

A1.2.1 BF:SS

December 2008

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General Manager

Mayor

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General Manager

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**A1. NOTICE OF INTENTION TO APPLY FOR A PACKAGED LIQUOR LICENCE,
MAWHOOD BROS PTY LTD, 141 – 149 OBERON STREET, OBERON
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PO40.141-149
Prepared by Ralph Tambasco on 24 November 2008**

By correspondence dated 19 November 2008, Lands Legal, on behalf of Mawhood Bros Pty Ltd 141 – 149 Oberon Street, Oberon, has notified Council of its intention to apply for a “Packaged Liquor Licence” for a new liquor section of the proposed refurbishment of the existing IGA Supermarket.

At the time of writing this report, staff are processing the Development Application and Construction Certificate for the internal refurbishment of the existing Mawhoods IGA supermarket store as a result of the relocation of the Mawhoods Mitre 10 section to their new premises in Dart Street.

The new Liquor act requires consultation with local “stakeholders” prior to the making of any such application. Any responses to the notification of such an application are required to be compiled by the applicant in a Community Impact Statement.

A copy of the Notice of Intention is attached (**Attachment A1**) which includes the floor plan of the proposed bottle shop section. The proposed trading hours for the “bottle shop” will be the same as those proposed for the supermarket, namely 8.00 am to 8.00 pm Monday to Sunday i.e. 8.00 am to 8.00 pm seven days per week. The floor area of the shop will be 204 square metres.

The proposed bottle shop will be separated from the remainder of the supermarket by floor to ceiling walls and will be able to be locked from the remainder of the premises. The only public access to the bottle shop will be via the counter and cash register area at the entrance.

Unaccompanied minors will be prevented from entering the liquor section by staff supervision and signage.

Staff consider the proposal to be ancillary to the use of the supermarket which is located in the Central Business District of Oberon. There are no objections to the proposal from staff from a town planning point of view.

Recommendation:

That no objection be raised to the Notice of Intention from Lands Legal on behalf of Mawhood Bros Pty Ltd to apply for a “Packaged Liquor Licence” in respect to Mawhoods IGA, 141- 149 Oberon Street, Oberon.

This is Page No. 3 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 16 December 2008 commencing at 5.30 pm.

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**A2. NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE, O'CONNELL CAFÉ AND DELI 2431 O'CONNELL ROAD, O'CONNELL
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PR186.2431
Prepared by Ralph Tambasco on 25 November 2008**

By correspondence dated 20 November 2008, Mrs Robyn Donnelly, of the O'Connell Café and Deli has notified Council of her intention to apply for an "On-premises Licence" for her existing premises.

The new Liquor Act requires consultation with local "stakeholders" prior to the making of any such application. Any responses to the notification of such an application are required to be compiled by the applicant in a Community Impact Statement.

A copy of the Notice of Intention is attached (**Attachment A2**).

It is proposed to have local wines and limited bottled beer available for purchase and consumption with meals on the premises. The café's opening hours are currently from 10.00 am until 4.00 pm on Friday, Saturday and Sunday and for dinner from 6.30 pm until 10.00 pm on the fourth Saturday of each month only and occasionally on other Saturday nights for private functions.

If the eventual on-premises license is granted by the Casino, Liquor and Gaming Control Authority, then the café may open until 9.00 pm on some Friday nights.

The café currently operates as a BYO establishment and there should not be any major increase in the consumption of alcohol as a result of the license.

Council has not received any complaints concerning noise from the operations of the café since it introduced its dinner menu on the fourth Saturday of each month. Even if Council did receive complaints in the first instance, they would be referred to the Casino, Liquor and Gaming Control Authority for their investigation under the Liquor Act 2007 and Liquor Regulation 2008. Staff have no objection to the proposal from a town planning point of view.

Recommendation:

That no objection be raised to the Notice of Intention from Mrs Robyn Donnelly to apply for a liquor licence in respect to the O'Connell Café and Deli, 2431 O'Connell Road, O'Connell.

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**A3. APPLICATION FOR REFUND OF DEVELOPMENT AND CONSTRUCTION
CERTIFICATE APPLICATION FEES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PR153.16
Prepared by Jaclyn Burns 24 November, 2008**

The Black Springs Rural Fire Brigade by letter dated 28 October 2008 (**Attachment A3**) has referred to its recently approved Development Application 58/09 for the construction of additions to the Black Springs Rural Fire Brigade Station at 16 Reserve Avenue, Black Springs and has requested a refund of the application fees paid. The grounds for the request are essentially that:

“The Black Springs Rural Fire Brigade is a Voluntary organisation serving and protecting the community and these funds would assist with the fitting out of the proposed training and meeting facility.”

Council’s records indicate that the following fees were paid on 29 October 2008 in respect to Development and Construction Certificate No 58/09 for which receipt number 117942 was issued:

Development Application	\$209.00
Construction Certificate	\$ 96.00
Compliance Certificates	\$172.00
Occupation Certificate	\$115.00
Section 68 Application	\$138.00
(Waste water disposal)	
TOTAL	\$730.00

It is noted that the fees charged and received are for the assessment and determination of the Development Application, Construction Certificate and On-site Waste Water disposal application and for carrying out inspections of building work and the issue of compliance certificates.

The Council’s Policy Manual incorporates the following policy in respect to the refund of development application fees:

Policy No 3119: Refund of Fees - Withdrawn Development Applications.

This policy which was adopted on 20 February 1990 and revised on 12 August 2008 provides as follows:

- 1) *No refund of Development Application fees will be given if the application has been dealt with and a “Notice of Determination of a Development Application” has been issued.*
- 2) *A refund of 50% of the Development Application fees will be given if the application is withdrawn in writing within 5 days of lodgement (and) prior to determination.*

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- 3) *A refund of 25% of the Development Application fees will be given if the application is withdrawn in writing after 5 days of lodgement and prior to determination.*

The Black Springs Rural Fire Brigade's request does not conform to the provisions of this policy because:

1. The development application has been determined; and
2. The application was not withdrawn prior to determination.

However, the Policy Manual also contains the following policy:

Policy No 2209: Financial Assistance

This policy was adopted on 14 August 2007 and provides that its intent is:

To provide financial assistance to local activities and services which improve the community's well-being while ensuring that the provision of financial assistance is in accordance with the requirements of the Local Government Act 1993 and that allocations of public funds are made in a consistent, equitable and transparent manner.

Having regard to these circumstances it will be recommended that the Council determine the request.

Recommendation:

That the Council determine the request by the Black Springs Rural Fire Brigade to refund application fees totalling \$730.00 paid on 29 October 2008 in respect to Development Application, Construction Certificate and On-Site Waste Water (Section 68) Application No 58/09.

**A4. SCOOTER STORAGE AT CURTIS STREET AGED UNITS
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C22.1
Prepared by Jaclyn Burns 24 November, 2008**

On the 17 November, 2008 Council staff received a request by the Oberon RSL Sub- Branch on behalf of Mrs Jean Driscoll a tenant of Unit 2 at the Curtis Street aged care units, Oberon (**Attachment A4a**).

The correspondence requests Council's consideration for the provision of a secure area for Mrs Driscoll and the tenants of the Curtis Street units for the storage of electric motor scooters.

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Currently (as depicted in **Attachment A4b**) the units are only provided with a four (4) bay carport which are currently not used by any of the existing tenants.

Council staff have reviewed the request and have considered a number of options in assisting Mrs Driscoll with her request. It appears that the easiest and most cost effective method of solving this issue would be to enclose one bay (preferably the northern bay) and provide a roller door. The carports are of inadequate size to enclose as garages but would suffice as secure storage for one or more scooters. Furthermore should the tenants change and under cover car parking be required, then the carports could be extended in the future.

