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OBERON COUNCIL

*Agenda and Business Papers
Oberon Council Ordinary Meeting
Tuesday 17 September 2013
5.30pm Council Chambers*

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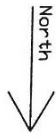
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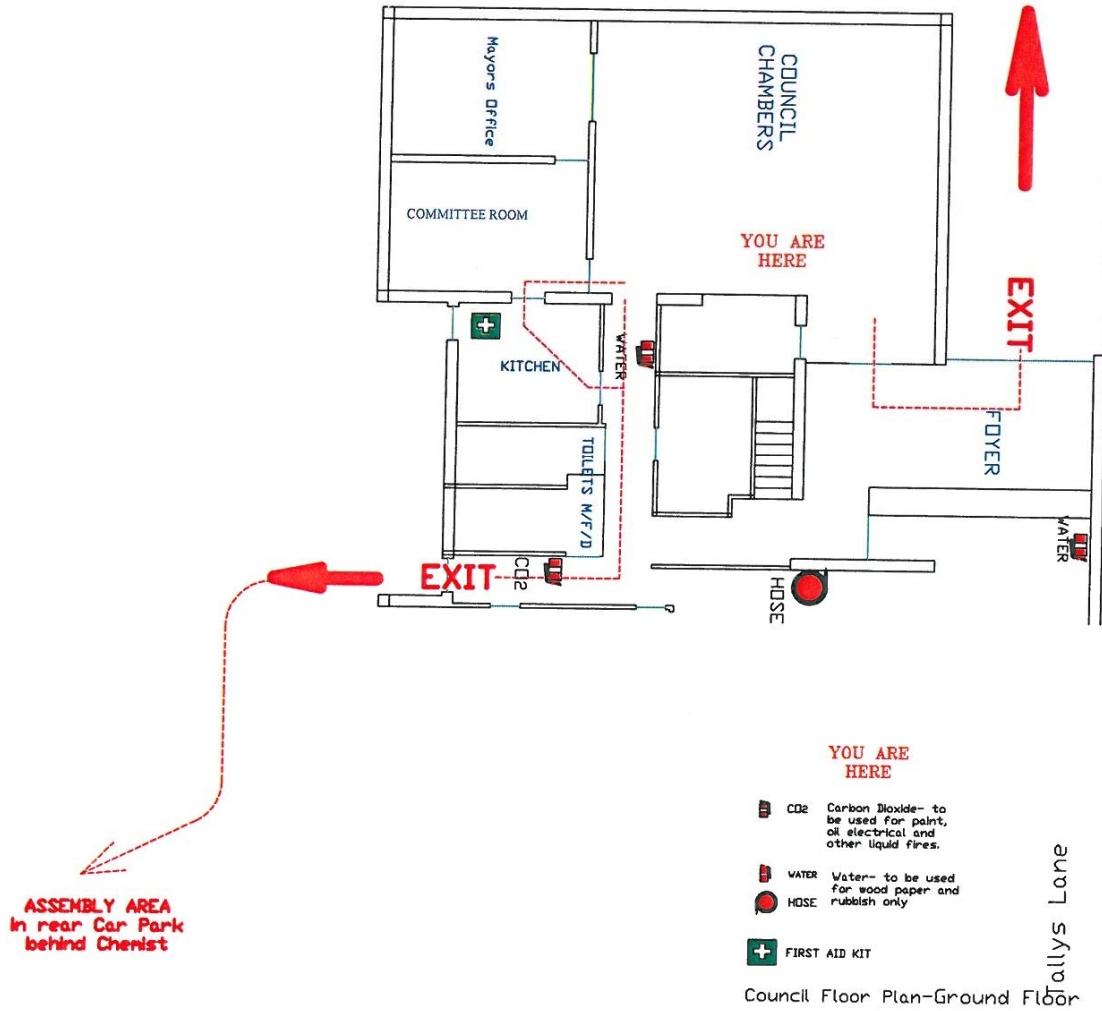
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OBERON STREET



IN EMERGENCY Phone 0 000

01 Opening of Meeting

File No: Governance/Meetings/Ordinary

The Mayor welcomed members and declared the meeting open at [REDACTED]

02 Acknowledgement of Country and Prayer

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

The Meeting was opened in prayer by [REDACTED]

03 Record of Attendance

File No: Governance/Meetings/Ordinary

Members	Mayor John McMahon (in the Chair) Deputy Mayor Kerry Gibbons Clr Ian Doney Clr Jill Evans Clr Neil Francis Clr Sam Lord Clr Clive McCarthy Clr John Morgan Clr Kathy Sajowitz
Officers	Alan Cairney, General Manager Gary Wallace, Planning and Development Director Aruna Wickramasinghe, Works and Engineering Director Sharon Swannell, Executive Coordinator
Apologies	Nil

That apologies be received and accepted for the non-attendance of [REDACTED]

04 Mayoral Election

04.01 ELECTION OF MAYOR AND DEPUTY MAYOR

File No: Governance/Elections/Local Government Elections

Author: Alan Cairney, General Manager and Sharon Swannell, Executive Coordinator

Summary

Council is required to elect a Mayor for the coming 12 month period. The report provides the procedure for the Election of Mayor and Deputy Mayor.

Nomination forms have been provided to Councillors.

Recommendation:

That if an election is required for the positions of Mayor and Deputy Mayor, then the election is held by ordinary ballot.

Comment

Ballot papers will be issued if a decision is made to hold the election by Ballot. If a decision is made for "Open Voting" then this will be by a show of hands.

The relevant clauses of **Schedule 7 of the Local Government (General) Regulation 2005** for the election of the Mayor and Deputy Mayor are:

1. Returning Officer

The General Manager (or a person appointed by the GM) is the Returning Officer.

2. Nomination

- (1) A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

3. Election

- (1) If only one Councillor is nominated, that Councillor is elected.
- (2) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
- (4) In this clause:

Ballot has its normal meaning of secret ballot.

Open voting means voting by a show of hands or similar means.

5, 6 and 7 below apply with respect to elections by ordinary ballot

5. Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6. Count - 2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7. Count – 3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in Subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under Subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

12. Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13. Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- (a) to be declared to the Councillors at the Council Meeting at which the election is held by the returning officer, and
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

04.02 COUNCIL COMMITTEES

File No: Governance/Meetings/Committees General
 Author: Alan Cairney, General Manager and Sharon Swannell, Executive Coordinator

Summary

There are a number of Section 355 Committees and other Council Committees. These were reviewed in June 2013 and the report seeks the confirmation of the Councillor appointments to these Committees.

Recommendation:

Council confirm its current appointments and Chair of the Section 355 Committees; and make appointments to other Council Committees, Community Committees and Working Parties.

Comment

In September each year at the same meeting as the Council elects the Mayor and Deputy Mayor for the following 12 months, the Council also confirms its current Committee Structure and appoints Councillors to each Committee.

In April and June 2013 reports were considered on suggested changes to the Section 355 Committees and a decision was made to reduce the number of these and to have a Councillor appointed to Chair these Committees.

