CLAUSE 8B – ANALYSIS OF DRY AND WET PLANT AND EQUIPMENT CONTRACT**

**FILE: T3-15-6, P3-19-4 AOP REFERENCE: 3.3.4**

**ATTACHMENT: NO**

**AUTHOR: *General Manager, Peter Vlatko***

**Purpose**

The purpose of this report is to provide information on the analysis and result of the engagement of Contractors under the Dry and Wet Plant and Equipment Contract for works let over \$80,000 inclusive of GST.

**Background**

Throughout the year Council uses various contractors for the supply of plant and equipment and trades and miscellaneous services for many of Council's activities.

These Contractors are usually engaged on a daily basis for small projects or by quotations for larger projects.

Council has requested that a report be provided for works let over \$80,000 inclusive of GST.

The table below indicates the contractors that were engaged for services over \$80,000 inclusive of GST for the period 1 July 2018 – 31 January 2019.

<b>Contractor</b>	<b>Description of Works</b>	<b>December/ January</b>	<b>2018/2019</b>
Bruces Contracting	Water Cart Hire	\$37,719	\$118,003
Rollers Australia	Roller Hire	\$74,372	\$149,971
McRowe	Water Cart Hire	\$13,428	\$91,641
Urquhart Haulage Contractors	Haulage	\$148,561	\$172,596

**RECOMMENDATION**

**That Council receive and note the information contained in this report.**

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**CLAUSE 9B – ENTERPRISE RISK REGISTER**

**FILE: R4-14 AOP REFERENCE: 3.1.3 ATTACHMENT: YES (PAGE 161-181)**

**AUTHOR: *Human Resources Manager, Summer Patterson***

**Purpose**

For Council to receive the information contained in the Enterprise Risk Register.

**Background**

Cobar Shire Council staff have been working with consultants to develop the Enterprise Risk Register for Cobar Shire, which collates all of Council's identified risks, the existing controls in place to mitigate those risks and any recommendations for improvement and/or actions that need to occur.

Staff from all departments were engaged to review each and every risk in the existing register to update and where appropriate, combine any of the 403 risks that were originally recorded, focusing on existing controls and any identified gaps that require action. Utilising Business Impact Analysis methodology this register has been updated using the results of that comprehensive analysis.

**Issues**

The full risk register that sits behind this as a working document will be reviewed on an annual basis, by way of scheduled quarterly reviews with each department, providing an opportunity not only to re-assess existing risks and their relevance, but will also capture any newly identified risks and update the required corrective actions ensuring the register remains a fluid and relevant document in our organisation.

**RECOMMENDATION**

**That the information contained in the Enterprise Risk Register be received and noted.**

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**CLAUSE 10B – SECOND QUARTERLY REVIEW OF THE ANNUAL OPERATIONAL PLAN 2018/2019**

**FILE: L5-22**

**AOP REFERENCE: 3.1**

**ATTACHMENT: YES  
(UNDER SEPARATE COVER)**

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

**Purpose**

To provide Council with a detailed review of all actions outlined in the Annual Operational Plan 2018/2019 for the second quarter (ie October to December 2018).

**Background**

At the June 2018 Council meeting, Council adopted the 2018/2019 Annual Operational Plan (AOP) and Budget. Council is obligated to review the AOP and Budget each quarter, under the NSW Integrated Planning and Reporting legislation and guidelines. It should be remembered that this review is only for the period October to December 2018 and does not cover actions or activities that have occurred since then. However, this paper aims to highlight major issues that may arise in Q3 of 2018/2019.

**Issues**

Each responsible officer has provided the attached review of their operations. All actions outlined in the AOP have been addressed and statistics are provided where appropriate.

