

A1.2.1 BF:SS

April 2009

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General Manager

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General Manager

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**A1. DEVELOPMENT APPLICATION 120/09 FOR A PROPOSED TWO (2) LOT  
RESIDENTIAL SUBDIVISION AND MODIFICATION APPLICATION 125/07  
Staff Report to the 21 April 2009 Ordinary Meeting  
File No. PO15.121  
Prepared by Janet Bailey on 2 April 2009**

Applicant: Russell & Kerryn King  
Owner: Russell & Kerryn King  
Property: Lot 18 in DP: 819782, 121 Curtis Street, Oberon

Reason for Submission to Council

Under staff report to the 14 September 2004 Ordinary Meeting, Council resolved to approve a SEPP1 Application for a 2 lot village subdivision at 121 Curtis Street, Oberon subject to appropriate conditions.

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

- a) *Condition 5 – “Sewer and Water Mains. The proposed easement for all services across proposed lots 181 and 182 is to have a minimum width of 2 metres and full details of the easement is to be submitted to Council on the Section 88B instrument”.*

On the 30<sup>th</sup> March 2009, Council received the Section 88B Instrument and relative subdivision plans showing Oberon Council as the Consent Authority (**Attachment A1**).

Staff have reviewed the document and found it to be in order and now request Council to affix the Council Seal to the 88B Instrument.

**Recommendation:**

That the Common Seal of Oberon Council be affixed to the 88B Instrument for Mr and Mrs King in relation to Development Application 395/03/04 for a proposed two (2) lot subdivision.

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**A2. POLICY ON LAPSING OF DEVELOPMENT CONSENTS IN RESPECT TO PHYSICAL COMMENCEMENT**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. D52.1**

**Prepared by Ralph Tambasco on 3 April 2009**

A copy of Council's current policy concerning the lapsing of development consents in respect of what constitutes physical commencement is attached. (**Attachment A2a**).

Staff are receiving a lot of enquiries from applicants who have secured their development consents for subdivisions enquiring as to what they need to do to secure their consent from lapsing. In all cases, applicants are given a copy of the above policy.

However, in situations where a Section 96 Modification has been lodged to seek approval for an applicant to stage their development consent by applying to create one lot out of the total number of lots approved, the Policy is silent as to what constitutes physical commencement in respect to staged subdivisions.

It is staffs opinion that should an applicant lodge either a Development Application for a staged subdivision or Section 96 Modification Application to stage a previously approved subdivision, then the same three dot point items that apply in the Policy for physical commencement should also apply for the staged subdivision, whether this be for 1, 2, 3 or more lots in the staged subdivision.

Therefore the Policy will need to be altered by the inclusion of references to staged lots. A copy of the proposed amended Policy, with the amendments in italics, is attached (**Attachment A2b**).

**Recommendation:**

That public notice of amended Policy 3111 – Lapsing of Development Consents in respect to Physical Commencement, as presented in **Attachment A2b**, be given for 28 days.

**A3. UPDATE ON PROGRESS OF NEW LOCAL ENVIRONMENTAL PLAN**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. D52.2.5**

**Prepared by Ralph Tambasco on 2 April 2009**

The Planning Consultant, Joe Lantz, of Insite Planning has submitted an amended project timetable and milestones for the above project. A copy is attached (**Attachment A3**). It should be noted that in discussions with the Department of Planning (DoP), they were concerned that the June 2009 timeframe for the new LEP may have been unrealistic, and therefore suggested that an extension of time be sought until the 31 December 2009 for completion of the new LEP. This has since been requested and approved by the DoP in their letter dated 4 March 2009.

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At its 17 March 2009 Ordinary Meeting, Council resolved, in respect to a report concerning Version 4 of the Draft Land Use Issues Paper, the following:

*“11. That the “Review of Public Comments Draft Land Use Issues Paper” document be received and noted and to require amendment by Council prior to exhibition.”*

*“12. That the consultant be asked to provide an explanation to Council for the delays in delivering the Issues Paper.”*

The Consultant has been made aware of the above resolutions and will discuss these at the scheduled Councillor Presentation/Workshop to be held on Monday 20 April 2009, commencing at 5.00pm.

A separate Agenda has been forwarded to Councillors concerning the workshop.

**Recommendation:**

That the information be received and noted.

**A4. PUBLIC MEETING REGARDING PROGRESS OF NEW LOCAL ENVIRONMENTAL PLAN**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. A1.3.4**

**Prepared by Ralph Tambasco on 2 April 2009**

Councillor McCarthy has requested that Council consider at its next meeting the calling of a public meeting to discuss the progress of the new Local Environmental Plan with the Planning Consultant.

Councillors should be aware that the public have been given opportunities to attend recent meetings concerning the Draft Land Use Issues Paper and will be given further opportunities to attend future meetings concerning the Draft Land Use Strategy.

**Recommendation:**

Submitted for consideration.

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This is Page No. 5 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, 21 April 2009 commencing at 5.30 pm.

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**A5. DEVELOPMENT APPLICATION 116/08 FOR A NINETEEN (19) LOT SUBDIVISION**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. PO58.16-28**  
**Prepared by Janet Bailey on 6 April 2009**

Applicant: Oberon Council  
Owners: Oberon Council and the Crown  
Property: Lots 1 & 2 in DP 1068573 & Lot 1 in DP 11126275

Reason for Submission to Council

Council staff has received a request to attach Council's Seal to a 88B Instrument created pursuant to Section 88B of the Conveyancing Act 1919.