A preliminary quote has been received by a local builder with an estimate of \$3,000 to carry out the required works to the northern most bay. These works consist of enclosing two sides and installing a roller door with colour bond sheet cladding. Currently there are adequate funds available in reserve to carry out these works, and therefore staff will authorise for these works to be undertaken

Recommendation:

That the information be received and noted.

**A5. SECTION 96 MODIFICATION APPLICATION NO 22/09 – MODIFICATION TO DEVELOPMENT APPLICATION 165/02 2 LOT SUBDIVISION
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PO7.10 & DA22/09
Prepared by Ralph Tambasco on 2 December 2008**

Premises: Lot 37 DP 845055
10 Blenheim Avenue, Oberon
Applicant: Mr. Terrance James Sloane and Mrs Pamela Faye Sloane
Zone: 2(v) Village

Development Application 165/02 was approved by Council on the 8 October 2002 for a two lot subdivision of Lot 37 in DP 845055. The proposal was to create proposed Lot 1 of 1.673 hectares and proposed Lot 2 of 2.659 hectares.

A copy of the proposed lots is attached (**Attachment A5a**).

The Subdivision Certificate was released by Council on the 19 December 2007; however the owners did not register this subdivision with Land and Property Information NSW.

Instead, on the 13 August 2008, the owners submitted a modification application (Development Application 22/09) pursuant to Section 96 of the Environmental Planning and Assessment Act to amend the proposed layout and size of the lots, as follows:

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- a) Reduce the area of proposed lot 1 in DA 165/02 from 1.673 hectares to 7,045 square metres (proposed Lot 10 in DA 22/09)
- b) Increase the area of proposed lot 2 in DA 165/02 from 2.659 hectares to 3.626 hectares (proposed Lot 11 in DA 22/09)

A copy of the proposed amended lot layout is attached (**Attachment A5b**).

The modification application was notified to adjoining and adjacent property owners and no objections were received.

Therefore staff approved the modification application by amending (3) conditions of the original Development Application 165/02. The most important amended condition was Condition 3 which relates to the connection of the proposed lots to Council's reticulated sewer.

Original Development Application 165/02

Owing to the original lot sizes of proposed Lots 1 and 2 of this application (i.e. 1.673 hectares and 2.659 hectares respectively), staff approved the future disposal of effluent on site subject to the submission of a satisfactory wastewater report that demonstrated the suitability of each proposed lot to accommodate on site effluent disposal of domestic effluent.

In reaching this decision to allow the proposed lots to have on-site effluent disposal for future dwellings, staff considered the requirements of Clause 17 of the Oberon Local Environmental Plan 1998 (LEP 1998). Clause 17 states as follows:

"17 Subdivision for the purpose of dwelling-houses on land in Zone No 2 (v)

- (1) *A person must not subdivide land within Zone No 2 (v) to create an allotment that the Council is satisfied is intended to be used for the purpose of a dwelling-house unless:
 - a. *The allotment has an area of 600 square metres or more and will be connected to the Council's reticulated service, or*
 - b. *Where no such sewerage service is available, the allotment has an area of 2,000 square metres or more, the allotment is physically suitable for the on-site disposal of domestic wastewater and the opinions of the Environment Protection Authority and Department of Health about the suitability of the land for on-site disposal of domestic wastewater have been obtained and taken into consideration before consent was granted for the subdivision."**

As stated in subclause 1(b) of Clause 17, Council can allow allotments that have an area of 2000 square metres or more in the 2(v) Village Zone that do not have a sewer service available, to have on-site effluent disposal provided that the allotment is physically suitable and that the opinions of the Environment Protection Authority (now Department of Conservation and Climate Change) and the Department of Health (now NSW Health) have been obtained and considered by staff.

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These responses were received by staff and both responses at the time were favourable to future on-site effluent disposal. Consequently, the application was approved.

Modification Development Application 22/09

As stated previously, the modification application to amend the lot layouts was approved by staff on the 2 September 2008. However, owing to the reduced area of proposed Lot 10 (7045 m²), staff amended original Condition 3 of DA 165/02 to require the installation of a sewer rising main and associated packaged pumps to enable the effluent from future dwellings to be pumped into Council's sewer main.

The owners have now written to Council requesting a variation to Clause B.9.3 of Development Control Plan 2001 (DCP 2001) to enable the proposed lots to have on-site effluent disposal rather than be connected to Council's Sewer Main.

Clause B.9.3 of DCP 2001 states as follows:

"B.9.3 Waste Water Disposal

Each allotment created in the Oberon Village shall be connected to Council's sewerage reticulation system.

Where reticulated sewerage is available Council will require connection to the system at full cost to the developer."

A copy of the owners letter is attached (**Attachment A5c**).

The owner has submitted an amended Geotechnical Report from Calare Civil Pty Ltd in support of his application to amend clause B.9.3 of DCP 2001. The report indicates that both proposed lots 10 and 11 are suitable for on-site effluent disposal.

In accordance with Clause 17 of the OLEP 1998, staff once again notified DECC and NSW Health of the amended proposal. Both DECC and NSW Health have responded and a copy of the responses is attached (**Attachment A5d**).

The response from NSW Health indicates that although it is their preference that any residential property which is connected to reticulated town water also be connected to a reticulated sewerage scheme, NSW Health in this particular case has no objection to the amended proposal, provided that Council can satisfy itself that any future wastewater on the sites can be disposed of satisfactorily without leading to a public health nuisance.

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The letter from DECC indicates that their response to Council dated 1 October 2002 still stands, however DECC supports the connection of residential lots within 2 kilometres of a reticulated sewerage system to that system. The letter goes on to say:

“Further It is unclear if the site assessment has used appropriate conservative percentiles of rainfall and evaporation or relied on median data and hence increasing the risks of seasonal water logging and below optimum performance of the proposed systems.”

This matter was discussed with Mr. John Armitage of Calare Civil and minor amendments were made to the original Geotechnical Report to cater for the DECC comments. A copy of the amended Geotechnical Report is attached (**Attachment A5e**).

Location of Council's Sewer Mains

There are two Council Sewer Mains located in the vicinity of the lot. One sewer main is located in Blenheim Avenue upstream from the proposed lots and hence Condition 3 of Modification Development Application 22/09 required the installation of a sewer rising main and associated packaged pump station with macerator type pumps for future dwellings.

Another sewer main is at the rear of several allotments in Tarana Crescent. The location of the Council Sewer Mains is attached (**Attachment A5f**). However the applicant does not have access to this Sewer Main by gravity feed and therefore it cannot be used to service the proposed lots.

Councillors will need to decide whether or not it is appropriate for one or both proposed lots to be connected to the reticulated sewer given the existence of the following conditions:

- a) The land is in the 2(v) Village Zone.
- b) The land will have a reticulated town water supply.
- c) Seasonal water logging characteristics of Oberon's soils given the location of the subject land.
- d) Potential failure of the future effluent disposal area, particularly on the smaller proposed lot 10 could lead to public health nuisances such as water pollution.

Recommendation:

That clause B.9.3 of Oberon Development Control Plan 2001 be varied to enable a future dwelling on proposed lots 10 and 11 of Modification Development Application 165/02 to have on-site wastewater disposal.

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Mayor

A6. AMENDMENT TO FEES AND CHARGES SCHEDULE – ITEM 19 “SWIMMING POOL ENTRY FEES”

Staff Report to the 16 December 2008 Ordinary Meeting

File No. D55.3.1

Prepared by Ralph Tambasco on 4 December 2008

Item 19 of Council’s Fees and Charges Schedule of its Management Plan requires amendment to include the following swimming pool programs and fees.