A summary of the major projects undertaken in Q2 in 2018/2019 and the emerging concerns for Q3 in 2018/2019 are as follows:

**Governance and Economic Development**

- In order to improve engagement with the villages in the southern part of the Shire, a meeting was held in Euabalong regarding zoning rules and other Council activities in Q2. In addition, Council attended a community services forum in Euabalong West, hosting a stall where all residents were encouraged to attend and ask questions on any topic. Another community meeting has been scheduled for 21 February 2019 in Euabalong to progress issues raised at these meetings and to outline projects planned for the village in this year's budget and to gain ideas to be included in the current budget phase.
- Meetings of the Far North West Joint Organisation (JO) continue. The JO has recently undertaken a tender for the provision of air services to the region – tenders are currently being assessed. Council has submitted a project proposal for use of \$1.5m of the identified tourism funds, which at the time of writing had not finished the assessment phase. The JO has not heard of the outcome of a grant application that was submitted for a contaminated land management officer for the region. Participation in this organisation continues to require a great deal of time on the part of the General Manager and Mayor.
- As the number of funded projects increases, Council has sought a more efficient means of managing these projects. A new electronic module under our current IP&R software system has been bought and staff are currently developing the templates and setting the system up for all projects to be inputted over coming months. This investment is designed to ensure funding agreements are fulfilled, projects are undertaken on time and to budget and efficient monitoring of projects is possible.



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- \$1m in Drought Communities Program funding was successful and projects are now being implemented. This will see around 30 projects that need to be completed by 30 June – which will prove quite challenging.
  - The application for funding a new industrial estate under the Growing Local Economies Fund was recently submitted. This is a \$4.905m project, seeking \$4.4m in state government funding.
  - There have not been any Economic Taskforce meetings for the quarter due to a lack of quorum being available. It is planned to reinvigorate this group once the new economic development manager commences.
  - Work has commenced on upgrades at the Great Cobar Heritage Centre. This includes building works, upgrades to the accessibility of the building and exhibition upgrades. In total, around \$1m of funding has been allocated to the building and a project team is working through the implementation of these projects. Council has not yet heard the outcome of a funding application made under the FNWJO Tourism Funding.
  - Council has undertaken a range of mental health initiatives for employees in Q2 and these are continuing in Q3. This was undertaken in response to a growing need within the broader community, which is expected to be reflected within our workforce. They have been well received and will continue.
  - Recruitment needs have increased in recent months with Human Resources responding to a number of vacancies across the organisation. The ability to fill positions, of all types, has been challenging. This includes indoor and outdoor positions. We continue to try to be innovative in the way we promote the non-monetary benefits of working at Council in a bid to attract quality applicants.

### **Finance and Community Services**

- The Running on Empty Festival and Festival of the Miners Ghost were held in Q2 and were very successful with strong support from the community and tourists. Residents were very complimentary of the atmosphere generated in the town for the weekend and the positivity generated. Lessons learnt from this weekend have been incorporated into the organisation of the 2019 Grey Mardi Gras. The program for this festival is almost finalised and ticket sales are progressing. This project has involved a great deal of time to get it on track this year. Being the inaugural year, the organising committee is working hard on ensuring a strong and hopefully sustainable model is developed that can be built upon in future years. Due to the resourcing required and the retirement of the Tourism Manager, no progress has been made on the 2020 agenda. This will be a priority for the new tourism manager when they commence in Q4.
- Another successful Australia Day celebration was held at the pool despite the extreme heat in January. No grant funding was received for Seniors Week this year (and the state government moved the week from March to February – which was too hot for Cobar) and with no resources available, no activities have been organised. Seniors Week celebrations will be reinvigorated next year.
- There continues to be strong use of the library rooms, and the addition of air conditioning will ensure use continues. The upgrade of the arcade at the front of the building is currently underway and will be completed in Q3. This project aims to make the area more welcoming, build on the theming of the main street from a tourism perspective and to make the area more usable.
- Use of the Cobar Youth and Fitness Centre has remained strong, despite some drop-off as kids move to the pool due to the heat. Community groups are strong supporters of the facility and a range of school holiday programs were rolled out. Additional funding has been successful to run youth programs during 2019,

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including midnight basketball – with the aim of the programs to encourage young people to hang out at the Centre on Friday nights rather than undertaking activities of a high risk nature around town.