Proposed Terms

On the 9 July 2008 Council determined Development Application 116/08 for a 20 Lot residential subdivision at lots 701 & 702 in DP 1032525 (now being Lots 1 & 2 in DP 1068573 & Lot 1 in DP 1126275) 16-28 Tasman Street, Oberon.

On the 18 February, Council approved Modification Application 72/09 to reduce the number of residential lots to 18 with 1 lot as a drainage reserve.

In the determination of the Application, a number of conditions were attached including:-

Condition 14 Sewer and water connection

*Each allotment shall be provided with a separate sewer connection point and town water connection point located wholly within the allotment boundaries.*

Accordingly easements have been created for the purpose of storm water and sewerage as represented by a restriction as to user. Furthermore underground electricity easements to benefit Country Energy have also been included.

Council staff, in conjunction with Councils Solicitor Mr Patrick Bird, has also imposed a restriction on the land on lots 1 to 19 inclusive for the fencing of the boundaries whilst Council is the registered proprietor of any land in the plan or any land immediately adjoining as per the attached copy of the 88B Instrument (**Attachment A5**). Essentially the restriction protects Council from any costs associated with the provision of dividing fences.

Staff have reviewed the documents and found them to be in order.

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## **Recommendation:**

That the Common Seal of Oberon Council be affixed to the 88B Instrument for Oberon Council in relation to Development Application 116/08 and Modification Application 72/09 for a proposed 18 lot residential subdivision and 1 lot drainage reserve at Lots 1 and 2 in DP 1068573 and Lot 1 in DP 11126275, 16 – 28 Tasman Street, Oberon.

### **A6. COMPLAINTS CONCERNING CAMPERS AT FLAT ROCK RESERVE Staff Report to the 21 April 2009 Ordinary Meeting File No. E34.5 Prepared by Stewart West on 8 April 2009**

Premises: Crown Reserve No 87079 being Lot 7001 in DP 1126913, Parish of Bolton, Mutton Falls Road, O'Connell.

#### **Introduction**

This report is submitted at the request of the General Manager following the receipt of a number of complaints arising in early March 2009 concerning people camping at the abovementioned reserve known popularly as Flat Rock Reserve, Mutton Falls Road, O'Connell.

Flat Rock Reserve is located at the confluence of the Rainville Creek and the Fish River on the border with Bathurst Regional Council. The reserve was notified (gazetted) on 14 February 1969 as a Crown Reserve for Public Recreation. The reserve comprises, by subdivision, part of Water and Camping Reserve No 26345 that was originally notified on 14 August 1897. Thus the reserve is part of land first set aside for camping and public recreation purposes nearly 112 years ago.

The NSW Department of Lands office at Orange has advised that Flat Rock Reserve is under the care of the Council by devolvement only, that is, the Council has not formally been appointed as trust manager to manage the reserve. Nonetheless, Council has provided a brick barbecue, two metal table and seat combinations, a long drop/septic closet toilet and rubbish bins. Council maintains the reserve by emptying the rubbish bins and mowing the grass.

Council has erected general use advisory signs on the reserve and NSW Department of Primary Industries' signs providing advice on fish and fishing restrictions are also erected.

There are no signs erected restricting or prohibiting camping on the reserve.

Considering that its location is somewhat off the beaten track the reserve is very popular with overnight and short stay campers, especially during holiday periods. It is expected that as in previous years many campers will stay at the reserve during the forthcoming Easter holiday break.

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An internet search has found a number of references promoting the Flat Rock Reserve as being suitable for camping. The reserve is also referred to in publications such as *Camps Australia Wide* (5<sup>th</sup> edition, 2009) where it is listed at page 134 as site number 483.

## Report

The following is a chronology of recent events concerning camping activities at the reserve.

Tuesday 3 March 2009 - An anonymous complaint was received by telephone at approximately 3.50 pm alleging that two separate groups of people were "*in residence*" at the Flat Rock Reserve for "*at least 6 weeks, around Christmas period.*" It was further alleged that the campers were "*setting up clothes lines etc.*" No other details were provided by the complainant.

Anonymous complaints are not usually acted upon unless an issue of public health or safety is raised. There are several reasons for requiring the identity of a complainant and for not acting upon complaints where the complainant fails to disclose his or her identity:-

1. Identification tends to establish the complainant's bona fides in the matter.
2. Identification ensures that a contact person is readily available if further information is required during the investigative process.
3. The potential for Council to become embroiled in time-consuming personal disputes and occasionally groundless and spurious allegations is reduced.
4. Council is able to report to the complainant in due course on action taken.

Nonetheless, as there was some doubt about this complaint an inspection of the reserve was carried out at approximately 5.09 pm that day by Council's Manager Health and Building, Mr S West. The inspection disclosed the existence of three campsites comprising:-

- one motorised campervan
- one light coloured tent with a mustard coloured station wagon vehicle and, some distance away,
- one green coloured tent with a white sedan vehicle.

Photographs of the campsites were taken however, as there was no apparent contravention or problem, no further action was taken.