- 10 days, 30 minute shared private lesson - \$205.00.
- 10 days, 30 minute shared private lesson, with Season Pass - \$155.
- 10 day Squad/Lifeguarding/Water Safety Program (min of 6) – 1 hour duration with Season Pass

\$65 1st Child

\$58 2nd Child

\$48 3rd Child

The above programs and fees have been included in the “Dolphin Swim School” pamphlet, however, they were inadvertently excluded from the Fees and Charges Schedule of the 2008/2009 Management Plan.

Recommendation:

That the Dolphin Swim School programs and fees that were not included in the 2008/2009 Management Plan be advertised in accordance with the Council’s statutory obligations under the Local Government Act.

A7. AMENDMENT TO FEES AND CHARGES SCHEDULE – SHOWER TOKENS IN ABLUTION FACILITIES AT OBERON SWIMMING POOL

Staff Report to the 16 December 2008 Ordinary Meeting

File No. D55.3.1

Prepared by Ralph Tambasco on 4 December 2008

A situation has developed at the Oberon Pool whereby children are purchasing numerous 20c tokens for the shower cubicles. Some children are showering 3 or 4 times in the afternoon, re-entering the pool on each occasion after showering.

According to staff, children are using the showers to keep warm after getting out of the pool and prior to re-entering the pool. It is very difficult for staff to monitor the number of times children are using the showers. The showers are set for a maximum of one minute for every 20c token.

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General Manager

Mayor

To prevent the unnecessary use of the showers, it is suggested that the cost of the shower tokens be increased to \$1.00 (one dollar) and that tokens be given to the children on the condition that they don't re-enter the pool once they have showered.

The situation is restricted mainly to children as adult patrons do not use the showers as often as the children.

Recommendation:

That the amended fee of \$1.00 for shower tokens at the Oberon Swimming Pool be advertised in accordance with its statutory obligations under the Local Government Act.

A8. DEVELOPMENT APPLICATION 06/05 FOR A PROPOSED THREE (3) LOT SUBDIVISION, MODIFICATION DEVELOPMENT APPLICATION 153/08 & MODIFICATION DEVELOPMENT APPLICATION 26/09.

Staff Report to the 16 December 2008 Ordinary Meeting

File No. PR32.459

Prepared by Janet Bailey on 5 December 2008

Applicant: John Cranfield
Owner: John Cranfield
Property: Lots 47, 48, 49, 107, 235, 236 & 237 of DP 757050
459 Gingkin Valley Road, Gingkin

Reason for Submission to Council

Council staff on the 1 December 2008 received a request to attach Council's Seal to a Restriction on the Use of land by a Prescribed Authority under Section 88E(3) Conveyancing Act 1919.

Proposed Terms

On the 17 September 2004 Council staff determined Development Application 06/05 for a three (3) Lot Subdivision at Lots 47, 48, 49, 107, 110, 235, 236 & 237 in DP 757050, 459 Gingkin Valley Road, Gingkin. The proposed subdivision effectively excises two (2) lots for the purpose of a dwelling plus residue.

On the 21 May 2008, Council staff determined a Modification to Development Application 153/08. The modification excluded portion 110 of DP 757050 from the original holding as the owner wished to sell Lot 110 to an adjoining neighbour for agricultural purposes only.

The reason why Lot 110 does not have a dwelling entitlement is because it formed part of the original holding in Development Application 06/05 and was going to be included in part of proposed Lot (3) of DA 06/05. A map is enclosed for Council's information (**Attachment A8a**).

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Mayor

However the owner submitted a Modification Application 153/08 to exclude Lot 110 from proposed Lot 3 of Development Application 06/05 and therefore, Lot 110 does not have a dwelling entitlement pursuant to the former Clause 14 of the Oberon Local Environmental Plan (OLEP 1998) and can only be used for agricultural purposes.

Therefore in the determination of the Modification Application 153/05 a number of conditions were attached including:

10. Restriction as to the Use of Land

The provision of a public positive covenant / restriction as to user with Council as nominee in accordance with Section 88 of the Conveyancing Act placing restriction on user relative to Lot 110 that:

- a. *No dwelling house, cottage, other erection or construction or otherwise for the purpose of or capable of use for habitation purposes shall be erected, maintained or allowed to remain upon the land hereby burdened.*
- b. *No person shall dwell or remain in any dwelling house, cottage, other erection or construction or otherwise for the purpose of or capable of use for habitation purposes upon the land hereby burdened.*

Reason: *To ensure that suitable notice is provided to indicate that no dwelling entitlement exists on the burdened land/s.*

On the 1 December 2008 Council staff received a request (by the applicants solicitor) to affix the Seal to the 88(E) instrument signed by the owner of Lot 110, Mr. G. Turnbull.

A copy of the Restriction on the Use of the Land is attached (**Attachment A8b**) and Council staff have reviewed the document and found it to be in order.

Recommendation:

That the Common Seal of the Oberon Council be affixed to the 88(E) Instrument for Mr. Graeme Turnbull for Lot 110 in DP 757050 in relation to Development Application 06/05 and Modification Application 153/08.

A9. ENERGY EFFICIENT HOUSING AWARD FOR THE YEARS– 2005, 2006, 2007

Staff Report to the 16 December 2008 Ordinary Meeting

File No. PR188.1712, PR70.106, PR191.1936 & D50.1

Prepared by Kate Dickson on 3 December 2008

Council's Development Department have recently perused plans of all the completed dwellings from 2 January 2005 to 30 June 2007 in an endeavour to identify designs, which embody the principles of passive solar energy efficient building design in respect to the above award.

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Due to the introduction of BASIX on 1 July 2005, Council has not awarded the Energy Efficient Housing Award since 2005.

However as a result of the Council's resolution at its 9 September 2008 Ordinary Council Meeting, Council has elected to continue with the Energy Efficient Housing Award, and as such staff have reviewed Development Applications with Occupation Certificates for 3 categories determined by financial year, not calendar years:

1. 2005 - Pre-BASIX
2. 2006
3. 2007

The results of this investigation revealed particular conventional dwellings for each year, which have been completed and work well. Each dwelling is energy efficient and provides its occupants with a relatively high level of thermal comfort all year round. The details of the dwelling selected by staff as worthy award recipients are as follows:

2005 Award

Development Application: 312/05, Construction Certificate 17/07

Owner: Binnijig Pty Ltd

Address: 1682 Hazelgrove Road
Oberon NSW 2787
Lot 4 DP 1049016

Builder: Cox's River Constructions

Designer: Andrew Kovac

2006 Award

Development Application/ Construction Certificate: 206/06

Owner: Mr JW & Mrs JE Liddell

Address: 106 Jerula Road
Oberon NSW 2787
Lot 2 DP 1044248

Builder: Paul Dwyer

Designer: Mick English

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2007 Award

Development Application/ Construction Certificate: 119/07

Owner: Robert and Lyndall Pritchard

Address: 1936 Edith Road
Oberon NSW 2787
Lot 1 DP 1109353

Builder: Robert Pritchard

Designer: Robert Pritchard

The applications were judged by staff on passive solar design principles and were given a score based on the Home Energy Rating Checklists. The scores on the BASIX certificates were also considered when deciding on the dwelling that meets the requirements for the Energy Efficient Housing Awards.

A copy of the floor plans and elevation views of the dwellings will be available for viewing by Councillors at the meeting. Due to the size of the plans staff could not copy and include the plans as attachments.

The dwellings have been designed in consideration of the energy efficient principles of passive solar building design. Features of the dwellings include:

Building Orientation and Layout

- (a) The houses face true north (within 15 degrees either side) for the living areas.
- (b) The positioning of the living areas (living zone) to the north, with "wet" areas (except for the laundry) on the southern part of the dwellings.
- (c) Maximised northern glazing whilst minimising southern and western glazing.
- (d) Eaves overhang and window design reduces summer sun access and maximises winter sun access.

Note: The layout could be further enhanced by building a pergola covered with a deciduous vine on the northern side to minimise solar access in the summer.