- An architect is currently preparing draft designs for the upgrade of the CYFC with designs expected to be received towards the end of Q3. These will be used to engage with the community to receive their input prior to the designs being finalised in Q4.
- The hot summer has resulted in very strong numbers of pool users. The BBQ and games area has also experienced strong usage. A program of future works to the treatment plants and associated infrastructure is being prepared for implementation during the closed season over winter (including the plumbing which has caused a number of issues over the summer).
- The amount of vandalism of Council's assets over Q2 has been disappointing. From deliberate damage to trees and gardens, vandalism of toilets, graffiti and damage to newly installed park infrastructure. As such, Council is now preparing a tender for a CCTV program – that can be used to source grant funding. Once scoped, new projects will be fitted out as they are built using project funding where possible. In addition, Facebook and newspaper articles have been used to encourage the community to look after their assets and to understand the consequences and cost of the damage.
- With the commencement of an IT Manager, Council has been able to analyse the IT system and project, progress a number of IT projects and develop a plan of priority projects to be undertaken in the short and medium term. In addition, in response to the discussions at the Risk and Audit Committee, an external review of IT security has been ordered.
- There are a number of vacancies at the LBV creating budgeting concerns. This is generally a result of an inability to fill four bed rooms. These rooms are due to be redevelopment in 2020. There are also planned upgrades to the remaining bathrooms over this period.
- Council, in conjunction with the Cobar LEMC, undertook Exercise Cazbah to test response to an airport emergency and the Airport Emergency Plan. This exercise was required to be undertaken as part of Council's maintaining CASA Accreditation.
- The Youth Council held a very successful Colour Run in October and is preparing a program of activities for Youth Week and during the Grey Mardi Gras.
- Construction has commenced on the new MPS. An MOU regarding catering services is required. Meetings between staff and contractors will continue to ensure that Council requirements are met in the building process. Upgrades to resident telephones will occur during Q3.
- Cash balances remain continually high. At the end of Q2 Council remains on track financially with no hidden surprises.
- Council has created a dedicated procurement role within the organisation in line with the large increase in workload in this area as more projects get funded.

### **Engineering**

- Two new graders have arrived and demonstrate that Council continues to place a high priority on future road works program. Despite many efforts, Council has been unsuccessful in attracting a workforce to man a road crew based in Euabalong. As such, the grader will be operated from Cobar until such a time where a workforce can be accessed from Euabalong. In addition, a new street sweeper has been ordered.

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- The installation of the new adventure playground in Drummond Park is well progressed, with an installation crew expected in Cobar in the first week of March and the facility will be open prior to the next school holidays. Future works have been planned but are dependent on funding (such as upgrades to accessibility throughout the park, reuse of the existing playground area and other social infrastructure).
  - Parks and Gardens continue to face the difficult task of keeping the town looking green and tidy and maintaining the newly installed gardens within the current water restrictions and noting the likely lack of water over coming months. This combined with the excessively hot start to 2019 has placed great pressure on our natural assets.
  - Quotes are currently being received for the installation of a new toilet block in Drummond Park. This project will also upgrade the electrical supply in the park to ensure we meet Workcover standards and are able to meet the needs of park users, such as markets and festivals organisers.
  - The issue of water has occupied a great deal of time and energy of staff. Implementing water restrictions, maintaining the network and striving to provide quality water to residents has required a great deal of time and resources. In addition, Council requested the state government to increase our town water allocation, however this was rejected.
  - As a contractor to the CWB, staff have identified a number of major maintenance requirements for the Nyngan- Cobar pipeline and funding is being sought to address these. The telemetry upgrade and valve replacement associated with the installation of the third pipeline is progressing with contract documents being prepared for the telemetry upgrade. Urgent valve replacement was completed in Q2 and the remainder of the valve replacement will be undertaken in Q4.
  - The tender documents to replace priority sections of the reticulation network are currently being developed and are expected to be released in Q4. Survey work and other preliminary works have been completed. The state government is currently developing a business case for the reroofing of the reservoirs. The construction of the Water Treatment Plant continues and commissioning is expected in Q4. Flushing of the network was undertaken in Q2.
  - Business cases for funding of scoping studies for Nymagee and Euabalong villages under the Safe and Secure program have been completed and submitted to the State Government.
  - NSW Public Works Advisory have been engaged to prepare contract documents for the upgrade of the sewer pump stations and the rag and grit screening for the Sewer Treatment Plant. The contract will be tendered in Q3.
  - The draft Active Transport Plan was prepared in Q2 and placed on public exhibition. Comments from this process are currently being assessed and incorporated into the final document to be taken to Council in Q3.
  - Once again, a lack of water has greatly restricted the amount of road works undertaken for the quarter.
  - Construction on the Musheroo overlay project on the Barrier Highway continued and is expected to be completed in Q3 at a cost of \$5m.
  - Linemarking on priority town streets is currently being undertaken.