A summary is provided for each of the current Section 355 Committees and other Council Committees, noting the current Councillor delegates as follows:

1. Section 355 Committees

Committee	Current Councillors Nominated
Oberon Community Services	Councillor Sajowitz – Chair Councillor Doney Councillor Evans
Heritage	Councillor McCarthy - Chair Councillor Doney
Oberon Sports Facilities	Councillor Gibbons – Chair Councillor Evans
Seniors Welfare	Councillor Morgan – Chair Councillor Evans Councillor Sajowitz

Note: the Elected Mayor is also a member of these Committees

2. Council Committees

Finance Committee	Whole Council
Traffic Advisory Local Committee <i>Is a statutory Committee</i>	Councillor McCarthy Councillor Gibbons (alternate delegate)
Works Committee	Whole Council

3. Community Committees & Working Parties

Self Care Units Tenants Panel	Councillor McCarthy Councillor Lord (alternate delegate)
Australia Day Working Party	Mayor
Community Precinct Working Party	Chair of Community Services Committee
Youth Council Working Party	Councillor Sajowitz Councillor Morgan

For the Youth Council Working Party, it is intended that this be a Community Committee with Oberon Council providing some resources and a meeting venue, and also administrative support and other “in-kind” assistance primarily through the Community Services area and by the involved of Elected Councillors and including the Mayor and General Manager.

04.03 DELEGATES TO EXTERNAL ORGANISATIONS

File No: Governance/Meetings

Author: Alan Cairney, General Manager and Sharon Swannell, Executive Assistant

Summary

Following the election of the Mayor and Deputy Mayor, Council traditionally reviews its delegates to a number of external organisations. In some cases the Mayor is automatically designated as a delegate representing Council.

Recommendation:

That Council appoint its delegates to external organisations for the following twelve months.

Comment

A summary of each of the external organisations on which Council appoints delegates, noting the current delegate (or delegates) is as follows:

- Arts OutWest
 - Fran Charge, Oberon Arts Council
- Ben Chifley Catchment Management Steering Committee
 - Councillor Francis
- Bicentennial Crossing Alliance
 - Mayor
- Blue Mountains, Lithgow and Oberon Tourism Association (BMLOT)
 - General Manager
 - Councillor Lord (alternate delegate)
- CENTROC
 - Mayor and General Manager are automatic delegates
- Chifley Zone – Community Safety Precinct Committee
 - Mayor and General Manager are automatic delegates

- Hawkesbury/Nepean Catchment Management Authority
 - No delegate currently appointed

 - Joint Regional Planning Panel
 - Councillors Doney and McCarthy
 - Councillor McMahon (alternate delegate)
- Note:** Any delegate or alternate nominated by Council needs to be endorsed by the Director General of the NSW Department of Planning and Infrastructure.
- Lachlan Catchment Management Committee
 - No delegate currently appointed

 - Lachlan Regional Transport Committee Incorporated
 - No delegate currently appointed

 - Macquarie Catchment Management Committee
 - No delegate currently appointed

 - Oberon Arts Council (OAC)
 - Mayor and General Manager

 - Oberon Business Association (OBA)
 - Mayor and General Manager

 - Oberon Correctional Centre Community Consultative Committee
 - Councillor Gibbons and Councillor Evans

 - Oberon Plateau Tourism Association (OPTA)
 - Councillor Lord

 - Rural Fire Service Chifley Zone Liaison Committee
 - Councillors McCarthy and Francis (also attend Brigade Captains' Meetings)
 - Works & Engineering Director and Finance Coordinator

 - Sydney Water Catchment Management Authority
 - No delegate currently appointed

 - Union Fenosa Pre Development Application Community Consultative Committee
 - Councillors Morgan, Gibbons, Francis, Sajowitz
 - Planning & Development Director

 - Upper Macquarie County Council
 - Councillors McMahon and Francis

General Manager's Note:

There are vacancies on the Catchment Management Committees and time it is suggested that the Planning & Development Director attend as required and forward relevant information to Council and other staff.

A **Councillor/Delegates Report** or a Report from the staff nominated by the General Manager, will be prepared and referred to Council for consideration.

04.04 REVIEW OF DELEGATIONS

File No: Human Resources/Employees/Delegations
Author: Alan Cairney, General Manager

Summary

Council is required to review all its delegations during the first 12 months of its term of office.

Recommendation:

That Council reaffirm the delegations made to the General Manager.

Comment

During the first 12 months of its term the Council has issued specific delegations on a range of issues which have been the subject of separate report items.

These specific delegations have related to the following:

- Council Property – delegation to the General Manager to negotiate the sale of property within the Industrial Land Subdivision off Albion Street.
- Council Property – delegation to the General Manager to negotiate the sale of property within the Tasman Estate Residential Land Subdivision.
- Waste Depot / Land Fill – delegation to the General Manager to finalise negotiations for the acceptance of waste material to the Oberon Waste Facility.
- Development Applications – determination of applications delegated to the Planning and Development Director for specific applications in accordance with specific report items.

In addition the General Manager was issued with a range of delegations in April 2012, prior to the election of the current Council. These delegations are listed on the following pages and are to be reaffirmed.



Delegation of Authority General Manager

Section 377 Local Government Act 1993

Oberon Council, pursuant to its powers under Section 377 Local Government Act 1993, hereby delegates to **Alan Cairney**, the employee of Council in whom Council has vested the functions of **GENERAL MANAGER**, the exercise of the powers, functions, duties and authorities contained in the Local Government Act 1993 and specified in Schedule 1 and Schedule 2, subject to the limitations specified in Schedule 3.

This delegation shall commence on 19 April 2011, and remain in force until specifically altered or revoked in writing.

SCHEDULE 1

LOCAL GOVERNMENT ACT 1993

CHAPTER 6 – SERVICE FUNCTIONS

i) PART 2 – PUBLIC LAND

Section 54 – Issue of land classification certificates.

ii) PART 3 – RESTRAINTS & QUALIFICATIONS

Section 67 – Authority to approve of the carrying out of any lawful work on private land as provided by the Section and in accordance with the rates determined by Council.

CHAPTER 7 – REGULATORY FUNCTIONS

i) PART 1 – APPROVALS

Section 68 – Approval of activities specified in the attached Table 1, except in so far as this Act, the regulations or a local policy adopted by Council shows the activity to be carried out without approval. This delegation does not apply to any activity specified in Part B of the table on land to which any of the following Acts apply –

- Water Board Act 1987
- Water Supply Authorities Act 1987

Section 82(3) – Concur in the making of a direction for the modification of the provisions of Clause 54 or Clause 55 of the Local Government (Approvals) Regulation, 1993, when determining an application for approval where the General Manager is satisfied that an



Delegation of Authority General Manager

objection lodged with the Council under Section 82 (1) of the Local Government Act, 1993, to a Local Approvals Policy is well founded.

Section 94 – Determination of applications by granting approval, either unconditionally or subject to conditions, or by refusing approval.

Section 99 – Giving of notice to applicants of determination of applications.

Section 106 – Exercising Council's power to amend an approval, in accordance with the procedures outlined in Section 106.

Section 107 – Exercise Council's powers to extend or review an approval.

Section 108/109 – Exercise Council's powers to revoke or modify an approval in any of the following circumstances –

- a. If the approval was obtained by fraud, misrepresentation or concealment of facts;
- b. For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the Council not to have granted the approval (or not to have granted it in the same terms);
- c. For any failure to comply with a requirement made by or under this Act relating to the subject of the approval;
- d. For any failure to comply with a condition of the approval.

ii) **PART 2 – ORDERS**

Section 124 – Order a person to do or refrain from doing a thing specified in Column 1 of the attached Table No 2 if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

Section 125 – Order a person responsible for a public nuisance to abate it.

iii) **PART 4 – CERTIFICATES CONCERNING BUILDINGS**

Section 172 – Determine an application for the issue of a building certificate by issuing or by refusing to issue a building certificate to the applicant.