Monday 9 March 2009 - A complaint was received by telephone at approximately 9.40 am from a nearby male land holder concerning campers who "*have been there a while now*" at the Flat Rock Reserve. It was alleged that one camper "*has taken over the picnic area table with a blue tarp (and had) extended original area.*" No other details were provided by this complainant.

Tuesday 10 March 2009 - An inspection of the reserve was undertaken at approximately 11.55 am by Mr West accompanied by Ms K Dickson, Council's Health and Building Surveyor. The inspection confirmed that a picnic table and seat combination was covered by a tarpaulin and that the camp site occupants were using it for their exclusive use. The occupant of the light

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coloured tent with the mustard coloured station wagon, Mr Tony Cooper was then interviewed concerning his occupancy of the site and his ultimate intentions.

Mr Cooper said that he and his family were on an around-Australia camping holiday trip and had originally departed from Perth, Western Australia and later from Esperance, Western Australia when their infant daughter was one week old. It was noted that Western Australia registration plates were attached to his vehicle. He said that they had been in the area for about five weeks following the overheating breakdown of their vehicle and were unable to move due to the vehicle's engine cylinder head having been removed for repair in Bathurst. Mr Cooper agreed to a request to view the engine which confirmed that the cylinder head had indeed been removed.

Mr Cooper was advised that Council had received a complaint about his use of the table and seat and when asked about his intentions he said that he would move on within "*a couple of weeks*" when his vehicle was repaired and "*before it gets too cold.*" Mr Cooper was consequently advised that he could stay until his vehicle was repaired provided that no further complaint was received about his use of the table and seat in which case he may then be asked to move. Mr Cooper was at all times polite and co-operative and undertook to move away from the table and seat if his stay was prolonged due to unforeseen circumstances.

It must be noted here that although Mr Cooper was occupying the table and seat for his family's private use, and that a complaint had been received about this, in fact Council had no complaint or knowledge at that time that anyone else had been endeavouring to use the table and seat. Furthermore, it would have been quite unreasonable to have expected Mr Cooper to leave the reserve when there was no sign erected restricting or prohibiting camping and, until his vehicle had been repaired, he was unable to do so. This would have caused considerable hardship to Mr Cooper and his family, not to mention the difficulty and adverse publicity for Council that such action may have caused. In any case Council had no authority to request his removal from the reserve.

Wednesday 11 March 2009 – In response to a voicemail message a telephone call was returned to the wife of the land holder complainant advising her that the campers had been interviewed the previous day and that they would move on within a couple of weeks when their vehicle has been repaired. She was advised that Council was not prepared to be unreasonable and cause them hardship by requiring them to move when quite clearly it was virtually impossible for them to do so. She was also advised that a further inspection would be undertaken on 24 March 2009 to ascertain whether the campers had vacated the reserve.

The woman was not satisfied with this advice and asked what action had been taken regarding the campers occupying the green tent. She was advised that nothing had been done because her complainant husband had not raised any specific issue in respect to these campers. Nonetheless she was advised that the occupants of this site would also be interviewed if they were still on the reserve on 24 March.

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Tuesday 17 March 2009 - Mr West visited the reserve at approximately 11.10 am and spoke with Mr Cooper. Mr Cooper said that he had acquired a replacement engine cylinder head and was in the process of installing it. This was verified by inspection of the engine and observation of the removed damaged cylinder head in his tent. A replacement cylinder head was necessary due to the extensive damage caused to his engine when it had overheated in the early February heat wave conditions when he had arrived in the district\*. Mr Cooper's explanation was plausible and puts his arrival at the Flat Rock Reserve well after the anonymous complainant's alleged "*Christmas period.*"

Mr Cooper then said that he would take the opportunity of doing some local sight seeing while in the district and then break camp and move on in about a week's time. Mr Cooper was advised that this was acceptable and that a further inspection would be made on or about the 24 March, as previously advised, to ascertain whether he had moved. This was considered to be quite fair and reasonable in the circumstances of the matter.

\*Subsequent enquiries disclosed that Mr Cooper had in fact camped at McPhillamy Park on Mount Panorama at Bathurst for approximately two weeks prior to the 12 hour motor race on the weekend of 21-22 February 2009. He had first been spoken to by Bathurst Regional Council rangers at 10.30 am on Thursday 5 February 2009 and asked to move on because camping is prohibited at McPhillamy Park except during designated motor racing events. His departure had been delayed due to difficulties being experienced with his damaged vehicle. He had departed Mount Panorama, possibly with assistance, prior to the motor race.

Mr Cooper's omission of reference to his stay at Bathurst during discussions with Council's officers does not materially affect anything that he told them and in fact tends to confirm that he had arrived at the Flat Rock Reserve well after the alleged "*Christmas period.*"

Monday 23 March 2009 - A complaint was received by telephone at approximately 12.45 pm from a woman who provided a mobile telephone contact number and gave her address as "*Sydney*". She alleged that five weeks earlier she had attempted to camp at the reserve but two families had "*taken over the area.*" She had returned that week and alleged that Mr Cooper's camp site had increased in size and had taken over the table and seat. Further somewhat defamatory remarks were made of Mr Cooper which are not repeated here.