### **Planning and Environmental Services**

- A great deal of effort has gone into the development of the Miners Memorial project. The project team remains hopeful of the project being at lock up stage by the 2019 Miners Service at the end of October. The designs have been finalized

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and the tender will be released in February and awarded at the March Council meeting.

- All village tips have recently had their trenches re-excavated. Further improvements are proposed in this financial year where expenditure allows.
- Workloads to assess major development applications have increased this quarter and will continue into Q3 due to the complex nature of the applications being submitted.
- Council has been working with NSW EPA, the mining regulator, and representatives of all mines in Cobar to discuss an increasing issue with workers and vehicles leaving mine sites potentially contaminated with material for mining activities. Council staff and the State authorities will continue to monitor this situation to evaluate whether the matter is potentially a breach of the Protection of the Environmental (Operations) Act.
- Cobar Tip – A fire on 25 January that was considered to be deliberately lit took considerable resources to extinguish from Council, NSW Fire and Rescue and Rural Fire Services. The matter was reported to NSW EPA.
- Significant staff time has been spent on investigating compliance issues across the local government area, which will continue into Q3. The issues range from fire safety matters, unauthorised building work and use of land for purposes that are prohibited. Each issue is individually investigated and where regulatory action is necessary, this action is taken
- A substantial number of pre-lodgment advice sessions have continued to be held on a range of development activities with proponents.
- Staff are in the process of requiring the upgrade of specific accommodation premises in Cobar with regards to fire safety, which at times can be resource intensive.

### **Legal Situation**

Council must review the AOP six monthly and the budget quarterly as per the NSW Integrated Planning and Reporting guidelines. Council chooses to review the AOP quarterly in line with the budget.

### **Policy Implications**

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

### **Financial Implications**

Any financial implications are outlined in the budget review.

### **Risk Implication**

Any risks to achieving outcomes are listed in the report.

## **RECOMMENDATION**

**That Council receives and note the information contained within the second quarterly review of the 2018/2019 Annual Operational Plan, covering the period October to December 2018.**

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**CLAUSE 11B – WATER NSW UPDATE WORKSHOP ON BURRENDONG DAM  
WATER SUPPLY**

**FILE: D6-1, W2-30**

**AOP REFERENCE: 4.1**

**ATTACHMENT: YES (PAGE 182-183)**

**AUTHOR: *Water and Sewer Manager, Eric Poga***

**Purpose**

To advise Council of the status of the Burrendong Dam water supply and possible consequences for the Cobar Shire town water supply.

**Background**

Water NSW has held two workshops to advise Councils of the status of Burrendong Dam storage levels and the future impact the levels will have for Councils that rely on town water supplies from Burrendong Dam. The workshops were held on 16 January 2019 and 11 February 2019 and were attended by Councils Water and Sewer Manager.

**Discussion**

Inflow to Burrendong dam over the last twelve months has been the lowest on record and significantly lower than the four previous worse droughts on record. Burrendong Dam is currently at 9.1% and is expected to fall to 5% by the end of February 2019.

Water NSW are predicting that based on zero inflow Burrendong Dam will be at 0% by December 2019 and based on drought of record will be 0% by February 2020. The contingency plan is that at 0% Water NSW will install a pump station and pump out the dead storage from the dam which will provide a further three months of water for stock and domestic and town water supplies and the Macquarie River will then cease to flow.

Cobar township and the Mines rely totally on water delivered from the Macquarie River and then via the Albert Priest channel to Nyngan and then pumped to Cobar. Should the Macquarie River cease to flow then Cobar and the Mines would run out of water. The Department of Land and Water has advised that Cobar does not have an alternative water supply such as bores as records of existing bores in the region show the quantities are small and the water has high salinity levels.