CHAPTER 8 – ANCILLARY FUNCTIONS

i) **PART 1 – ACQUISITION OF LAND**



Delegation of Authority

General Manager

Section 186/187 – Negotiate on Council's behalf the acquisition of land for the purpose of exercising any of its functions, up to the stage of presenting offers to Council for determination.

ii) **PART 2 – ENTRY ON TO LAND AND OTHER POWERS**

Sections 191/192 – Authorise Council employees (or other persons) to enter any premises for the purpose of enabling Council to exercise its functions.

CHAPTER 15 – COUNCIL FINANCES

i) **PART 3 – ORDINARY RATES**

Section 514 – Determine and declare the categorization of land for purposes of ordinary rates.

ii) **PART 7 – PAYMENT OF RATES AND CHARGES**

Section 567 – Write off accrued interest on rates and charges payable by a person if, in his opinion –

- a. The person is unable to pay the accrued interest for reasons beyond the person's control; or
- b. Payment of the accrued interest would cause the person hardship.

iii) **PART 13 – INVESTMENTS**

Section 625 – Arrange the investment of money that is not, for the time being, required by Council for any other purpose. Money may be invested only –

(a) In a form of investment notified by order of the Minister published in the Gazette.

Editorial note. See Gazettes No 152 of 24.11.2000, p 12041; No 94 of 29.7.2005, p 3977; No 97 of 15.8.2008, p 7638 and No 160 of 24.12.2008, p 13140.

- (b) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (c) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.
- (d) No overseas investments to be made unless hedged in accordance with Councils resolution of 9 October 2007 (Resolution No. 38)



Delegation of Authority General Manager

- (e) No investments to be made which mature beyond 12 months of the term of each Council, in accordance with Councils resolution of 9 October 2007 (Resolution No. 38)

And in accordance with Council's Investment Policy and any subsequent resolution of Council in relation to the investment of surplus funds.

SCHEDULE 2

The function of Council as specified in other Acts under which Council has powers, authorities, duties and functions.

SCHEDULE 3

1. The function of delegation and sub-delegation by the General Manager pursuant to Section 378, Local Government Act 1993, shall be exercised in writing signed by the General Manager.
2. Council may, by resolution, direct the General Manager in the exercise of any function herein delegated.
3. The General Manager shall exercise the functions herein delegated in accordance with and subject to –
 - i) The provisions of the Local Government Act 1993 and any other relevant legislation.
 - ii) All and every policy of the Council adopted by resolution and current at the time of the exercise of the function herein delegated.
4. Authorisation of Payments

Authority to issue orders for goods and services within the sums allocated and voted for by Council to a maximum individual order of \$150,000.

Signature: _____ **Date:** _____
Alan Cairney, General Manager

Signature: _____ **Date:** _____
Don Fitzpatrick, Mayor

END OF DELEGATION

04.05 RETURNS DISCLOSING INTERESTS

File No: Corporate Management/Administration/Register of Disclosures
Author: Alan Cairney, General Manager and Sharon Swannell, Executive Coordinator

Summary

All Councillors and designated persons who hold a position at 30 June must complete and lodge with the General Manager within 3 months a return. To facilitate this process a form has been sent to all Councils and relevant staff, including the General Manager.

Recommendation:

That Council note the requirement to lodge a return disclosing interests of Councillors and designated persons.

Comment

A “Disclosures by Councillors and Designated Persons Return” has been sent to all Councillors and the following staff members:

- Community Services Coordinator, Kathy Beesley
- Executive Coordinator, Sharon Swannell
- Finance Coordinator, David Mead
- General Manager, Alan Cairney
- Health and Building Manger, Mark Dicker
- Human Resources Coordinator, Joanne Barton
- Planning and Development Director, Garry Wallace
- Relief Works Engineer, Clive Cawthorne
- Senior Development Control Officer, Jaclyn Burns
- Works and Engineering Director, Aruna Wickramasinghe
- Works Manager, Ian Tucker

Any Councillor or Designated Person who fails to complete and lodge the Return by the end of September will be in breach of the requirements of Section 449 of the Local Government Act 1993.

05 Declarations of Interest

Governance/Councillors/Declarations of Interest

A GUIDE TO ETHICAL DECISION-MAKING *(Provided by the Independent Commission Against Corruption)*

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and code of conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- Pecuniary – regulated by the Local Government Act and Department of Local Government
- Non-pecuniary – regulated by codes of conduct and policy. ICAC, Ombudsman, Department of Local Government (advice only)

The test for conflict of interest:

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain
- Important to consider public perceptions of whether you have a conflict of interest

Identifying problems

- 1st Do I have private interests affected by a matter I am officially involved in?
- 2nd Is my official role one of influence or perceived influence over the matter?
- 3rd Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

When making a Declaration of Interest the reason for making the declaration should be clearly stated. Pecuniary and Non-Pecuniary Significant Interests should be managed by leaving the room while the matter is considered.

Pecuniary -
Non-Pecuniary -
Significant
Non-Pecuniary
Less than
Significant

06 Presentations

Sergeant Shelley Jackson, Oberon Police will address Council regarding the Police activities in Oberon.

07 Questions from the Public

None received.

08 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 20 August 2013

The Minutes of the Ordinary Meeting of Oberon Council held on 20 August 2013 are ATTACHED.

Recommendation:

That the Minutes of the Ordinary Meeting held on 20 August 2013 be taken as read and confirmed.

Matters Arising from the Minutes

Nil

09 Mayoral Minute and Report

09.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary
Author: John McMahon, Mayor

Summary

This report summaries the main activity for the Mayor since my last report.

Recommendation:

That Report Item 09.01 is received as information.

Comment

A. Meetings

1. OPTA Meeting – 12 August 2013
 2. Councillor Informal Briefing Session – 13 August 2013
-

3. Oberon Correctional Centre Community Consultative Committee Meeting – 20 August 2013
4. Ordinary Council Meeting – 20 August 2013
5. CENTROC Board Meeting – Dubbo – 22 August 2013
6. Oberon Arts Council Meeting – 27 August 2013
7. Community Services Committee Meeting – 28 August 2013
8. Australia Day Planning Meeting – 2 September 2013
9. Community Safety Precinct Committee Meeting, Oberon – 2 September 2013
10. Councillor Informal Briefing Session – 10 September 2013

B. Representation

1. Launch of Books For Babies at the Oberon Library
2. Presentation of 150 Year Medallions to children at Oberon Children’s Centre – 20 August 2013
3. Presentation of 150 Year Medallions to children at Parkview Kindergarten – 20 August 2013
4. Oberon Masonic Lodge – Informal Dinner and Presentation regarding the Battle of Gettysburg – 28 August 2013
5. Rotary to attend the presentation of the Paul Harris Award – 29 August 2013
6. Official Opening of the Community Transport Garage – 30 August 2013
7. Burruga Sheep Show and Annual Fair – 31 August 2013

C. Correspondence

1. Legislative Assembly advising that the Public Accountants Committee is currently conducting an inquiry into cogeneration and trigeneration in NSW and inviting submissions to the inquiry.
2. Australian Local Government Association of NSW calling for Council’s to provide short submissions on road and transport projects.
3. Invitation to attend the Rotary Club of Oberon presentation of the Paul Harris Award.
4. Charles Sturt University Invitation to attend the Vice-Chancellors Regional Leaders Luncheon.
5. Heart Foundation of NSW requesting support for the 2013 Big Heart Appeal.
6. NSW Ministry of Health regarding Fluoridation of public water supplies.
7. NSW Fair Trading advising that the “I Love My Local Business” competition is now open for nominations.
8. Invitation to attend the NSW Police Force Chifley Local Area Command National Police Remembrance Day Ceremony.
9. Rural Fire Service - Invitation to attend a farewell function for Pat and Maureen Linnane.