The woman complainant also advised Council that the green tent camp was still there and said that when she endeavoured to use the table and seat combination near this camp site she was told to leave because she was too close to the camp site. The complainant said that she had been coming to the reserve for eight years and had not previously had any problems.

On the balance of probabilities the bona fides of this complaint are questionable given the stated location of the complainant, the length of time since the first alleged incident of which there is no record of any contemporaneous complaint and the quite co-incidental nature of the complaint. Nevertheless, the matter was in hand as a further inspection of the site was scheduled to be undertaken the following day.

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Tuesday 24 March 2009 - Mr West again visited the reserve from approximately 11.10 am to 11.40 am and spoke with the occupants of two camp sites. The first person spoken to was Brenton (surname not obtained) who was a member of a party of ten yachting campers on an annual camping tour who were camped adjacent to Mr Cooper's site. Brenton was most approachable and said that the group had arrived on Thursday 19 March 2009 and would be gone by Thursday 26 March 2009. He said that they had been taking day trips throughout the area and had left a lot of money in the district during their stay. He asked if they were going to be requested to move on and was told that they could stay and leave as planned.

Mr Cooper was then interviewed when he said that he would move his camp off the table and seat the following day (25 March) and would leave on Monday 30 March 2009 to travel to Sofala for a stopover with family en route to Lightning Ridge "*where it's warmer*" and he intended to prospect for opals. Mr Cooper was advised that this was acceptable but that a further inspection would be undertaken on 26 March when he would be asked to move away from the table and seat if he hadn't done so at that time.

Thursday 26 March 2009 - Ms Sue Scaysbrook, 102 Bundaleer Road, O'Connell wrote to the General Manager via email message concerning a telephone discussion that she had had with him on 24 March 2009 concerning this matter. A copy of the message is provided (**Attachment A6a**). Little comment is offered on this message other than to say that it displays elements of exaggeration, intolerance and impatience. It has not been possible to verify the veracity of many of the allegations raised.

Nonetheless, a further scheduled inspection of the reserve was undertaken at approximately 2.20 pm by Ms Dickson and Mr West. The inspection disclosed that the group of ten campers had gone and that Mr Cooper was packing and preparing to leave. When interviewed he said that he intended to leave the reserve later that day and travel to Sofala, as he had previously indicated.

The occupant of the green tent camp site, Ms Jackie Boyd, was then interviewed concerning her intentions. Ms Boyd said that she had originally planned to stay a short time only but had extended her stay to assist Mr Cooper and his young family when she had become aware of their difficult circumstances with their broken down vehicle. She said that she would be leaving on Monday 30 March 2009 and was advised that this was acceptable.

An inspection of the reserve was then undertaken which disclosed that it was in a very clean and acceptable condition. There was no sign of rubbish anywhere and the toilet was in a clean condition. There was no evidence of any rubbish or other matter having been recently deposited in or near the river immediately adjacent to the camp sites.

A drive-by inspection of the reserve by Mr West later that evening at approximately 6.15 pm disclosed that Mr Cooper had vacated the reserve.

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Monday 30 March 2009 - An inspection of the reserve by Ms Dickson at approximately 9.30 am disclosed that Ms Boyd had vacated the reserve and that her camp site was left in a clean and tidy condition.

## **Conclusion**

The result of all this activity is that there really was much ado about very little of justifiable substance. The matter was well in hand at all times and in the final analysis, the complaints received did very little, if anything, to expedite the departure of the various campers.

There were separate and prolonged stays by Mr Cooper and Ms Boyd in clearly defensible circumstances. There were also complaints, some apparently dubious, and consequently the motives of those complainants must be questionable. It is difficult to see how the complainants could have been properly interested in people camping unobtrusively, without causing trouble, on a public reserve that is part of land originally set aside for that purpose.

Last but certainly not the least, the group of ten campers on their annual camping tour financially benefited the area by their week-long stay.

If the Council nevertheless desires to restrict or prohibit camping within the reserve it should do so by formally resolving accordingly and by erecting appropriate signs. However, as it currently does not have the power to do this, it should first seek formal control of the reserve pursuant to section 48 (1)(b) of the Local Government Act 1993, as amended. This will involve making a formal request to the NSW Department of Lands for appointment as trust manager to manage the reserve.

In considering whether to seek formal control of the reserve in order to restrict or prohibit camping, Council should be mindful of the following issues:-

1. The reserve is part of land originally set aside for camping nearly 112 years ago.
2. There is an obvious need, as evidenced by the popularity of the reserve, for unregulated, "primitive" bush camping areas with access to water as opposed to the more formal and regulated "garden setting" urban caravan parks and camping grounds without river access.
3. Signs restricting the length of camping stays or prohibiting camping may not discourage all potential campers.
4. By whom and by what means will camping restrictions or prohibition be enforced?
5. Council does not employ a ranger who would normally attend to these duties.
6. It is not too difficult to envisage involvement in difficult and prolonged disputes over claim and counter claim about the length of campers' stays.

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7. Does Council really want to drive campers away from the area and into other local government areas to their financial benefit and to our disadvantage?
8. A reserve for public recreation should be available to all members of the public without the inconvenience of undue restriction attributable to complainants.
9. A public reserve free of camping with access to the Fish River is available at the Rest Area of O'Connell on the O'Connell Road.
10. Council arguably should cater for all public camping needs.