Thermal Mass

In winter, mass in the concrete floor slabs of the dwellings and the tiled floors on the northern side of the dwellings, absorbs radiated heat from the sun and re-radiates it into the night.

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In summer, the mass absorbs excess heat entering the house, thus cooling the interior. A large thermal mass minimises temperature fluctuations stabilising the internal house temperatures within a more comfortable range.

Building Envelope

An energy efficient home maximises the benefits of the site on which it is placed. The dwellings have been designed and located on their lots to benefit from its natural features.

Northerly aspect, protection from prevailing winds etc, have been considered. Thoughtful post construction landscaping will only augment and improve the thermal performance of the dwelling.

Ventilation and Zoning

The dwellings allow the living zones and the service and sleeping zones to be shut off to prevent unnecessary space heating, which is particularly important in a larger dwelling.

Insulation

The insulation installed in the dwelling traps air to reduce heat transfer and prevent any unnecessary heat loss or gain. The dwellings have R2 bulk wall insulation, and the ceilings are insulated with R4 Bulk insulation.

Recommendation: That:

- 1) The 2005 \$200 Energy Efficient Building Award be presented to Binnijig Pty Ltd for the recent construction of their dwelling at 1682 Hazelgrove Road, Oberon.
- 2) The 2006 \$200 Energy Efficient Building Award be presented to Mr JW & Mrs JE Liddell for the recent construction of their dwelling at 106 Jerula Road, Oberon.
- 3) The 2007 \$200 Energy Efficient Building Award be presented to Mr. Robert and Mrs. Lyndall Pritchard for the recent construction of their dwelling at 1936 Edith Road, Oberon.
- 4) Binnijig Pty Ltd (Mr & Mrs Davey) Mr & Mrs Liddell and Mr & Mrs Pritchard be invited to the Ordinary Meeting of Council on the 20th January 2009 for the presentation of the Awards and Certificates by the Mayor.

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General Manager

Mayor

**A10. DEVELOPMENT APPLICATION 198/06 FOR A PROPOSED FOUR (4) LOT
SUBDIVISION**

Staff Report to the 16 December 2008 Ordinary Meeting

File No. PR198/06

Prepared by Janet Bailey on 8 December 2008

Applicant: William Charles Bell
Owner: William Charles Bell
Property: 1534 Sewell's Creek Road, O'Connell 2795

Reason for Submission to Council:

Council staff on the 8 December 2008 received a request to attach the Common Seal of Council to a Section 88B Instrument under the Conveyancing Act 1919.

Proposed Terms:

On the 21 August 2006 staff determined Development Application 198/06 for a four (4) Lot Subdivision at Lot 12 in DP: 1045100 1534 Sewell's Creek Road, O'Connell. The proposed subdivision effectively excises three (3) lots for the purpose of a dwelling plus residue. This is a staged consent with Stage One (1) to excise proposed Lot One (1) and Two (2). Attached is a map of the subdivision (**Attachment A10a**) and location (**Attachment A10b**).

In the determination of the application a number of conditions were attached including:

Condition 6 – Restriction to User

A draft of the proposed terms of a Restriction to User under section 88B of the Conveyancing Act, for the proposed subdivision signed by the owners, shall be submitted to Council with the Subdivision Certificate application.

The restriction to user (benefiting Council) shall prevent the existing timbered areas of Lot 1 and 2 from being cleared (unless consent is obtained), built upon or used for the disposal of effluent.

REASON: To finalise the terms and approve the proposed restrictions prior to the registration of the subdivision.

This condition was imposed because the majority of the land is environmentally sensitive (**Attachment A10c**).

A copy of the 88B Instrument is attached (**Attachment A10d**) and Council staff have reviewed the document and found it to be in order.

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General Manager

Mayor

Recommendation:

That the Common Seal of the Oberon Council be affixed to the 88B Instrument in relation to Development Application 198/06 for a proposed Four (4) Lot Subdivision of Lot 12 in DP: 1045100 (staged), 1534 Sewell's Creek Road, O'Connell.

**A11. STATE ENVIRONMENTAL PLANNING POLICY NUMBER 1 APPLICATION 142/08 –
IN SUPPORT OF DEVELOPMENT APPLICATION 171/07 FOR A DWELLING
Staff Report to the 16 December Ordinary Meeting
File No. PR159.9
Prepared by Jaclyn Burns on 8 December 2008**

Property: Lot 115 in DP: 757050, 9 Luney Rd, Edith.
Proposal: Construction of a dwelling
Zone: Rural 1a
Applicant: Ms. H. Jamieson

Reason for Submission:

At its October, 2008 Ordinary Meeting, Council resolved, in respect to the determination of Development Application 171/07 and State Environmental Planning Policy Number 1 (SEPP1) Application (DA142/08) that:

“That the General Manager and staff mediate with the applicant and the objectors and provide a further recommendation to Council for determination.”

Accordingly in accordance with that recommendation mediation was held with the applicant, both objectors and Council's General Manager and Senior Development Control Officer. A copy of the original staff report is attached (**Attachment A11a**).

History:

On the 9 April 2008 Council Staff received Development Application 171/07 for the construction of a proposed dwelling on the abovementioned premises and within 100 metres of the high water mark of a water body listed in Schedule 1 of Oberon Local Environmental Plan 1998, (Buckemall Creek). Accordingly to enable determination of DA 171/07, a State Environmental Planning Policy Number 1 (SEPP1) Application (DA142/08) seeking a variation to Clause 18 of OLEP 1998 and to clause B14.12.9 of Development Control Plan 2001 (DCP 2001) has been submitted.

As Council staff do not have delegation to determine the Development Application in this instance as two submissions have been received from adjoining owners in respect to the SEPP1 Application (DA142/08) and because the applicant has requested a variation to DCP 2001, the application is referred to Council for determination.

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General Manager

Mayor

Accordingly, Council must establish if strict compliance with Clause 18(1)(b) requiring a minimum distance of 100 m to Buckemall Creek is unreasonable or unnecessary in this instance. It is the opinion of Council staff that, in this case, strict compliance with the development standard is considered unnecessary and would not tend to hinder or undermine the objectives of SEPP1, nor the aims and objectives of the Rural 1(a) Zone in the OLEP 1998.

Furthermore the applicant has also requested a variation to Clause B14.12.9 of DCP 2001 in respect to Boundary Setbacks to adjoining properties. Whilst this variation does not require the submission of a SEPP1 the applicant has requested the application consider all departures from Council's Planning policies. However, in an effort to locate the dwelling at the furthest point from Buckemall Creek, the dwelling has been sited 10 metres from Zita Road and 10 metres from Luney Road instead of 50m as required by the DCP.

Discussion:

During mediation the main issues of concern raised by the objectors (Mr and Mrs Murphy and Mr Fisher-Smith) were openly discussed and are summarised as follows:

Murphy (original objection - **Attachment A11b**)

- Location of dwelling 10 metres from boundary of property
- Location of the dwelling 100m from Buckemall Creek and possible future contamination from the on-site Waste Water System.
- Objectors were under the impression when land was purchased that property did not have a dwelling entitlement
- Unauthorised existing shed and unauthorised improvements to the existing shed
- The effect of the development on views of surrounding country side and aesthetics

Subsequent Fax Dated 21/10/2008 from Mr Murphy:

- Requested review of Council Officers recommendation
- Request clarification of "Original Holding"

Fisher-Smith (original objection - **Attachment A11c**)

- Concerns in relation to the On-Site Wastewater system.
- Concerns that proposal consists of three individual dwellings
- Unauthorised shed construction.

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General Manager

Mayor

During the mediation, the objectors and Council staff were able to satisfactorily discuss and address the majority of the issues. The only concerns that had not been resolved through mediation were the 10 metre setback from the boundary (Murphy) and the proximity of the on-site waste water disposal system to Buckemall Creek (Murphy and Fisher-Smith).