10 Councillor/Delegates Reports

10.01 CENTROC BOARD MEETING – DUBBO – 22 August 2013

File No: Government Relations/Local and Regional Consultation/Centroc
Author: Mayor John McMahon and Jenny Bennett, Centroc

Summary

General Manager, Alan Cairney and I attended the Centroc Board Meeting held at Dubbo on Thursday 22 August 2013.

Recommendation:

That report item 10.01 is received as information.

Comment

General Manager Alan Cairney and I attended the Centroc Board (the Board) meeting in Dubbo. The following information is a summary of the meeting provided by Centroc Executive Officer, Jenny Bennett. Formal meeting minutes will be provided in due course.

Speakers in attendance were:

1. Ms Joy Adams, Western Area Health District regarding the Plan for this region and
2. Mr John Attenborough, Statewide regarding insurance for Councils.

Two items of significant discussion were the Local Government Reform process and support for more water storages in Central NSW.

The Local Government Reform process

The Centroc Board endorsed submissions to the Local Government Reform process. These are in relation to the 20 Essential Steps Report and the MDL report on Community Board. The submissions available on the Centroc website at:

<http://centroc.com.au/publications/submissions>

The submissions support the Centroc position:

1. Noting that there a divergence of opinions within the group and that members will be providing other advice;
2. Noting in particular there is a diversity of advice regarding County Councils where clarity regarding the Independent Panel recommendations is sought with another round of consultation before advice is provided to Minister for Local Government;
3. Noting that the region is against Local Boards in principle where again clarity is sought in a further round of consultation;
4. Including advice regarding models for collaboration where regional solutions without losing local autonomy are to be included :
 - a. Noting that Centroc is undertaking work on scenario development for regional programming and the preferred structural arrangements for their delivery;
 - b. Noting that the preference from this region is for legislation for regional collaboration be purpose built or if existing County Council provisions are to be amended, these be amended to include heads of consideration as follows:

- i. Enabling regional procurement and other collaborative programming where regional procurement has been an area of particular deficiency;
- ii. Self-determining constitutions including provisions for Board membership based on principles of representation and offering both operational and advocacy advice and skills to the entity;
- iii. Optional binding/mandatory arrangements with guidelines for when these are to be used;
- iv. Answerability to constituent Councils and
- v. Employment of staff under similar arrangement as General Purpose Councils.

More water storages in Central NSW

Robust and collaborative discussion regarding the proposed “Needles” dam led to the Board resolving to:

1. Write to the candidates in the forthcoming Federal election seeking support for their ongoing commitment to improving regional water security in Central NSW;
2. This support include advice acknowledging the success to date of Centroc Regional Water Security Study and Centroc Water Utilities Alliance; and
3. This support also build on Centroc’s success to investigate further projects through a review of the Centroc Water Security Study, which could include a regional grid, localised solutions around demand management and leak prevention and further investigations into new storages in line with NSW Government priorities, which may include the Needles.

The balance of discussion at the Board meeting

The Board meeting considered reports against its Management Plan including the following:

Transport Infrastructure - members resolved to approach the NSW Government with a view to having Central NSW infrastructure priorities included in the NSW Government submission to the National Building Program;

Water Infrastructure - the substantial activity of the Centroc Water Utilities’ Alliance was noted and included its signing of the contract with the Australian Government as part of the Community Energy Efficiency Program for up to \$2.2M for the Nexus Between Water and Energy Program.

Health - the success of the 24hr helicopter campaign was celebrated as a great win for the region and the Board subsequently resolved to send letters of thanks to all members, the Minister for Health, the Parliamentary Secretary for Rural and Regional Health and Local members for their support.

Telecommunications - members were supportive of the broadband survey campaign currently being undertaken by Centroc.

Regional Development - the Destination Management Plan by Central NSW Tourism (CNSWT) was discussed with members being asked to request a presentation on it by the CNSW CEO who was also asked to present at the next Centroc Board meeting.

Member Council Operational Support - noting the substantial amount of activity being undertaken collaboratively in support of member operations. This includes:

- The roll out of the successful online training trial showing excellent savings to members;
- Development of a regional Pre- employment Screening Tender;
- A regionally developed water sampling training and accreditation program;
- Development of a regional approach to road asset revaluation;
- Progress of the next round of regional electricity procurement;
- Grant opportunities; and
- Regional contracts.

Net savings to members under these programs since December 14 2009 are \$2.25m.

The Board also adopted a Social Media plan. Interested Councillors might like to follow Centroc on Twitter or Facebook.

There was also a report provided on having Centroc Board meetings at both Parliament House in Sydney and Parliament House in Canberra with a view to progressing the region's priorities with the State and Federal Governments.

Unaudited financial advice showed a small surplus for the year of \$32,832 against a budget of \$630.

Centroc has lodged a number of submissions on behalf of the region in the past quarter. These include:

- Centroc Submission to the MDL Paper on Community Governance August 2013;
- Centroc Submission Sydney Airport Masterplan August 2013;
- Centroc Submission Future Directions for NSW Local Government Twenty Essential Steps June 2013;
- Centroc Submission Discussion Paper A new Local Government Act for NSW June 2013;
- Centroc Submission Inquiry into Tourism in Local Communities June 2013;
- Centroc Submission White Paper A new Planning System for NSW June 2013; and
- Centroc Submission Inquiry into downstream gas supply and availability in NSW June 2013.

These and the Centroc business papers are available on the Centroc website at centroc.com.au or via Centroc staff through the General Manager.

11 Inwards Correspondence

11.01 INWARDS CORRESPONDENCE

File No: Governance/Meetings/Ordinary
Author: Sharon Swannell, Executive Assistant

Summary

The Report Item provides a summary of incoming correspondence for the period 1 August 2013 to 31 August 2013. A copy of correspondence received will be available to be viewed at the Ordinary Council Meeting. Copies of correspondence are available upon request.

Recommendation:

That Report Item 11.01 is received as information.

Comment

A summary of incoming correspondence received by Council is as follows:

1. Intentus, Chartered Accountants advising that from 1 July 2013 the audit practice of Morse Group will divide from the accounting practice to operate as a separate audit only entity known as Intentus Chartered Accountants.
2. Local Government NSW Media Release advising of the 2013 Local Government Week Award Winners. The Award Winners are recognised at the 2013 Local Government Week Awards Evening.
3. Department of Premier and Cabinet advising that the 22nd edition of Comparative Information on NSW Local Government Councils is in the first stage in several major changes to the report.
4. Circular to Councils – to inform Council's of the outcome of Round Two of the NSW Government Local Infrastructure Renewal Scheme.
5. Circular to Councils – reminding Council's of their responsibilities under the Carers (Recognition) Act 2010 and to inform them of available resources to assist in meeting this responsibility.
6. Circular to Councils –providing advice to assist Council's in preparing and submitting their 2012/13 financial statements and other reporting obligations.
7. Local Government NSW – enclosing a refund of Council's Instalment 3 payment for the Local Government referendum campaign.
8. Oberon Business Association Inc. regarding the possibility of a merger or affiliation with Oberon Plateau Tourism Association.
9. Radio 2MCE proposing a merger for Oberon Hightop FM with Radio 2MCE for Community Broadcasting for Oberon.
10. Local Government NSW Grants Commission advising that the commission has approved the 2013/14 Financial Assistance Grants.