**Recommendation:** That:

1. Council make formal application to the NSW Department of Lands to be formally appointed as trust manager to manage the Flat Rock Reserve.
2. Council's Development Department staff conduct occasional inspections of the reserve to ensure that it is being maintained in a clean and tidy condition.
3. That an additional two metal table and seat combinations be installed at the reserve.
4. That complaints, anonymous or otherwise, concerning camping at the reserve not be acted upon unless an identifiable issue of public health or safety is raised.
5. That Ms Sue Scaysbrook and other identifiable complainants be advised accordingly.

**B1. GAS VEHICLE REPORT**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. E37.5.1**  
**Prepared by Leigh Robins on 26 March 2009**

Council had previously resolved that a log of usage and performance be kept for 12 months and the results reported back to Council.

The light vehicle fleet has been operating dedicated LPG fuelled sedans and utilities for 12 months.

When considering purchasing these vehicles, the information provided by the manufacturer advised that typical gas consumption could be expected to be 16 L / 100 km on a highway cycle.

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The vehicles consumption over this period is detailed as follows:

Plant No.	Gas	Total km's	L/100 km
60	4814	30739	15.7
62	6099	38668	15.8
63	8764	62329	14.1
66	6080	45126	13.5
81	3462	19183	18
82	4780	21040	22.7
84	3238	16487	19.6
85	3261	15598	20.9
87	4326	26169	16.5

Fuel consumption rates on vehicles which travel generally predominantly around town have the higher consumptions and the weighted average consumption has been 16.3 L / 100 km.

One vehicle has been a lemon and returned for warranty work on six occasions. The problem is the vehicle is not always able to fill from the gas dispenser. The problem has been forwarded to Ford Australia for review without resolution to date. The vehicle will be traded shortly.

Generally the other vehicles have been reliable although loss of power and difficulty of starting caused some inconvenience with two other vehicles. These problems were rectified under warranty.

The current price of \$0.51 / litre for gas is increased by \$0.09 / litre for the maintenance of the dispensing unit.

Based on average consumption for diesel, gas and ULP vehicles.

The comparison for different fuels shows:

Engine	Fuel Price \$ / L	Consumption L / 100 km	Price / 100 km \$
Gas	0.60	16.3	9.8
ULP	1.12	10	11.2
Diesel	1.08	10	10.1

Whilst gas is cheaper to run at present, future pricing will determine the feasibility of all fuels.

**Recommendation:** That the information be received and noted.

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**B2. ARKSTONE ROAD**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. R40**  
**Prepared by Leigh Robins on 30 March 2009**

Last year the road between the new bridge on Arkstone Road and Emden Vale Road was widened and gravelled.

The gravel which was supplied at no cost to Council by Pegela Pastoral Company has broken down to a powder like material under the regular volume of heavy vehicles using the road. The situation of large clouds of bull dust generated from any traffic movement prohibits travel until the dust settles.

The ultimate solution to rectify this problem would be to gravel resheet and bitumen seal this section of road. The estimated cost to complete this work is \$149,000. To resheet only would cost \$89,000.

The road construction reserve is anticipated to have a balance of \$350,000 at June 30, 2009.

**Recommendation:**

That an allocation of \$149,000 to gravel resheet and bitumen seal 2.2 km of Arkstone Road south of the Isabella River be referred to 2009/10 budget consideration.

**B3. SYDNEY CATCHMENT AUTHORITY**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. E32.1**  
**Prepared by Leigh Robins on 2 April 2009**

The Minister for Water has advised that a vacancy exists on the Board of the Sydney Catchment Authority.

The vacancy is to be filled by an elected member with expertise in protection of the environment, public health, financial management or other such expertise the Minister considers necessary to assist the Sydney Catchment Authority meet its objectives.

Details pertaining to the expressions of interest for the position are included in **Attachment B3**.

**Recommendation:**

That interested Councillors be encouraged to nominate for a position on the board of the Sydney Catchment Authority.

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**B4. ROAD NAMING**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. E31.9**

**Prepared by Rebecca Burgess on 2 April 2009**

As per resolution of Council at the Ordinary Meeting of 20 January 2009, submissions were invited for road names for the new road 2.2 kilometers in length which runs west off Gingkin Road and which was created as part of a subdivision by Mr. J Kelleher and Vajazin Pty Ltd. This was done by way of advertisement in the Oberon Review on 5 February 2009.

Five submissions were received (*Attachments B4a, B4b, B4c, B4d & B4e*).

The submissions asked Council to consider naming the road Whalan; Mackie; Cranfield; Cannonmills; and Mona Behan.

**Recommendation**

That the new road 2.2 kilometers in length which runs west off Gingkin Road and which was created as part of a subdivision by Mr. J Kelleher and Vajazin Pty Ltd be known as Cranfield Road.

**B5. ROAD NAMING – TASMAN STREET SUBDIVISION**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No's. E31.9 & E38.8**

**Prepared by Rebecca Burgess on 2 April 2009**

As part of a subdivision by Council a new road has been created. The road runs west off Parkes Street for a length of 126 metres.

This road provides access to multiple lots within the subdivision and requires naming.

A list of soldiers from the Oberon area who were killed in action in World War I and World War II was obtained from the Oberon RSL. Council has previously used the names on the honour roll to name Council roads.