Accordingly, Council staff gave the objectors an opportunity to again raise their concerns for consideration at a forthcoming Council meeting and as such another objection was received from Mr and Mrs Murphy in regards to the boundary setbacks (**Attachment A11d**) which maintains that the 10m setback from Luney Road “..brings houses too close together..” and that the dwelling should be cited 100m from Buckemall Creek.

Furthermore the applicant has engaged the services of Dr. Robert Patterson of Lanfax Laboratories to assess the proposed on-site waste water disposal system. The report indicates that the existing method of disposal (septic tank and trench) provides a “..low risk to Buckemall creek...” (**Attachment A11e**)

In response to the further objection by the Murphy's the applicant has responded to their concerns in attachment e, essentially supporting the design proposal.

Conclusion:

In consideration of the issues raised by the objectors, the additional information provided by the applicant and Section 79C of the Environmental Planning and Assessment Act 1979 Council staff still maintain that the development should be favourably determined in consideration of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, and the suitability of the site for the development, accordingly the following recommendation is made:

Recommendation:

- (a) That the SEPP1 proposal to vary the setback of the proposed dwelling to Buckemall Creek from 100 metres to 65 metres in accordance with the requirements of Clause 18(1)(b) of OLEP 1998 be supported with assumed concurrence of the Department of Planning for the proposed dwelling at Lot 115 in DP: 757050, 9 Luney Road, Edith.
- (b) That Clause B14.12.9 of Development Control Plan 2001 be varied to allow the dwelling on Lot 115 in DP: 757050, 9 Luney Road, Edith to be located at a distance of 10 metres from the boundaries of Zita Road and Luney Road.

This is Page No. 20 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 16 December 2008 commencing at 5.30 pm.

General Manager

Mayor

A12. COMPLAINTS CONCERNING USE OF PREMISES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PO 11.59-61
Prepared by Stewart West on 9 December 2008

Premises: Lots 35 & 36 in DP 2364, Section B, No 59-61 Carrington Avenue, Oberon
Zone: 2 (v) Village

A report was submitted to the Council at its Ordinary Meeting held on 11 November 2008 dealing with the abovementioned matter. The Council consequently adopted the report's following recommendations:

1. *No further action be taken in the personal dispute between the McMahon's and the Kilby's.*
2. *Mrs M Kilby be advised as suggested in response to items 2, 3 and 4 of her "questions on notice".*
3. *A further report be submitted in due course in respect to the use of premises situated at 59-61 Carrington Avenue, Oberon.*

Correspondence dated 18 November 2008 containing tabulated suggested activities submitted by both parties was forwarded to them with a request that they respond with their comments within 14 days, i.e. by 2 December 2008.

A response dated 26 November 2008 was received on 1 December 2008 from Mr B & Mrs M Kilby. However, at the date of this report (9 December) a response has not been received from Messrs AR & RH and Mrs LE McMahon.

A further report will be submitted to Council in due course.

Recommendation:

That the information be received and noted.

B1. POLICY REVIEWS
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A1.2.7
Prepared by Toni Dwyer on 5 November 2008

Policy 1103 – Payment of expenses for Mayors and Councillors.

Council resolved at its Ordinary Meeting on 21 October 2008 to advertise its intention to adopt its above policy.

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General Manager

Mayor

The policy has been advertised for the required period and no submissions were received.

Recommendation:

That Policy Number 1103, Payment of Expenses for Mayors and Councillor's Policy be adopted in the reviewed format as advertised.

B2. EARTHWORKS FOR SPORTS FACILITY
Staff Report to the 16 December 2008 Ordinary Meeting
File No. E34.9.1
Prepared by Leigh Robins on 14 November 2008

Council has requested a preliminary indication of earthworks costs for the proposed indoor recreation centre.

The amount of fill is dependent upon the final flooring system being determined. If the whole site were filled to an under slab level the earthworks would cost \$46,000. Filling beneath the activity rooms only (for a sprung court floor) would cost an estimated \$12,000.

Recommendation:

Submitted for Councils consideration

B3. RURAL FIRE SERVICE STRUCTURE
Staff Report to the 16 December 2008 Ordinary Meeting
File No. F90.1
Prepared by Leigh Robins on 20 November 2008

A report on the structure and committee system of the Rural Fire Service was requested at Council's meeting of 11 November 2008. The overriding committee is the Bush Fire Coordinating Committee and membership is as shown in **Attachment B3a**.

Bush Fire Management Committees (BFMC's) are committees established under the provisions of the Rural Fires Act 1997 and the Rural Fires Regulation 2002 (the Act and Reg).

BFMC's are not council committees, nor are they Rural Fire Service committees; they are responsible to the Bush Fire Coordinating Committee (BFCC). BFMC's are subordinate committees to the BFCC and are subject to its directions.

BFMC's are groups of people with technical expertise, experience and local knowledge who work together for bush fire management purposes, and who can collaboratively develop better bush fire management decisions than any one acting alone.

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General Manager

Mayor

Members are drawn from particular organisations and agencies, as specified by the Act. Each person is there to ensure the best bush fire management outcomes for the community, while also aiming to represent their agency and to achieve outcomes that are advantageous to them.

The current Chifley Zone BFMC membership is shown in **Attachment B3b**. The RFS staff have advised that Oberon Council is entitled to have two representatives attend the BFMC meetings.

The Chifley Zone Liaison Committee consists of 13 members as follows:

- (a) Two Councillors from each of the Councils appointed by resolution of the Councils;
- (b) The General Managers of each of the Councils or his or her delegate;
- (c) Two volunteer rural fire fighters from each of the Districts appointed by the local branch of the NSW Rural Fire Service Association Inc ("the RFSA"), or, in the absence of a local branch of the RFSA, elected in accordance with the applicable Service Standard;
- (d) Two members of the Service staff assigned to the Zone nominated by the Zone Manager and approved by the Commissioner; and
- (e) The Zone Manager who will be the committee's Executive Officer.

The Chifley Zone Liaison Committee charter is to:

- (a) Monitor and periodically review the performance of Rural Fire District Service Agreement by the Councils and the Service;
- (b) Review the following documents prepared by the Zone Manager prior to submission to and consideration by the Councils:
 - (i) The annual budget and business plan; and
 - (ii) The quarterly financial and performance reports.

The procedures for calling meetings and the conduct of business at those meetings shall be determined by the Liaison Committee.

Minutes of each meeting of the Liaison Committee must be circulated to each of the Councils; the members of the Liaison Committee and the Commissioner within 2 weeks of the meeting.

The Liaison Committee is not a committee of the Council or of the Service.

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General Manager

Mayor

Council's representatives on the Chifley Zone Liaison Committee are Councillors Francis and McCarthy, Leigh Robins and Amanda McGrath.

And finally, there is an Operations and Planning Committee. Council's current representative is Leigh Robins. Two Councillors are listed as members but these positions have not been filled to date.

The role of the Operations and Planning Committee is to provide advice, to assist the Operations Officer to identify how equipment resources are allocated across the District. The Committee is to meet quarterly or as required.

The members to make up of the Committee and their Alternatives:

Member	Alternative
Inspector – Operations Officer	Superintendent – Zone Manager
Operations Support Officer	
Senior Group Captain	Or his delegate if applicable
Group 6	Deputy Group 6
Group 7	Deputy Group 7
Group 8	Deputy Group 8
Captains Group Chairperson (if applicable)	
Council Staff Representative	
Two Councillors	
Other Guests as Required (no voting rights)	

The committee is to discuss the following items as recommendations, to the Operations Officer.