Notes:

12 Reports for Information

12.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary
Author: Alan Cairney, General Manager

Summary

The Report Item summaries the main activity for the General Manager during August including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional issues, Grant Applications and details of planned activity for the coming months.

Recommendation:

That report item 12.01 is received as information.

Comment

1. Human Resources and Workplace Health and Safety

Includes information provided supplied by Human Resources Coordinator (HRC) and Work, Health and Safety Coordinator (WH&SC).

HUMAN RESOURCES (ORGANISATIONAL DEVELOPMENT – OD)

Recruitment Activity

Appointments & Terminations

- Gillian Salmon was appointed as Grants Coordinator and Mikaela Sherlock was appointed as Relieving Planning and Development Administrative Assistant.
- Rosalie Jones joins the Engineering Department as a vocational works experience student. Rosalie is required to undertake 60 days of work placement to complete her degree with UNSW.
- Expressions of Interest have been sent to last seasons pool staff for the next season.
- Gavin Douglas resigned from the position of casual Animal Control Officer.

Charity involvement

On Wednesday 21 August 2013, the payroll staff coordinated a lunch for Daffodil Day and raised over \$200.00 for the cause.

The blood bus visited Oberon on 26 August 2013 with a number of employees donating to the cause. We are planning on registering as an organisation to record employee donations.

A number of staff are planning on nominating for the Edgell Jog – a fun run in Bathurst to raise money for Prostate Cancer and Independent Living. A number of employees have expressed an interest for a similar event to be held in Oberon.

Staff have registered for the following charities for the remainder of the year.

- 25 September – Red Cross appeal
- 18 October – National Bandana Day
- 25 November – White Ribbon Day
- During December – Operation Christmas Child

Training and Development

Leanne Pointon is undertaking Certificate IV in Bookkeeping and Jane Nicholl is undertaking Certificate IV in Business Administration.

Rates Training – Module 1 Introduction to Rates and Basics of Rating – Leanne Pointon completed 8/9 August 2013 through LGTI. Leanne will complete modules 2 and 3 rates training in September and October.

Tim Booth and Mark Beynon completed Crystal Report training in Orange. Crystal Reports is a function which allows information to be drawn from software packages for reports.

Kathy Stapley is updating her current Certificate IV in Training and Assessment to meet the new requirements for the qualifications. This allows Kathy to provide training to pool staff.

Compliance training including updates of Red and Orange traffic control tickets, WHS for Supervisors and Managers and confined space training is planned for September.

Customer Service training has been scheduled for 3 October for key customer service staff.

Meetings

- Authority Human Resources Special Interest group meeting on 8 August 2013
- Authority Payroll Special Interest group meeting on 9 August 2013. These special interest groups provide a networking opportunity for Authority Councils to meet and discuss processes and future product development requirements.
- Centroc HR meeting in Young on 20 August.
- On-Line Training – 30 August

WORKPLACE HEALTH AND SAFETY

Incidents/Injuries

There were two incidents reported during August. An employee was getting into the backseat of a vehicle and before she had time to get in the driver drove off. The passenger in the front of the vehicle noticed and shouted to the driver to stop. There was no injury.

The second incident was where a ride- on mower was driven too close to an employee who was whipper snipping around the edges of a park and sprayed her with grass and dust. Again there was no injury.

No work hours were lost during August.

DAYS WITHOUT LOST TIME INJURY

Department/work area	31 July	31 August
Administration	200	231
Works	31	62
Library	367	398
OVIC	359	390
Workshop	76	107

Training & Meetings

- Weekly meetings with GM, each Wednesday morning.
- Weekly mentoring sessions with Works & Engineering Assistant.
- 13 Aug – P&D Director; Continuous Improvement Plan for Pool Complex
- 15 Aug – W&E Director and HR Coordinator; training needs for works staff
- 15 Aug – Overseer & Projects Engineer; requirements for Oberon West project.
- 21 Aug – GM; Asset Management & Infrastructure backlog.
- during Aug – Delivery Program & Operational Plan (including financial).

Upcoming Activities

- 2 Sept - CENTROC WHS/Risk Management group meeting at Blayney.
- 4 Sept - Inaugural Risk Management meeting planned with GM to implement the Risk Management Action Plan 2013 – 2014.
- The WHS Action Plan for 2013 – 2014 will be developed during September. This will reflect results of the internal audit by to ensure compliance with WHS Act 2011.
- Meeting with Executive Coordinator and OVIC staff to provide instructions and implement the updated procedures for information dissemination to visitors who request information on mushrooming in the Oberon LGA.
- Completed the draft Asbestos Policy.
- StateWide will facilitate a workshop on Best Practice for Roads.
- 3 Dec - CENTROC WHS/Risk Management group meeting at Bathurst.

Risk Management Action Plan (RMAP) – Continuous Improvement Pathway

As members of StateWide Mutual, all Councils are asked to develop a Risk Management Action Plan (RMAP) based on insurable and non-insurable risk exposures to their organisation, and risk exposures to the Scheme.

We have prepared and submitted a Continuous Improvement Plan (CIP) via the Regional Risk Manager. The development and implementation of this CIP will account for a significant portion of the incentive Bonus allocation and as such was required to meet the following requirements:

- Operational Initiatives related to the CIP of Operational Risk exposures from the focus areas of Assets, Land Use or Business Activities as determined by Council. This build in the former PL self audit, but also extends to all other operational and business areas of Council.
- Strategic Initiatives related to the continuous improvement of Strategic Risk exposures. This focuses on how Council is run. It relates to actions that will promote improvement in areas at a higher level, where decision making and management planning occurs, and where risk may impact on the whole organisation.
- Other CIP inputs – this relates to any other area or activity arising from an external influence such as the DLG's Promoting Better Practice, or other priorities identified as requiring improvement to manage risk effectively.

Council has to demonstrate that it has:

- Given consideration to and applied the principles of Information Management at an organisational level

- Established a formal regular review process at a senior management level to monitor the progress throughout the term of the RMAP.

Council also needs to be able to demonstrate that the RMAP is prepared with the participation and endorsement of Council's Senior Management, and that the plan is effectively communicated to all relevant staff.

During the period our StateWide Regional Risk Manager will conduct an Implementation Review looking for evidence that Council has achieved the objectives outlined in the RMAP to the agreed performance standard and timeframes. The Regional Risk Manager is available to assist at anytime during the process.

2. EXECUTIVE SUPPORT – MEETINGS & VISITOR INFORMATION CENTRE

Includes information provided by the Executive Coordinator:

- Weekly Mayoral Column for the Oberon Review drafted for Thursday's edition
- Weekly "What's On?" newsletter issued to Councillors each Friday during August
- Traffic Advisory Local Committee – 1 August
- Finance Committee – 6 August
- Informal Briefing Session – 13 August
- Local Emergency Management Committee Meeting – 15 August
- Monthly Ordinary Council Meeting – 20 August
- Community Services Committee – 29 August

Lynne Causer from the Oberon Visitor Information Centre attended the Oberon Plateau Tourism Association Meeting held on Monday 9 September 2013. The main topic for discussion was the proposal to merge with Oberon Business Association and following discussion it was agreed that members would consider the proposal and the matter would be discussed at the October OPTA Meeting.