From this list the name Stevenson was chosen as there were three soldiers who were killed in World War I from the Stevenson family.

**Recommendation**

That the new road 126 metres in length which runs off Parkes Street be known as Stevenson Close.

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This is Page No. 16 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**B6. TELSTRA PAYPHONE REVIEW**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. A3.1**  
**Prepared by Leigh Robins on 2 April 2009**

By letter, dated 20 March 2009, (**Attachment B6**) Bathurst Regional Council has written to Council concerning advice received from Telstra advising of their intention to remove a payphone located outside the O'Connell Hotel.

The matter has been referred to Oberon as the payphone is located in the Oberon Local Government area.

**Recommendation:**

That Telstra be advised that Council objects to the removal of a payphone located outside the O'Connell Hotel due to the unreliability of the mobile network coverage in the O'Connell area.

**B7. PROPOSED STAFF REPLACEMENT – PART-TIME LIBRARY ASSISTANT**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. C19.1**  
**Prepared by John Chapman on 2 April 2009**

One of the part-time Library Assistants has submitted her resignation, effective on 24 April 2009. Normally, the position would be advertised and a replacement made in accordance with normal procedures.

However, at the Special Council Meeting held on 5 February 2009, it was resolved "*That there be no staff replacements without prior approval of Council.*" This report thus seeks Council's approval to replace the resigning staff member.

This is an essential position as the incumbent is required to be in attendance to provide the library service during the Saturday opening hours (10.00am to 2.00pm) and for three hours (together with other rostered staff) on Friday afternoons (3.00pm to 6.00pm).

**Recommendation:**

That the General Manager be authorised to proceed with the replacement of the part time Library Assistant for a total of 7 hours per week.

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This is Page No. 17 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**B8. EXTENSION OF PATHWAY**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No's. PO16.65-71, R14 & E39.7**  
**Prepared by Leigh Robins on 2 April 2009**

By letter, dated 24 March 2009, (**Attachment B8**) Councillor McCarthy has written to Council to request consideration be given to extending the pathway from the front of Mawhoods Hardware to the entrance to Oberon Industrial and Farming.

To construct a 2 m wide footpath at this location would cost \$11,000.

The letter also requests that consideration be given to sealing the first part of Gilhome's Lane off Lowes Mount Road.

In regards to Gilholmes Road it will be many years before harvesting again occurs and a request to contribute to sealing may be premature.

**Recommendation:** That:

1. That an allocation of \$11,000 for footpath construction in Dart Street be referred for 2009/10 budget consideration.
2. That no action be taken in regards to sealing Gilholmes Road.

**B9. JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. A7.1**  
**Prepared by Leigh Robins on 6 April 2009**

The Joint Standing Committee on Electoral Matters is currently conducting an inquiry into the administration and conduct of the 2008 local government elections. Councils and shires are invited to make a submission to the inquiry.

A copy of the terms of reference is attached for Council's information (**Attachment B9**). The closing date for submission is Wednesday 13 May 2009.

**Recommendation:**

Submitted for consideration as to any submission that the Council may wish to make.

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This is Page No. 18 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**B10. CUNYNGHAME OVAL TOILETS**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. E34.2**  
**Prepared by Ian Tucker on 7 April 2009**

At its January meeting Council resolved to investigate the possibility of installing a toilet facility closer to Cunynghame Oval. The possibility of then demolishing the toilets in Miss Wilson Park and selling the block was also discussed.

A suitable location for a new toilet at Cunynghame Oval has been identified. It is immediately north of the shelter at the end of the cul-de-sac. Water and sewerage are available nearby.

The toilet could be as small as a unisex single cubicle, or larger if Council wishes to allocate more funds.

Demolishing the toilets in Miss Wilson Park could create a suitable residential block. Leaving a 2 m wide walkway along its northern boundary would still leave a 703 m<sup>2</sup> block. There is an existing sewer across its western end, but there would still be enough room for a carefully sited house.

The park is currently classified as community land. If Council wishes to sell it, the first step will be to convert it to operational land, which requires an application to the Minister for Local Government. Once approved, it would then be subdivided to create the walkway before the remainder could be sold. Note that the conversion to operational land could also open the risk, albeit probably small, of a native title claim.

If Council chooses to proceed with this, it may also wish to do the same with the small park near the northern end of Glyndwr Avenue. This process was commenced some years ago, but apparently stalled.

**Recommendation:**

That Council make application to the Minister for Local Government to convert Lot 34 DP 700974 and Lot 10 DP 245689, from community to operation land.

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This is Page No. 19 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**B11. BALD RIDGE ROAD**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. R223**  
**Prepared by Ian Tucker on 7 April 2009**

A letter has been received from Mr. Mahabat concerning the condition of Bald Ridge Road (**Attachment B11**).

There are approx 15 km of Bald Ridge Road in the Oberon Local Government Area. It is agreed that most of it is in poor condition, especially when wet. To upgrade it as requested would require gravel resheeting over its full length.

Resheeting typically costs in the range of \$20 – 25,000 per km, depending on gravel haulage length. It is likely to cost even more in this area due to lack of gravel in the area, unless a closer supply can be found. To resheet Bald Ridge Road would therefore cost at least \$375,000, possibly up to \$500,000.