There is no advice yet from Water NSW about any town water allocation cuts for 2019/2020 however based on what happened in the 2007 drought it is expected that there will be some cuts to allocation.

Cobar township is currently on water restrictions based on watering with hand held hoses every second day between the hours of 6pm-9pm. The water restriction regime over the last few years has been based on keeping the town as green as possible e.g. watering parks and playing fields etc. Council had however adopted a Cobar drought management plan in 2005 which has harsher levels of water restrictions as shown attached.

**RECOMMENDATION**

**That Council receive and note the information contained within this report.**

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**CLAUSE 12B – GRANT FUNDING****FILE: G4-17****AOP REFERENCE: 3.1.1.4****ATTACHMENT: NO****AUTHOR: *Senior Projects Officer, Angela Shepherd*****Grant Update**

<b>Grant and Department</b>	<b>Activity</b>	<b>Amount Applied For</b>	<b>Successful?</b>	<b>Council Funding Required</b>	<b>Deadline for Project</b>
<b>Grants Applied for</b>					
Safe and Secure Water	Nymagee Water Security scoping study to look at alternative water sources and options	\$43,500	EOI successful – full application submitted	\$14,500 – 25% must be contributed by Council	
Safe and Secure Water	Euabalong Water Security scoping study	\$29,250	EOI successful – full application submitted	Council must put in 25% - \$9,750	
Youth Opportunities	Series of workshops with year 11 students – job undertaken in conjunction with CHS and NGOs	\$31,090	Pending	Staff support	
Everyone Can Play grants for playgrounds	Sensory garden and accessible paths for Dalton Park	\$33,015	Pending	\$33,015	50:50 funding required. Consistent with Council’s DIAP.
Everyone Can Play grants for playgrounds	Inclusive play in Drummond Park – accessible equipment and pathways	\$47,296	Pending	\$47,296	Announcement expected Feb 19.

<b>Grant and Department</b>	<b>Activity</b>	<b>Amount Applied For</b>	<b>Successful?</b>	<b>Council Funding Required</b>	<b>Comment</b>
North West JO Tourism Fund	Upgrade exhibitions at GCHCC, construction of the sound chapel and extension to the GCHC are the options put forward	\$1.5m	Pending	Nil	Announcement expected Feb 19.
Community Child Care Fund	Subsidise administration fees for IHC clients to make care more affordable.	\$350,000 over 2 years	Pending	Nil	Due for announcement shortly.
Growing Local Economies Fund	Design and construction of new industrial estate for Cobar	\$4.405m	Pending – EOI was successful, business case now submitted	\$500,000	

The Far North JO has applied for an Environment Officer under the Contaminated Land Management grants. This officer would be shared between the 3 Councils. Councils will contribute \$20k each to the project per year over three years. Cobar is the lead Council in the grant application.

<b>Grant and Department</b>	<b>Activity</b>	<b>Amount Applied For</b>	<b>Successful?</b>	<b>Council Funding Required</b>	<b>Comment</b>
<b>Grants Announced</b>					
Local Drug Action Team	Basketball after Dark program – Friday night activities aimed at teenagers and to develop an action plan for ongoing community activities	\$10,000	Yes	Nil	NGOs also assisting with programs.
Incubator Grants – Destination NSW	Grey Mardi Gras	\$20,000	Unsuccessful	Nil	Will apply for again next year.
Regional Cultural Fund –	Exhibition Upgrade / major overhaul at the GCHC	\$370,000	Successful	\$100,000 from matching grants	Will be used to reinvigorate the upstairs display areas.
Regional Cultural Fund	Extension incorporating 350m2 temporary exhibition space, 110m2 storage area and new VIC, amenities etc	\$7,750,000	Unsuccessful	\$750,000	Feedback – needs a bit more work and funds didn't extend far enough
NSW Women's Week	A Girls Night In dinner with guest speakers	\$2,100	Unsuccessful	In-kind project management	Developed in conjunction with CHS.
Drought Communities Fund – Extension	Fencing projects at Mount Hope tip, Ward Oval, Depot and Euabalong Sports Ground	\$150,000	Successful	Nil	
Drought Communities Fund – Extension	Village Signage Projects	\$35,000	Successful	Nil	
Drought Communities Fund – Extension	Sinking 5 water bores on the Shire Road network	\$250,000	Successful	Nil	