Staff from Visitor Information Centre will be attending a Famil Tour of the Fossicking Sites around the Oberon LGA on Wednesday 11 September 2013. This will provide staff with up to date information regarding drive distances, access, road conditions, availability of water and other information that Visitors are seeking when planning their activities around Oberon.

Further training for OVIC staff for internal policies and procedures as well as a mock Emergency Evacuation Drill are planned during September.

3. COMMUNITY ACTIVITY, REGIONAL ISSUES and OTHER MEETINGS

- 2 to 4 Aug – Country and Regional Living Expo
- 6 Aug – meeting with community members regarding the Oberon Swimming Pool
- 7 Aug – OBA breakfast meeting at the Big Trout
- 7 Aug – meeting with local member Paul Toole, MP
- 7 Aug - meeting with representative of Lithgow and Bathurst Councils
- 8 Aug – visited local resident regarding the O'Connell RFS.
- 9 Aug – NAIDOC event at Oberon Correctional Centre
- 9 Aug – BMLot Awards of Excellence function at Scenic World, Katoomba
- 15 Aug – BMLot Board Meeting
- 16 Aug – meeting with Tad Pietrzykowski regarding Hightop FM
- 19 Aug – meeting with Federal Member, John Cobb MP
- 19 Aug – FOOLs project launch "Books for Babies"
- 20 Aug - Oberon Correctional Centre Community Consultative Committee
- 22 Aug – Centroc Board Meeting at Dubbo

- 26 Aug – Blood Bank donation
- 26 Aug – met with representatives of Hightop FM and 2MCE FM
- 27 Aug – Oberon Arts Council meeting at Oberon Golf Club
- 28 Aug – Masonic Lodge Oberon - “Battle of Gettysburg” presentation
- 30 Aug – Official Opening of Community Transport Garage

4. GRANT APPLICATIONS

Gillian Salmon was appointed to a casual position to carry out preliminary work associated with Grants and other Funding opportunities. The initial role has been to determine suitable Grants and to liaise with relevant Council staff and the community.

Following is a listing of recent Grants/Funding applied for and the current status/outcome:

Submitted	Details / Description of Project / Project\$	Amount	Status
July 2013	Recreational Fishing Grants - \$13,696 joint project with Oberon Acclimatisation Society	\$9,140	successful
Aug 2013	Better Boating Program - \$95,000 NSW Maritime Services	\$57,504	submitted
Aug 2013	Regional Development Australia Fund – Round 5 side panels to “enclose” swimming pool - \$152,268	\$152,268	submitted
Sept 2013	Seniors Week 2014 - \$2,000	\$1,000	submitted
Due Date and Details of Planned Applications			
27/9/2013	Fish Habitat Action Grants in consultation with Works & Engineering Director	up to \$40k	
27/9/2013	Small Grants for Small Communities possible projects Heritage Committee – Timber Heritage Walk, Oberon Arts Council – Community Art Project	up to \$5k	
13/12/2013	Sport & Recreation Events Program Sports Facilities Committee	up to \$10k	
1/10/2013	Country Arts Support Program FOOLs – Waste to Art, Women’s Welding Oberon Arts Council – design and art	up to \$1500	

5. PLANNED ACTIVITY FOR SEPTEMBER and OCTOBER

Managers and Supervisors have been involved in workshop sessions outlining expectations for implementing the Programs and Projects in the Oberon Community Strategic Plan 2013. This will lead to a greater involvement in the CSP review process and the development of more relevant performance indicators, including financial indicators.

During September we will be undertaking a **Health Check** on our Financial Systems associated with the Civica Authority corporate software. This will assist in transitioning to the Business Intelligence System (BIS) which will provide Managers/Supervisors the ability to better monitor and control current Programs/Projects. Training in BIS has been arranged for all Managers/Supervisors.

The major topic for Councillor Workshops to be held in conjunction with the Informal Briefing Sessions in Sept, Oct and Nov will be a review of the Asset Management Plan.

In October there is policy reviews proposed and work to complete the Annual Report. During October our External Auditors, **Intentus** Chartered Accountants (formerly known as Morse and Co) will visit to complete the audit of the Annual Financial Statements.

The official launch of enhanced access to Lake Oberon for water craft is proposed for Sat 5 October with a “go-live” date of 1 Oct agreed to with Maritime and Fisheries. Work has commenced on improving the road access and a dedicated car parking area.

12.02 MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT

File: Governance/Meetings/Ordinary
 Author: Gary Wallace, Planning and Development Director

Summary

Providing details of major work within the Planning and Development Department for August.

Recommendation:

That report item 12.02 is received as information.

Comment

1. Determinations

The following Applications and Certificates were determined during August.

Type of Application/Certificate	Number Approved
Development Applications	3
Construction Certificates	3
Complying Development Certificates	0
Section 68 Applications	2
Subdivision Certificates	2

Determinations August 2013 (S.101 E.P. & A. Act.)

Ref No	Development Type	Street Address	Locality
19.2013.12.1	Continued operation of OSWW	289 Shooters Hill Rd	Mozart
10.2013.41.1 11.2013.41.1 19.2013.13.1	Dwelling & OSWW	231 The Meadows Rd	Hazelgrove
15.2013.63.1	Sub cert - Boundary Adjustment	269 Todd's Road	Wisemans Creek
10.2013.21.1	Agricultural Subdivision	2519 O'Connell Rd	O'Connell
10.2013.45.1 11.2013.45.1	Garage	14 Herborn St	Oberon

15.2011.17.1	Subdivision	1092 Lowes Mt Rd	Tarana
10.2013.44.1	Shed	1821 Mutton Falls Rd	O'Connell
11.2013.44.1			

Copies of determinations are available from inspection at Council's Administration Centre. Total fees for applications during August were **\$10, 043.41**. These fees represent 27% of income shown in the Operational Plan 2013/14.

2. Certificates Issued

During the Conveyancing process, normally as part of the sale of a property, various Certificates are applied for by Solicitors, Real Estate Agents or by the public.

In August the following certificates were issued:

Certificates	Number Issued
SECTION 149(2) AND (5) PLANNING CERTIFICATES Environmental Planning and Assessment Act, 1979	23
SECTION 735A CERTIFICATES AS TO NOTICES Local Government Act, 1993.	4
SECTION 121ZP CERTIFICATES AS TO ORDERS Environmental Planning and Assessment Act, 1979	0
SECTION 149A BUILDING CERTIFICATES Environmental Planning and Assessment Act, 1979	0

3. Oberon Animal Pound

No Nuisance Dog or Nuisance Cat orders and 2 Dangerous Dog Declarations were issued during August. The following are details of activity at the Animal Pound in August.

Details	Cats	Dogs
Animals carried over from previous month	0	2
Animals Seized - Roaming animals collected by Ranger	1	0
Animals Abandoned - Animals left in Council drop-off cages	4	1
Animals Surrendered - Animals given up by owner	0	0
Animals released to Owner	0	0
Animals Released to Charity Organisations	0	1
Animals Destroyed	4	1
Animals Sold	0	0
Animals died at Council's facility	0	0
Animals Escaped/Stolen	0	0
Animals still in the Pound	1	1

4. Miscellaneous Matters

Various inspections, including building inspections, health inspections, environmental inspections and complaints were conducted during August.