The 2008/09 resheeting budget is \$208,000. There are many competing demands, so it is usually only sufficient to resheet short lengths in the most urgent locations. Bald Ridge Road would use the entire budget for maybe two or more years.

There are of course many other gravel roads with arguably a higher priority given their traffic volumes, populations they serve, and how long they have been waiting for upgrading.

On the other hand Council has an obligation to keep its roads in a safe condition. There is potential for claims against it for failing to respond to hazards. There may be a defence available if it can be shown that inspections were carried out, and improvements were beyond its resources.

The options for Bald Ridge Road are:

1. Maintenance grading only, with no gravel resheeting. Signs to advise of hazards in wet weather may offer some protection.
2. Carry out a small amount of resheeting in the worst areas, if and when resources permit.
3. Allocate a substantial portion of the resheeting budget to resheet the whole road over a few years, reducing the works on other roads.
4. Increase the resheeting budget, or allocate funds specifically for Bald Ridge Road.

**Recommendation:**

That Bald Ridge Road be subject to maintenance grading only, with no gravel resheeting and that signs to advise of hazards in wet weather be erected.

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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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**B12. BLOOMHILL ROAD LOT 1 DP 829948**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No's. E31.3 & PR9**  
**Prepared by Rebecca Burgess on 8 April 2009**

A survey of Bloomhill Road O'Connell revealed that a section of this road does not run on its correct alignment.

A portion of land 2845 m<sup>2</sup> in area is required for road widening purposes. This portion of land is to be acquired by private negotiation with the land owners Mr & Mrs John & Judith Woolley (Part Lot 1 DP 829948) per the provisions of the Roads Act 1993.

Once this land is acquired it will require notice in the Government Gazette to dedicate the land as a public road.

**Recommendation:** That:

1. Council acquire 2845 m<sup>2</sup> of land for road widening purposes from Mr & Mrs John & Judith Woolley (Part Lot 1 DP829948) per the provisions of the Roads Act 1993.
2. That the Common Seal of Council be applied to affect the transfer of this portion of land to Council.

**B13. FAUGHA BALLAUGHA ROAD**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. E31.1**  
**Prepared by Leigh Robins on 7 April 2009**

By letter, received 6 April 2009 (**Attachment B13**) Councillor McCarthy has written to Council regarding the transport routes being used to haul timber from harvested operations in private plantations.

Councillor McCarthy advises harvested timber is being transported via Faugha Ballaugha Road to Bathurst or Kelso from a site on Black Bullock Road. Concerns have been raised regarding the width of Faugha Ballaugha Road on the western end.

Widening works on the western end would provide width improvement but a minimum of 2km of the road is not suitable for passing heavy vehicles.

A local limit on the road of 20 tonne would be an option to eliminate log truck traffic.

**Recommendation:** That a 20 tonne load limit be placed on Flauga Ballaugha Road from the O'Connell Road to the entrance to Lowes Mount State Forest.

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This is Page No. 21 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**B14. BURROUGHS CROSSING BRIDGE**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. E31.3**  
**Prepared by Ian Tucker on 9 April 2009**

As was reported to the previous Council, an inspection revealed serious deficiencies with Burroughs Crossing bridge. There was no choice but to impose a 5 tonne load limit. An alternative route for heavy vehicles was provided via McKeon's Creek Road.

Council allocated \$50,000 in its 2008/09 budget. It was hoped to retain the existing concrete abutments and pier, and provide new girders/deck to enable the load limit to be removed.

The difficulty has been to determine whether the abutments and pier are capable of supporting the additional dead load plus traffic load. The details of their construction are unknown. However a testing company was engaged, their tests showing the supports can (just) handle the loads.

Detailed bridge design has now been completed. It utilises Rocla precast components, similar to Edith Bridge and Emden Vale Bridge. It will remain as a single-lane bridge.

Council now needs to determine whether to allocate funds to construct the bridge in 2009/10. The estimated construction cost is \$110,000. The unspent funds from 2008/09 will be approx \$30,000. A further \$80,000 will therefore be required.

\$80,000 is being included in the draft estimates. If Council wishes to allocate these funds immediately, the components can then be ordered to enable construction early in 2009/10.

**Recommendation:**

That \$80,000 be allocated in the 2009/10 budget for Burroughs Crossing bridge.

**B15. ASSETS MANAGEMENT SYSTEM**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. E39.5**  
**Prepared by John Chapman on 12 April 2009**

In June 2007 Council adopted a staff recommendation to purchase computer software to assist with the implementation of an Assets Management Plan, which will ultimately enable Council to provide for:

- Development and documentation of strategic levels of service in line with Assets Management policy/strategy

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This is Page No. 22 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

- Development of specific service level criteria and standards for maintenance and capital, risk and safety
- Design and adoption of a specific maintenance prioritisation process based on hierarchies and service levels
- Development of specific asset performance models to predict future outcomes:
  - 25 year financial plans
  - Strategic costs v. service level models
  - Project 5 year capital work plans
  - Analyse long term impacts on asset conditions and service levels for varying levels of funding
- Development of a specific budgeting process for:
  - Annual budget cycles
  - Budget trade-off justification
  - Articulation of what-ifs to decisions makers
- Development of a specific Performance Monitoring Process

Considerable work has been undertaken by staff to collect and input data on all assets, including the condition assessment of buildings and every kilometer of Council's roads, water and sewerage networks. The Assets Management System will provide a tool, not only to record assets' financial details such as fair values and depreciation, for the total management of all assets.