Grant and Department	Activity	Amount Applied For	Successful?	Council Funding Required	Comment
<b>Grants Announced</b>					
Drought Communities Fund – Extension	Shop local campaign and construction of a Cobar sign on the entrance to town.	\$30,000	Successful	Nil	To be undertaken in conjunction with the Cobar Business Association and Cobar High School
Drought Communities Fund – Extension	Community Infrastructure improvements in Cobar, Nymagee and Euabalong	\$465,000	Successful	Nil	
Drought Communities Fund – Extension	Community Events in Nymagee, Euabalong and Cobar	\$70,000	Successful	Nil	

Council committed \$200,000 in the 2018/2019 budget to put towards grant proposals as a co-contribution. This money has been allocated as follows:

- \$10,000 for the GCHC accessible ramp;
- \$8,000 Dalton Park Playground upgrade;
- \$8,250 to the Grey Mardi Gras;
- \$100,000 to museum upgrade.

### Current Grant Opportunities

- TTTT Grants through the RRR fund – will assist Nymagee Progress Association to apply in April 2019 for a community event grant.
- Climate Change Resilience Fund (state) - \$30-120,000 for individual Council or more for a JO. Due 1 March 2019. Looking at a Cobar Water Board project to reduce evaporation on the water storages.
- Fixing Country Roads – ongoing round – no projects being developed at this stage. Investigating options for the Wool Track again.
- Create NSW Live Music Funding – closes 14 March. Will apply for funding for the 2020 Grey Mardi Gras to host a battle of the bands competition.

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## **Grant Funded Projects - Implementation**

The following is a summary of works in progress for grant funded projects:

- CASP grant – Coppersmithing workshops – to be held in conjunction with the Grey Mardi Gras, tickets on sale shortly.
- Reconciliation Week grant to produce a series of story boards in progress.
- SCCF Drummond Park – equipment ordered, park plan finalised. Plan to incorporate new toilet block and links to Youthie. Installation of equipment planned for first week of March.
- Stronger Communities Program grant for optometrists arcade project – Design work completed. Currently being installed.
- RCF Rd 1 museum at project – Clean up commenced to allow access to damp proofing. Planned for March. Inspection of works required undertaken on roof, awaiting quote.
- Heritage Near Me – accessibility of museum project – being incorporated into above. Architect engaged, finalising visit date.
- RCF Rd 2 exhibition upgrade – plan of works being developed.
- Miners Memorial – Design finalised. Tender documents almost complete. Tender to be advertised March, Council approved aiming for March meeting to award tender.
- SCCF – Toilet project – Quotes still coming in.
- SCCF – Girl Guides Hall – working on options for location and works required.
- SCCF – Youthie upgrade – architect engaged to prepare designs.
- Public Reserves – Boxthorn Removal Euabalong common – Project for Reserve Trust.
- Public Reserves Fencing at Euabalong cemetery – works being planned.
- Safe and Secure Water Fund – pipe replacement and Tank refurbishment – no funding agreement received to date.
- Drought Projects – at various stages of progress.

## **RECOMMENDATION**

**That the information contained in the grant funding report detailing grants applied for, grants announced and grants available be received and noted.**

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**CLAUSE 13B – RATES RECONCILIATION REPORT AS AT 31 DECEMBER 2018****FILE: R2-1****AOP REFERENCE: 3.1.1.6****ATTACHMENT: YES (PAGE 184-185)****AUTHOR: *Office Coordinator, Jo-Louise Brown*****Purpose**

To provide Council details of the Rate Reconciliation as at 31 December 2018.