Type of Inspections	Number of Inspections
Building Inspections	21
Food Inspections	1
Environmental Inspections (Air Pollution/Noise Pollution/Water Pollution)	0
Subdivisions Certificate Inspections	1
Complaints (Including Animal Control)	8
Building Maintenance Inspections	8

5. Swimming Pool

With the summer months approaching things are starting to heat up around the pool. Over the next few weeks the pool will be transitioned out of 'winter mode' into operational mode. More activity around the pool is expected. The revised drawings for the proposed roof enclosure have been forwarded to our structural engineers to provide an engineering design for the project. Early timelines predict the enclosure to be ready for the 2014/15 swim season.

6. Attendance at Seminars/Conference/Short Courses

No conferences, short courses or seminars were attended during August, although staff attended an indoor toolbox session at the Water Treatment Plant.

7. Upcoming Events

Advertising has been undertaken in the Oberon review regarding the requirement for pool owners to register their swimming and spa pools. A report regarding the recent amendments to the Swimming Pool Legislation has been prepared separately. This has implications to pool owners as well as Council. The report also includes a proposed draft Swimming pool inspection program which, if adopted by Council, will be placed on public exhibition. As previously advised this is significant new legislation designed to keep pool owners aware of their responsibilities.

12.03 COMPANION ANIMALS TASKFORCE UPDATE

File No: Laws and Enforcement/Companion Animals
 Author: Gary Wallace, Planning and Development Director

Summary

This report seeks to advise Council of proposed legislative changes to the Companion Animals Act 1998 in response to the Companion Animals Taskforce Report regarding dangerous and threatening dogs.

Recommendation:

That report 12.03 is received as information.

Comment

On 26 August 2013 the Division of Local Government issued circular 13-39 to all local Councils within NSW announcing the NSW Governments intention to introduce new legislation in the Spring Session of Parliament to help manage the threat of dangerous dog attacks in NSW.

It has announced that the proposed legislation will include the following measures:

- A new 'menacing dog' control category, allowing Councils to require owners to muzzle their dog in public, be on a leash, under the control of someone 18 years of age or older, and ensure that it is desexed.
- Stronger penalties, including maximum jail terms for owners whose dogs have been involved in an attack, increasing to a maximum five years for owners whose dogs have attacked after the owner has failed to comply with a menacing, dangerous or restricted dog requirement by Council.
- Enabling Councils to immediately seize an un-microchipped dog for which Notice of Intention has been issued to declare the dog as menacing, dangerous or restricted.

These new proposed legislative mechanisms will give Councils increased powers to ameliorate the threat posed by potentially dangerous dogs.

12.04 MONTHLY ACTIVITY REPORT – WORKS AND ENGINEERING

File: Governance/Meetings/Ordinary
Author: Clive Cawthorne, Relief Works Engineer

Summary

Providing details of major work completed in the Works & Engineering Department in August.

Recommendation:

That report item 12.04 is received as information.

Comment

1. General Fund

Gravel Resheeting – Resheeting works were carried out on selected sections of Brass Walls Road, Ivers Road, Felled Timber Road, Gingkin Valley Road and Connection Road.

Traffic Facilities – The trial modifications on Curtis trees were removed.

Drainage Construction and Maintenance – Drainage works were undertaken on Mt Werong Road and Schumachers Road.

Maintenance Grading – Maintenance grading was carried out on Mount Werong Road, McKeons Creek Road, Cosgrove Road, Burroughs Crossing Road and Arkstone Road.

Todds Road – Realignment of the 1st section of Todds Road was completed

Parks and Reserves – A meeting was held with representatives of sporting groups to improve the playing surfaces of league fields.

2. RMS Works

RMS Maintenance – Maintenance works are continuing on O’Connell Road and Duckmaloi Road.

Night inspections are conducted on State roads every 6 months. As a result of these inspections signs were identified for replacement and RMS provided additional funding for the replacement of these signs. Sign replacement works on both O’Connell and Duckmaloi Roads have been completed.

Oberon West – RMS has committed \$1.7M towards rehabilitating the first 2km of O’Connell Road North of Albion Street roundabout and the Council has been engaged as the Contractor to undertake these works.

The scope of work consists of some early works, culvert extensions, shoulder reconstruction pavement rehabilitation and surfacing.

The early works includes tree removals and pruning, compensatory tree planting and fencing has commenced. Several native trees are being planted to offset the removal of vegetation which posed roadside hazards especially around the curves.

Main works to construct shoulders and rehabilitate the pavement is expected to commence towards end of September.

3. Sewer Fund

Manhole Replacement Program – Work is continuing with the replacement and raising program of out-dated manhole covers with new sealed units.

4. Water Fund

Water Main Replacement – works were completed in Tarana Road.

Membrane Replacement – The contractor has advised that there is a manufacturer’s delay and therefore the installation of the membranes will be delayed.

5. External Meetings

- Oberon West Rehabilitation works – Meeting with RMS to discuss constructability, safety, community and environment matters.
- O’Connell Avenue trees – Meeting with RMS and the Community Guardian to discuss about the construction of stone walls and installation of commemoration plaques to mark the beginning and end of “O’Connell Anzac Memorial Avenue”.

6. Oberon Waste Depot Licence

The EPA licence for the Oberon Waste Facility has been received. This licence authorises the Waste Disposal (application to Land) at 362, 364 & 372 Lowes Mount Road, Oberon.

Licensing conditions include:

- Limit Conditions – Pollution of waters, Concentration limits, Waste, Potentially offensive odour
- Operating conditions – Maintenance of plant and equipment, Dust, Emergency response, Waste Management
- Monitoring and Recording Conditions
- Reporting Conditions – Annual return documents and other reporting conditions (e.g. notification of environmental harm)

This licence will enable Council to accept the CSR wood fibre and currently the negotiations are underway.

A FREE TIP DAY has been arranged for Sunday 15 September at Black Springs and Burruga Transfer Stations and Oberon Waste Facility.

7. Plant

Council has received the new Backhoe and has been deployed to the Plumbing Crew.

8. Staff Training

- RMS Red Ticket to select and modify traffic control plans – This will enable relevant staff to design, approve traffic control plans and check traffic control set ups on site.

9. Upcoming Works

Projects likely to commence over the next three months include the following:

- REPAIR program - Rehab works on Abercrombie Road, South of Sloggetts Road
- Gravel resheeting of selected sections on Bald Ridge Rd and Howes Road
- Installation of filtration membrane at the Oberon Water Treatment Plant
- Traffic Facilities – Construction of kerbs, medians and islands on Rupert St, O'Connell Road, Tarana Road and Carrington Avenue. Installation of speed humps on Curtis St.
- Water main replacement works on Tarana Crescent
- Heavy patching on Arkstone Road and Campbells River Road

12.05 MONTHLY ACTIVITY REPORT FINANCE AND COMMUNITY SERVICES

File No: Financial Management/Financial Reporting/Periodic Reports

Author: Kathy Beesley, Community Services Coordinator, David Mead, Finance Coordinator

Summary

The report is a summary of the major works carried out in Finance and Community Services in August 2013.

Recommendation:

That report item 12.05 is received as information.

Comment

1. General Work and Staff Matters

Applications for the vacant Directors position close on Monday 16 September. Work within the Department is generally being managed through the Finance Coordinator and the Community Services Coordinator.