The majority of the collection process has been undertaken by Council's Civic Assets Coordinator (within the Engineering Department staff), liaising with Corporate Services staff in relation to the financial management aspects.

Collection and recording of relevant data has now been completed and, before a draft Assets Management Plan is presented for consideration by Council, it is considered that a demonstration of the assets management system be presented so that the elected members will be familiar with the extent of detailed data which has been gathered for input and will be aware of the capabilities of the software.

Arrangements have been made for the consultant, Mr Ashay Prabhu from Assetic, to attend Council's May meeting (Tuesday 19 May) to demonstrate, along with relevant staff members, the key features of the system.

**Recommendation:**

That a demonstration of the Assets Management System be undertaken prior to the Council Meeting on 19 May 2009, commencing at 4.00pm.

This is Page No. 23 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, 21 April 2009 commencing at 5.30 pm.

**B16. WATER SUPPLY**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. E33.2**

**Prepared by Leigh Robins on 14 April 2009**

The Fish River Water Supply Customer Council considered correspondence (**Attachment B16**) from Council at its meeting of 14 April 2009.

The Customer Council resolved that State Water should as a matter of urgency appoint a consultant to undertake a peer review of the Customer Council's Drought Management Strategy.

Whilst this is a positive step, it does not adequately address the issues raised in the attachment.

**Recommendation:**

That an urgent meeting with the Water Minister, Mr. Phillip Costa be requested through Member for Bathurst, Mr. Gerard Martin to pursue a more equitable distribution of entitlement from the Oberon Dam.

**M1. BUSINESS DEVELOPMENT COMMITTEE MEETING MINUTES**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. A2.18.1**

**Prepared by Sharon Swannell on 2 April 2009**

The minutes of the Business Development Committee Meeting held on 31 March 2009 are attached. (**Attachment M1**)

**Recommendation:**

That the information be received and noted.

**M2. OBERON PROMOTIONS COMMITTEE MEETING MINUTES**

**Staff Report to the 21 April 2009 Ordinary Meeting**

**File No. A2.17**

**Prepared by Leigh Robins on 3 April 2009**

The minutes of the Oberon Promotions Committee Meeting held on 2 April 2009 are attached. (**Attachment M2**)

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This is Page No. 24 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**Recommendation:** That:

1. A policy which identifies and approves primitive camping areas be formulated.
2. OPTA and OBA meet with Council to discuss options for future direction and funding.
3. That Mike Massey and Aiden Clark speak to their members as a matter of urgency to ensure food outlets are open over the Easter break.

**M3. HERITAGE COMMITTEE MEETING MINUTES**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. A2.22**  
**Prepared by Ralph Tambasco on 8 April 2009**

The minutes of the Heritage Committee Meeting held on 6 April 2009 are attached. **(Attachment M3)**

**Recommendation:** That:

1. Staff confirm that the O'Connell buildings listed in Part 2 of Schedule 2 (Heritage Items) of the Oberon Local Environmental Plan 1998 are the buildings that constitute the existing O'Connell Urban Conservation Area.
2. Former Heritage Committee member Mr. Kevin Webb and Mrs. Lynn Webb be invited to accompany members on the proposed tour of sections of the Old Cox's Road due to Mr. Webb's previous valuable assistance and knowledge on issues concerning the Cox's Road.
3. \$5000 be donated to the Community Guardians of the O'Connell Anzac Memorial Avenue to assist in the arborist remedial pruning and dead wooding of the trees.

**M4. LIBRARY COMMITTEE MEETING MINUTES**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. A2.8**  
**Prepared by John Chapman on 9 April 2009**

The minutes of the Library Committee Meeting held on 7 April 2009 are attached. **(Attachment M4)**

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This is Page No. 25 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor

**Recommendation:** That:

1. Council note that the Library Committee has scheduled a workshop, to be conducted on Tuesday April 28 2009 at 5.00pm, to review the Library Committee Charter and the Oberon Library Draft Strategic Plan; and
2. Council provide input, including suggestions as to the most appropriate word to replace the word "hub" in the Oberon Library Draft Strategic Plan.

**M5. EVENTS COMMITTEE MEETING MINUTES**  
**Staff Report to the 21 April 2009 Ordinary Meeting**  
**File No. A2.5**  
**Prepared by John Chapman on 9 April 2009**

The minutes of the Events Committee Meeting held on 7 April 2009 are attached. (**Attachment M5**)

**Recommendation:** That:

1. The Oberon Business Association and the Showground Trust be each invited to nominate a delegate for appointment to the Events Committee.
2. Relevant groups be invited to submit a list of issues related to the 2009 Oberon & Villages Summer Festival through the Director of Corporate Services for consideration by relevant Council committees and community groups.
3. A letter of appreciation be forwarded Bronwyn Harvey in recognition of her service to the community as a member of the Events Committee.

Submitted,

Bruce Fitzpatrick  
**GENERAL MANAGER**

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This is Page No. 26 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, 21 April 2009 commencing at 5.30 pm.

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General Manager

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Mayor