FUND	LEVY 2018-2019	Pensioner Rebates	Abandoned Levy	Additional Levies	Sub Total 2018-2019	Arrears 30th Jun 18	Payments	Total Outstanding	Total Outstanding Previous Year	% Outstanding of Sub Total Plus Arrears
Business	409,307.61		530.00	530.00	409,307.61	78,431.59	270,942.73	216,796.47	181,264.45	44.45%
Farmland	694,965.98		-	1,406.20	696,372.18	31,215.47	423,189.92	304,397.73	254,894.73	41.84%
Mining	1,728,262.37		-	-	1,728,262.37	225,987.30	653,654.47	1,300,595.20	956,527.73	66.55%
Residential	1,177,062.40	47,470.59	4,073.67	-	1,125,518.14	233,293.62	657,913.25	700,898.51	654,666.63	51.58%
Overpayments					-	-134,695.26	- 80,152.22	-54,543.04	-57,119.14	40.49%
Legal Costs			-	12,674.48	12,674.48	50,747.28	14,407.71	49,014.05	56,108.56	77.28%
Interest			-	4,964.29	<b>4,964.29</b>	135,920.90	9,121.20	131,763.99	107,640.76	93.53%
<b>General Rates</b>	<b>4,009,598.36</b>	<b>47,470.59</b>	<b>4,603.67</b>	<b>19,574.97</b>	<b>3,977,099.07</b>	<b>620,900.90</b>	<b>1,949,077.06</b>	<b>2,648,922.91</b>	<b>2,153,983.72</b>	<b>57.61%</b>
<b>Domestic Waste</b>	<b>615,210.00</b>	<b>17,615.80</b>	<b>1,234.36</b>	<b>536.67</b>	<b>596,896.51</b>	<b>43,136.57</b>	<b>378,715.18</b>	<b>261,317.90</b>	<b>244,855.78</b>	<b>40.83%</b>
<b>Sewerage</b>	<b>606,975.00</b>	<b>18,790.63</b>	<b>2,660.81</b>	<b>61,169.42</b>	<b>646,692.98</b>	<b>102,726.72</b>	<b>458,642.16</b>	<b>290,777.54</b>	<b>327,093.35</b>	<b>38.80%</b>
Cobar Water	670,280.00	20,278.13	909.28	260.00	649,352.59	39,458.68	416,856.48	271,954.79	253,261.31	39.48%
Nymagee Water	27,937.00	350.00	-	-	27,587.00	10,198.21	15,623.97	22,161.24	19,625.18	58.65%
Euabalong Water	45,129.00	962.50	-	-	44,166.50	10,434.18	28,637.87	25,962.81	28,087.47	47.55%
Euab West Water	27,323.00	437.50	-	-	26,885.50	5,775.18	16,540.62	16,120.06	13,679.97	49.36%
Mt Hope Water	6,444.00	-	-	-	6,444.00	1,013.14	4,156.26	3,300.88	3,463.76	44.26%
<b>Water Access</b>	<b>777,113.00</b>	<b>22,028.13</b>	<b>909.28</b>	<b>260.00</b>	<b>754,435.59</b>	<b>66,879.39</b>	<b>481,815.20</b>	<b>339,499.78</b>	<b>318,117.69</b>	<b>41.34%</b>
<b>Water Usage</b>			<b>27,755.06</b>	<b>411,916.56</b>	<b>384,161.50</b>	<b>680,566.13</b>	<b>974,714.15</b>	<b>90,013.48</b>	<b>472,636.69</b>	<b>8.45%</b>
<b>TOTAL</b>	<b>6,008,896.36</b>	<b>105,905.15</b>	<b>37,163.18</b>	<b>493,457.62</b>	<b>6,359,285.65</b>	<b>1,514,209.71</b>	<b>4,242,963.75</b>	<b>3,630,531.61</b>	<b>3,516,687.23</b>	<b>46.11%</b>

**RECOMMENDATION****That the Rates Reconciliation Report as at the 31 December 2018 be received and noted.**

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**CLAUSE 14B – RATES RECONCILIATION REPORT AS AT 31 JANUARY 2019****FILE: R2-1****AOP REFERENCE: 3.1.1.6****ATTACHMENT: YES (PAGE 186-187)****AUTHOR: *Office Coordinator, Jo-Louise Brown*****Purpose**

To provide Council details of the Rate Reconciliation as at 31 January 2019.