1. Fleet issues including recommendations from the Standards of Fire Cover Report
2. Communication Requirements
3. Paging Service
4. CABA Requirements if applicable
5. Major Station Renovations
6. Operations Standard Operating Procedures
7. Other Major Operational Equipment Items

Recommendation: That:

1. Two Councillors be nominated to be delegates on the Chifley Zone Bush Fire Management Committee.
2. Two Councillors be nominated as delegates on the Operations and Planning Committee.
3. The RFS be advised of Councils Delegates on the BFMC and the OPC.

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General Manager

Mayor

B4. B-DOUBLE ACCESS – BURRAGA AREA
Staff Report to the 16 December 2008 Ordinary Meeting
File No. R256.1, R45, R40, R224
Prepared by Leigh Robins on 25 November 2008

During questions from the public at the November 11 2008 Ordinary Meeting, Mr. Mason from Pegela Pastoral Co requested whether the B-Double application could be reconsidered on the basis of safety and reduced traffic movements. The information provided shows the reduction in truck movements if the route is approved;

	<i>Semi</i>	<i>B-Double</i>
Stock	210	135
Grain	315	234

Recommendation: That:

1. For access to B-Double vehicles between Oberon and the Australian United Timbers site via Abercrombie Rd, Campbell's River Rd, Arkstone Rd and Burraga Rd be granted subject to:
 - (a) Intersection widening to cater for the left turn from Arkstone Rd into Campbell's River Rd.
 - (b) Relocation of the property entrance to provide 225m stopping sight distance in each direction.
2. Approval for access to B-Double vehicles between Oberon and "Ballyroe" via Abercrombie Rd, Campbell's River Rd and Arkstone Rd be granted subject to intersection widening to cater for left turn manoeuvre from Campbell's River Rd into Arkstone Rd.
3. Council resources be used to provide the widenings and new entrance at cost for each of the applicants.

B5. UNDERGROUND ELECTRICITY POLICY
Staff Report to the 16 December 2008 Ordinary Meeting
File No. E31.1
Prepared by Leigh Robins on 27 November 2008

Council at its 13 May 2008 Ordinary Meeting considered a report in respect to Underground Electricity Policy and resolved that the information be received and noted and referred to the incoming Council to form a policy on this issue. The report is now re-submitted for Council's consideration.

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General Manager

Mayor

For some time Council has had a policy to provide new subdivisions in Oberon with underground electricity supply.

There has been a nominal annual budget allocation to facilitate undergrounding of house services when other civil works are being constructed by Council.

Whilst conduits can be installed for future undergrounding, connection through the adjoining property to the meter box either overhead with a new boundary service pole or underground must be completed at the owner's expense.

This report is endeavouring to seek clarification from Council about the direction Council wishes the undergrounding to proceed.

Recommendation

Submitted for discussion.

B6. 2009 YOUTH WEEK IN NSW
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.2
Prepared by Bruce Fitzpatrick on 2 December 2008

The NSW Department of Community Services has written to advise that \$1230.00 (excluding GST) has been made available to Oberon Council as a contribution toward the cost of 2009 Youth Week in NSW activities (**Attachment B6**).

The funding is contingent on Council matching the amount on a dollar for dollar basis. Last year's funding was spent on a Youth Workshop as part of 'The Common' project.

A survey of youth aged 12 to 24 years has been undertaken with the High Schools and a series of activities have been identified by the youth. One of the more popular activities is Video Making and preliminary discussions have taken place with the EDO to investigate opportunities to facilitate a Video Making workshop in conjunction with Charles Sturt students.

Recommendation

That the offer from the NSW Department of community Services for a \$1230.00 contribution toward the cost of 2008 Youth Week activities at Oberon be accepted and the funding matched on a dollar for dollar basis.

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General Manager

Mayor

B7. SUBSTATION EASEMENT
Staff Report to the 16 December 2008 Ordinary Meeting
File No. E31.13
Prepared by Leigh Robins on 3 December 2008

Country Energy has requested permission to house a 750 kVa substation within the Dart Street carpark.

As well as providing power supply to the adjacent supermarket the substation will potentially enable high voltage and low voltage reticulation to be "ring mained" thus providing greater security for other commercial users in Oberon Street.

The substation is proposed to be located in the south west corner of the carpark with the easement being 7 m x 4.2 m. The area required would result in the disabled parking bay shifting 4m to the north. In addition a 2 m wide easement will be required over the length of the carpark as well as an easement over Cook Park to facilitate connection to the Cook Park substation.

Recommendation:

1. That easements to house an electrical substation and underground reticulation in the Dart Street carpark and Cook Park be granted to Country Energy.
2. All costs associated with the easement creation be borne by Country Energy.

B8. AGED CARE UNITS – BALFOUR STREET
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C22.1
Prepared by Leigh Robins on 4 December 2008

Following the Land Development Committee meeting on 3 December 2008 an inspection of the Aged Care Units in Balfour Street was undertaken with Councillors McCarthy and Councillor O'Bernier.

A proposal to provide two garages for "gopha" storage as well as a utility/general covered area was discussed.

Some filling would be required and it is envisaged the proposed garages would cost an estimated \$17,000. The Aged Care reserve has a current balance of \$225,866.

Recommendation:

That \$17,000 be allocated from the Aged Care reserve for the construction of two garages at Balfour Street units.

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General Manager

Mayor

B9. OBERON – HAZELGROVE WALKING TRACK
Staff Report to the 16 December 2008 Ordinary Meeting
File No.
Prepared by Leigh Robins on 4 December 2008

Following a recent meeting with the ARTC Regional Property Manager, it was agreed that a lease would be drafted for the walking track area and the rail area between Oberon and Black Bullock Road.

Immediately north of Clover Lane, an exiting property access is located on the alignment of the walking track for approximately 30 m. This property with dwelling is identified as Lot 3, DP 1080554. This access is permitted by an Occupation Licence which requires the occupier to hold Public Liability insurance. The ARTC advised that with Council proposing to hold a lease over the length of the track, access to this property can be maintained by a sublease.

Recommendation:

That upon securing a lease over the walking track corridor between Oberon and Hazelgrove Stations, a sublease to provide access to Lot 3 DP 1080555 be granted.

B10. FRIENDS OF THE OBERON LIBRARY
Staff Report to the 16 December 2008 Ordinary Meeting
File Nos. A2-1, C20.1
Prepared by John Chapman on 4 December 2008

The attached letter (**Attachment B10**) from the Friends of the Oberon Library was considered by the Library Committee meeting held on 2 December 2008. The committee's recommendation to Council is "*That Council consider the Oberon Friends of the Library's request to become an incorporated body*". In order for Council to properly consider the matter, it was considered appropriate that this report be prepared to provide further information.

Friends of the Oberon Library were established in 2001 and currently operate under Section 355 of the Local Government Act as a Sub Committee of the Library Committee. Meetings are held as required. The Sub Committee has the power to appoint its own members – the Library Manager is an ex-officio member of the Executive.

The objects of Friends of the Oberon Library are:

- To assist the Library to develop, maintain and enhance strong bonds with the community.
- To sponsor events and activities.
- To provide special gifts and other items for the Library.
- To encourage gifts, endowments and sponsorship arrangements.

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General Manager

Mayor

- To promote activities for volunteers.
- To organise Library book sales.
- To raise funds for the Library.
- To act as an advocate and lobbyist.

As a result of their fundraising activities, the Friends have been able to contribute to the operation of the library, having purchased the following equipment during the period from 2001 to 2009:

Scanner	163
Videos	633
Microwave/Toaster	236
Shelving	2,365
Pamphlet Racks	1,000
Trolley	180
Digital Camera	272
Baby Change Table	662
Camera/LCD TV	836
	\$6,346

The group has been “rejuvenated” in recent months, has become affiliated with Friends of Libraries Australia Inc., and plans to continue to provide support to the operation of the library. In order to better facilitate their support, a request has been received for Council’s support in an application to become an incorporated body. The advantages outlined by the Friends include:

- Ability to apply independently for grants.
- Ability to apply for a permit to conduct raffles etc to assist in providing a better scope for fundraising.
- Saving in time spent by Council staff in administration of the Friends’ funds.