FUND	LEVY 2018-2019	Pensioner Rebates	Abandoned Levy	Additional Levies	Sub Total 2018-2019	Arrears 30th Jun 18	Payments	Total Outstanding	Total Outstanding Previous Year	% Outstanding of Sub Total Plus Arrears
Business	409,307.61		530.00	530.00	409,307.61	78,431.59	281,075.51	206,663.69	167,939.62	42.37%
Farmland	694,965.98		-	1,406.20	696,372.18	31,215.47	441,965.16	285,622.49	238,521.54	39.26%
Mining	1,728,262.37		-	-	1,728,262.37	225,987.30	827,154.47	1,127,095.20	956,527.73	57.67%
Residential	1,177,062.40	48,141.31	4,073.67	-	1,124,847.42	233,293.62	690,843.39	667,297.65	611,595.32	49.13%
Overpayments					-	-134,695.26	- 69,222.81	-65,472.45	-67,641.61	48.61%
Legal Costs			-	20,022.96	20,022.96	50,747.28	16,638.75	54,131.49	59,526.09	76.49%
Interest			-	7,828.06	<b>7,828.06</b>	135,920.90	10,009.79	133,739.17	108,095.21	93.04%
<b>General Rates</b>	<b>4,009,598.36</b>	<b>48,141.31</b>	<b>4,603.67</b>	<b>29,787.22</b>	<b>3,986,640.60</b>	<b>620,900.90</b>	<b>2,198,464.26</b>	<b>2,409,077.24</b>	<b>2,074,563.90</b>	<b>52.29%</b>
<b>Domestic Waste</b>	<b>615,210.00</b>	<b>17,882.58</b>	<b>1,694.36</b>	<b>536.67</b>	<b>596,169.73</b>	<b>43,136.57</b>	<b>393,314.21</b>	<b>245,992.09</b>	<b>224,407.41</b>	<b>38.48%</b>
<b>Sewerage</b>	<b>606,975.00</b>	<b>18,965.62</b>	<b>2,660.81</b>	<b>115,364.37</b>	<b>700,712.94</b>	<b>102,726.72</b>	<b>493,362.15</b>	<b>310,077.51</b>	<b>273,818.99</b>	<b>38.59%</b>
Cobar Water	670,280.00	20,453.14	909.28	260.00	649,177.58	39,458.68	432,016.31	256,619.95	231,849.33	37.26%
Nymagee Water	27,937.00	437.50	-	-	27,499.50	10,198.21	15,698.90	21,998.81	18,222.24	58.36%
Euabalong Water	45,129.00	1,028.13	-	-	44,100.87	10,434.18	30,059.67	24,475.38	25,996.49	44.88%
Euab West Water	27,323.00	437.50	-	-	26,885.50	5,775.18	18,942.26	13,718.42	12,442.41	42.00%
Mt Hope Water	6,444.00	-	-	-	6,444.00	1,013.14	4,516.49	2,940.65	2,763.76	39.43%
<b>Water Access</b>	<b>777,113.00</b>	<b>22,356.27</b>	<b>909.28</b>	<b>260.00</b>	<b>754,107.45</b>	<b>66,879.39</b>	<b>501,233.63</b>	<b>319,753.21</b>	<b>291,274.23</b>	<b>38.95%</b>
<b>Water Usage</b>			<b>30,141.25</b>	<b>844,646.68</b>	<b>814,505.43</b>	<b>680,566.13</b>	<b>1,143,474.29</b>	<b>351,597.27</b>	<b>153,310.91</b>	<b>23.52%</b>
<b>TOTAL</b>	<b>6,008,896.36</b>	<b>107,345.78</b>	<b>40,009.37</b>	<b>990,594.94</b>	<b>6,852,136.15</b>	<b>1,514,209.71</b>	<b>4,729,848.54</b>	<b>3,636,497.32</b>	<b>3,017,375.44</b>	<b>43.47%</b>

**RECOMMENDATION****That the Rates Reconciliation Report as at the 31 January 2019 be received and noted.**

# **ATTACHMENTS**



## **ORDINARY MEETING AGENDA**

**THURSDAY 28 FEBRUARY 2019**

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## ~ REFERENCE TO ATTACHMENTS ~

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Clause 11B – Water NSW Update Workshop on Burrendong Dam Water Supply .....	182-183
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