Assistance is being sought from Council by:

- Payment of the necessary fees etc for the incorporation process. These are:
 - Incorporation Fee \$105
 - Name Reservation \$40
 - Annual Fee to Lodge Statement \$45
- Provision of funds annually to cover Public Liability Insurance. The initial estimate for this indicates an annual premium of \$729. Staff are currently investigating alternatives and more information will be available at the Council meeting.
- Transfer of funds held in trust (currently \$3,809.80) by Council to the Friends’ for their use in providing support to the Library.

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General Manager

Mayor

Recommendation: That:

1. Council support the application by Oberon Friends of the Library to become an incorporated body,
2. The initial fees associated with the incorporation of Oberon Friends of the Library (totalling \$145) be met by Council,
3. The balance of funds held in trust for the Oberon Friends of the Library be transferred to the newly incorporated body and
4. Council consider the payment of the annual Public Liability Insurance premium for the Oberon Friends of the Library after further investigations into the cost have been completed.

B11. OBERON TIP – HOURS OF OPERATION
Staff Report to the 16 December 2008 Ordinary Meeting
File No. E35.1
Prepared by Leigh Robins on 8 December 2008

By letter dated 29 November 2008, Mr. Bob Wilson has written to request a change in Council's Oberon Tip hours of operation.

Mr. Wilson has suggested in his letter that as Saturday morning is the time that out-of-towners traditionally come to town to shop, pick up the papers, go to the monthly market etc, so they could easily incorporate a trip to the tip into a journey they would be making anyway.

He has also suggested that a yes/no questionnaire in a rates notice would determine the general response from the community to the suggestion.

Whilst understanding the reasons for the request, a change of opening hours would inconvenience those who work over the day to go to the tip later in the day.

The operators would favour a change as their working day is split under the current scheme.

Rather than a questionnaire in the rates notice it may be appropriate to request comment from the community regarding change of operating hours from 1 pm – 5 pm to 9 am – 1 pm on Saturday and Sunday.

Recommendation:

That community comment be canvassed on altering tip operation hours to 9 am – 1 pm on Saturday and Sunday.

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General Manager

Mayor

B12. OBERON SHOWGIRL COMPETITION
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.3
Prepared by Bruce Fitzpatrick on 8 December 2008

By letter dated 6 November 2008 (**Attachment B12**), the Oberon Show Society Inc. has written to request sponsorship for the Oberon Showgirl competition, which will take place in February 2009.

Council has previously provided \$1500 towards the 2008 event, and funds were used to provide prizes for entrants, including cash prizes and cosmetic baskets.

Funds are available in the donation budget to accommodate this request.

Recommendation:

That \$1500 be provided from Council's donation budget to the Oberon Show Society Inc. to go towards prizes for the 2009 Miss Showgirl Competition.

B13. MULTI-PURPOSE COMMUNITY CENTRE PROJECT
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C21.1
Prepared by Bruce Fitzpatrick on 8 December 2008

Council at its 21 October 2008 reviewed the minutes of the Multi-Purpose Community Centre Public Meeting held on 3 September 2008 and resolved as follows:

1. That the issue of the Multi-purpose Community Centre be deferred to a special meeting at a date to be set to enable the elected members time to gather information and be properly briefed with the view of allowing informed discussion.
2. That staff be asked to evaluate the opportunity of potential grant funding available.
3. That the Committee be thanked for their input.

In accordance with Item 1 of the above resolution, a special meeting will be arranged in January 2009 to fully brief the newly elected Councillors on this project. In accordance with item 3 of Council's resolution, a letter has been forwarded to all Committee members advising them of Council's resolution.

Item 2 asks staff to evaluate the opportunity of potential grant funding. Many grant opportunities (small and large) have passed Council by and continue to become available. At the moment the \$300 million dollar federal grant provides a pool of \$50 million dollars for merit based

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General Manager

Mayor

applications of strategic projects up to \$2 million dollars. Various other grants have also been identified that may be applicable to this project (e.g. NSW Climate Change Fund Public Facilities Program, Creative Communities partnership, NSW \$85million kick-start country program). It is acknowledged that for a project of this size various funding sources may need to be accessed. In the absence of detailed concept plan costing and a Council commitment to this project application and evaluation of grant funding is extremely difficult if not impossible.

The architect appointed to develop the concept plan, Mrs Sue McGregor requires direction to enable her to complete the project for which she was engaged. Council would be aware that cost comparisons between concept 1 and concept 2 were obtained to quantify the differential between the two concepts (i.e. retaining the existing community centre building versus demolishing) and that this revealed a \$434,000 difference. However, a detailed costing has not been obtained for the preferred plan.

The original quote supplied by the architect allowed a component for an enhanced 3D fly-around of the final concept plan to be presented to Council at the conclusion of the project. It has been suggested that rather than utilise the final amount allocated for the project on the fly-around, a detailed costing sufficient for grant applications and financial planning would be a better utilisation of the resources already dedicated to this project. Realistic costs may also facilitate Council's ability to determine their commitment to this project.

Recommendation:

1. That detailed costing be obtained for the Multi-purpose Community Centre, Concept 2 within the scope of the appointment of the Architect Mrs Sue McGregor so that staff can make relevant evaluations of grant opportunities.
2. That a special meeting be arranged in January, 2008 to fully brief the newly elected Councillors on this project and that various consultants, Anne Hopwood and Sue McGregor and a committee representative be asked to be present at this meeting.

B14. PROPOSED INTERNAL AUDIT COMMITTEE
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C15.1 & A1.1.2
Prepared by Bruce Fitzpatrick on 8 December 2008

Attached for your consideration (**Attachment B14a**) is a copy of a report prepared by the General Manager of the Mid-Western Regional Council, proposing the establishment of an Internal Audit Committee as part of the strategic alliance between Oberon, Mid-Western and Lithgow Councils.

Also attached (**Attachment B14b**) is a circular from the Department of Local Government which has established a clear set of guidelines for the operation of such a committee.

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General Manager

Mayor

If the Council is agreeable with this proposal, then for consistency sake it would seem appropriate to adopt the same resolution as that adopted by the Mid-Western Council and that provision be made in the Council's budget for an estimated annual cost of \$20,000.

Recommendation: That:

1. The report be received;
2. Council establishes an Internal Audit Committee in conjunction with the Central Tablelands Alliance (Lithgow City, Oberon Council, and Mid-Western Region) consisting of the following members:
 - The Mayor
 - Two independents:
 - one with financial expertise
 - Mayor of Lithgow or Oberon
 - Two staff members with observer status being:
 - General Manager (or his representative)
 - Manager Finance
3. The General Manager liaise with the other Central Tablelands Alliance members and call for registrations of interest from persons with financial expertise, and then make recommendations to Council.
4. An annual provision be made in Council's budget for \$20,000 to cover the cost of funding the Internal Audit Committee.

B15. COMMUNITY BIKE RIDE
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.1
Prepared by Bruce Fitzpatrick on 8 December 2008

It has been suggested by Councillor McCarthy that Council make arrangements for a push bike ride for members of the Oberon Community during the January School Holidays. The route suggested by Councillor McCarthy is depart Oberon on Hazelgrove Road, ride to Snake Valley Road then across Snake Valley Road to Lowes Mount Road and then back to Oberon concluding the ride at the Oberon Pool. A BBQ lunch could be provided for participants as well as entry to the Oberon Pool at the conclusion of the ride. The suggested date for the event is Sunday 4 January 2009.

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General Manager

Mayor

Recommendation:

That arrangements be put in place for a community push bike ride on Sunday 4 January 2009 including provision for escort vehicles, signage, advertising, BBQ lunch for participants and free entry to the Oberon Pool at the conclusion of the ride.

**B16. REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A5.3
Prepared by Bruce Fitzpatrick on 9 December 2008**

During the recent Australian Council of Local Government Inaugural Meeting the Rudd Labour Government announced a \$300 million funding program to build local community infrastructure in all of Australia's 565 local council areas. A copy of the press release is enclosed for Council's information (**Attachment B16a**).

The funding will be delivered as follows:

- A one off grant of \$250 million allocated to every council and shire for local community infrastructure. Oberon Council's allocated portion of this funding is \$267,000.
- \$50 million strategic projects fund for larger-scale community infrastructure to help deliver an additional injection of investment in communities. This will be allocated via a competitive, application based process.

The process for allocating the \$250 million component will be as follows:

- A letter of offer and request for details of projects will be sent to councils by the Australian Government.
- Councils have until 30 January 2009 to return documentation. In their responses, councils will be required to stipulate that the identified projects are ready to proceed and are additional to current operating budgets.
- Funding will start to be released shortly afterwards and needs to be spent by 30 September 2009.

A full list of guidelines has been released for both the one-off funding component of \$250 million (**Attachment B16b**) and the competitive and application-based strategic projects component of \$50 million (**Attachment B16c**).

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General Manager

Mayor

Council is required to select a suitable project, within the funding guidelines for the one-off funding component of \$267,000, a list of possible projects is provided for Council's consideration:

- Acquisition of the Oberon Rugby Leagues Club grounds to ensure the preservation of sporting fields for the Oberon community.
- Installation of an Adventure Playground at the Common – estimated cost \$125,000.

By letter dated 24 November 2008 (**Attachment B16d**), Arts OutWest has written to encourage councils to consider the need for improvements to cultural infrastructure when considering plans for the allocated funding. Arts OutWest would welcome involvement in the process of identifying suitable projects.

Applications for funding under the competitive and application-based strategic projects component of \$50 million close on 23 December 2008, a list of possible projects is provided for Council's consideration:

- Multi-Purpose Community Centre/Library Development
- Balance of funding for the Multi-purpose Sport & Recreation Centre
- Cover the Swimming Pool to enable year round use by the community.

Recommendation:

Submitted for Council's consideration.

B17. BLUE MOUNTAINS TOURISM
Staff Report to the 16 December 2008 Ordinary Meeting
File No. P73.1
Prepared by Bruce Fitzpatrick on 9 December 2008

Correspondence was forwarded to the Chairman of Blue Mountains Tourism, Mr Randall Walker on 27 October 2008 (**Attachment B17a**).

A response to the letter has now been received from the Chairman of BMTL (**Attachment B17b**) accepting the 10 points made in Council's letter setting out the requirements and arrangements sought to continue Council's participation as a member of the regional tourism organisation. It is pleasing to note that after a considerable period that a satisfactory conclusion now appears to have been reached.

The assistance of the Chairman of BMTL and the Board, together with Wayne Cooper has been greatly appreciated by the Mayor.

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General Manager

Mayor

Recommendation: That:

1. Mr. Wayne Cooper be appointed as Oberon Council's representative on the Blue Mountains Tourism Board and that Mayor Keith Sullivan be appointed as the alternate delegate or observer as required.
2. A letter of appreciation be forwarded to the Chairman of Blue Mountains Tourism thanking him for his assistance.

**M1. HERITAGE COMMITTEE MEETING MINUTES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A2.22
Prepared by John Chapman on 2 December 2008**

The minutes of the Heritage Committee Meeting held on 1 December 2008 are attached.
(Attachment M1)

Recommendation: That:

1. The Director of Development be authorized to proceed with arrangements for the completion of a site plan, floor plans of each building and the main elevational view of the barn at "Lindlegreen" to a limit of \$1,500, to be funded from the Local Heritage Fund.
2.
 - a. The establishment of geographical boundaries for an Urban Conservation Area at O'Connell and "Stratford" be commenced, and
 - b. The former O'Connell School of Arts building and "Stratford" dwelling be listed as items of heritage significance in the new LEP.
3. Mr Peter Dove be appointed as representative of the Black Springs Progress Association on the Heritage Committee.

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General Manager

Mayor

4. The Director of Development be authorized to place orders, funded from the Local Heritage Fund, for:
 - a. Two map signs to be located on Carlwood Road at the intersections with Lowes Mount Road and O'Connell Road at a cost of \$4,990 (excl. GST), and
 - b. Eight single "finger" signs, at a cost of \$5,040 (excl GST) to be located on:
 - i. Beaconsfield Road
 - ii. Bloom Hill Road
 - iii. O'Connell Plains Road
 - iv. O'Connell Road
 - v. Lowes Mount Road
 - vi. Snakes Valley Road
 - vii. Hazelgrove Road, and
 - viii. On the eastern boundary of the Oberon Local Government Area.
5. The listing of the "Macquarie" buildings and curtilage on the O'Connell Road in the new LEP as an item of major heritage significance be investigated.

M2. LIBRARY COMMITTEE MEETING MINUTES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A2.8
Prepared by John Chapman on 3 December 2008

The minutes of the Library Committee Meeting held on 2 December 2008 are attached.
(Attachment M2)

Recommendation:

1. That Council consider the Oberon Friends of the Library's request to become an incorporated body.
2. That Ms Jill Evans be appointed to the Library Committee.

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General Manager

Mayor

M3. EVENTS COMMITTEE MEETING MINUTES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A2.5
Prepared by John Chapman on 4 December 2008

The minutes of the Events Committee Meeting held on 2 December 2008 are attached.
(Attachment M3)

Recommendation: That:

1. The Daffodil Festival of Spring Gardens be included in the events calendar again in 2009.
2. The naming of the new festival be determined by Council after further consideration by members of the committee and the community and verbal report and recommendation to Council; and
3. The following revised draft program be endorsed:
 - February 21-22:
 - Annual Oberon Show
 - Highland Steam & Vintage Fair
 - Visit by Oberon school students to the Oberon Show on Friday afternoon 21st February to participate in an educational tour of the steam engines and collectables
 - February 28-March 1:
 - SEI Ride – Native Dog Station, Wiseman’s Creek
 - March 7-8:
 - The Tablelands Way Oberon Farmers Market
 - Needleworkers Display, potentially in the Anglican Hall
 - The Bullock Flat bed Race (if community support is forthcoming)
 - March 15-22:
 - Seniors Week
 - Date to be determined:
 - Official Opening of The Common terrazzo project (subject to negotiation with the Oberon Arts Council)

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General Manager

Mayor

4. Assistance be provided with the conduct of the 2009 Highland Steam and Vintage Fair by:
- a) Providing cash assistance and/or fuel for transport of equipment up to a maximum of \$6,000,
 - b) Authorisation and physical closure of roads necessary to conduct a street parade of steam and vintage vehicles on Saturday 22nd February 2009,
 - c) Assisting with promotion of the event,
 - d) Seeking funding to offset costs associated with the event,
 - e) Providing the use of Council's low loader (within its load capacity) and driver to transport engines from/to local areas, and
 - f) Provide temporary storage at Council's depot for selected vehicles participating in the fair.

Funds to be provided from savings in the 2008 Daffodil Festival of Spring Gardens budget (\$2,916) and balance from the budget allocation for the new festival.

5. a) Ms Jill Evans be appointed to the Events Committee, and
b) The Jenolan Caves Trust be invited to nominate a representative to the Events Committee.

Submitted,

Bruce Fitzpatrick
GENERAL MANAGER

This is Page No. 39 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 16 December 2008 commencing at 5.30 pm.

General Manager

Mayor