2. Rates Collections Report

Rates and Charges collected by Rating Category August 2013						
Rate Category	Farmland	Residential	Rural Residential	Non Urban Centre	Business	Total
Brought forward 30/06/13	\$142,485.34	\$161,269.69	\$18,832.24	\$5,386.86	\$18,149.78	\$346,123.91
Current Levy	\$1,547,750.38	\$1,743,029.68	\$456,787.90	\$132,079.04	\$525,004.48	\$4,404,651.48
Payments, Concessions and interest	-\$521,884.46	-\$506,911.59	-\$153,577.65	-\$50,444.98	-\$188,343.54	-\$1,421,162.22
Balance outstanding	\$1,168,351.26	\$1,397,387.78	\$322,042.49	\$87,020.92	\$354,810.72	\$3,329,613.17
Overpayments						-\$4,190.36
Legal Charges						\$2,251.05
Total rates outstanding						\$3,327,673.86
% Collected August 2013	31%	27%	32%	37%	35%	30%
% Collected August 2012	35%	32%	38%	41%	47%	36%

3. Debt Recovery Action

No debt recovery action was undertaken for the month of August but will recommence in September with the return of the Rates Officer from leave.

4. Certificates Issued

Certificates issued in AUGUST 2013	Number Issued
Section 603 (Rates & Charges) Local Government Act 1993	9
Consumers Water Meter Reading	3

5. Community Events



A number of remaining events linked to the 150 Year Anniversary Celebrations still to occur:

- Sept/Oct TBA - Titania Motel presenting a Sesquicentenary Trivia Night
- Fri 1 and Sat 2 Nov - Oberon Arts Council 's Art and Craft Expo
- Sun 3 Nov - Oberon Golf Club Sesquicentenary Tournament
- Sun 3 Nov - National Parks and Wildlife Discovery Tour

Planning is underway for Australia Day (Jan 2014), Youth Week (April 2014) and Seniors Week (March 2014).

6. Library - Library Room Bookings for August

Room	Sessions	Hours	Income
Back Room	16	24	NIL

General Library Information/Forward Planning

History Week Event 24 September

Library facilitated book club – a new initiative increasing awareness of library resources.

School Holiday Craft in the Community Centre

7. The Robert Hooper Community Centre - usage for August

Community Centre	Sessions	Hours	Income
Function Room	25	61	\$352.00
Large Activity Room	24	65	NIL
Meeting Room	18	112	\$154.40
TOTAL	67	238	\$506.40

8. Community Technology Centre (CTC)

There are still several members of the community volunteering their time. U3A and the CTC work in conjunction to offer the community a wide range of courses. Currently they are working on term 4 courses.

9. HACC

Taxi voucher service commenced on Monday 2 September. This is a service for Home and Community Care (HACC) clients. *Community Transport Program (CTP)*. We have received a number of requests to use this service. The bus to Bathurst was not successful with only one person travelling. We have placed a flyer in the Oberon Taxi, notice boards and the Oberon Medical Centre in the hope of attracting more community members. *Floriade* is fully booked with a waiting list and Millthorpe Markets is steadily filling up.

10. Self Care Units

100% occupancy at the moment.

12.06 STATEMENT OF BANK BALANCES AND INVESTMENTS

File: Financial Management/Investments/Register
 Author: Timothy Booth, Management Accountant

Summary

Reporting the Statement of Bank Balances and Investments as at 31 August 2013.

Recommendation

That report item 12.06 is received as information.

Comment

The information presented complies with the requirements of the Local Government (General) Regulation 2015 and the Local Government Act 1993.

Interest earned for the month of August 2013 for Term Deposits came to \$22,629 with an average interest rate of 4.23% performing above the 90 day BBSW of 2.60%.

Market value is estimated by ANZ Custodians for the Lehman Brothers CDO Aphex/Glenelg to be \$359,047 as at 31 July 2013. This is an increase of 3% since 30 June 2013 with an anticipation the investments market value will continue increasing as it draws near to maturity.

**Oberon Council
Statement of Investments
As at 31 August 2013**

Institution, Type	Date of Legal Maturity	Interest Rate	Term (Days)	Frequency	Capital Value Invested 31/08/2013
Bank					
Commonwealth Call A/c		2.70%	At Call	Monthly	-
CBA Business Online Saver		2.75%	Savings	Monthly	800,000.00
					800,000.00
Term Deposits					
Rural Bank	26/09/2013	4.32%	90	Maturity	500,000.00
ING	27/09/2013	4.28%	92	Maturity	500,000.00
ME Bank	8/10/2013	4.23%	91	Maturity	500,000.00
ME Bank	12/11/2013	4.18%	126	Maturity	500,000.00
BOQ	10/09/2013	4.05%	63	Maturity	500,000.00
ME Bank	29/10/2013	4.15%	91	Maturity	500,000.00
ME Bank	5/11/2013	4.13%	95	Maturity	500,000.00
Bank of Sydney	22/10/2013	4.05%	63	Maturity	250,000.00
BOQ	4/12/2013	4.10%	120	Maturity	500,000.00
BOQ	4/12/2013	4.10%	120	Maturity	500,000.00
					4,750,000.00
Collateralised Debt Obligations (CDO's)					
Lehman Brothers - Aphex/Glenelg	22/12/2014	4.76%		Quarterly	450,000.00
FIIG Securities - Octagon	30/10/2015	0.00%	10 yrs	Quarterly	700,000.00
					1,150,000.00
Total Investments					
					\$6,700,000.00
Cash Book					(\$257,147.34)
TOTAL CASH & INVESTMENTS					\$6,442,852.66
Other Information					
Bank Statement - General Account					\$53,816.03
Limit of overdraft					\$500,000.00
Total General Fund Bank Balance					\$553,816.03
Investments Matured during the Month of - AUGUST					
BOQ	6/08/2013	4.45%			\$500,000.00
BOQ	6/08/2013	4.45%			\$500,000.00
BOQ	6/08/2013	4.45%			\$500,000.00
Bank of Sydney	20/08/2013	4.23%			\$250,000.00

Interest earned for the month of August 2013 for Term Deposits came to \$22,629.00 with an average interest rate of 4.23% performing above the 90 day BBSW of 2.60%.

Market value is estimated by ANZ Custodians for the Lehman Brothers CDO Aphex/Glenelg to be \$359,047 as at 31 August 2013. This is an increase of 3% since 30 June 2013 with an anticipation the investments market value will continue increasing as it draws near to maturity.

I certify that the investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2005, and Council's Investments Policy.



A Cairney
Responsible Accounting Officer
11/09/2013

12.07 MEDIA

File No: Information Management/Information and Communications/Media Releases
Author: Megan Booth, Receptionist/Cashier

Summary

The Report Item provides a list of Media Releases issued during August 2013, a list of the dates where the Mayor's column (Council News) has been published and a sample of Media Articles where Council is mentioned.

Recommendation:

That report item 12.07 is received as information.

Comment

The following is a list of Media Releases which have been issued since the previous Council Meeting.

Thursday 01 August 2013

- Oberon Library News 01.08.2013

Thursday 08 August 2013

- Take a trip to Millthorpe – Community Transport Bus Trip
- Library News 08.08.2013
- Fools learn to record oral history

Thursday 15 August 2013

- Book a spot on the bus for Millthorpe Markets
- Library News 15.08.2013

Thursday 22 August 2013

- Oberon Council Library News 22.08.2013

Thursday 29 August 2013

- Oberon Library News 29.08.2013

The following is a list of the dates where the Mayor's Column "Council News" has been published in the Oberon Review.

Thursday 01 August 2013, Thursday 08 August 2013, Thursday 15 August 2013, Thursday 22 August 2013, Thursday 29 August 2013

The following is a list of Media Articles where Council has been mentioned during the last month:

Thursday 01 August 2013

- Connors "Tick Tock" wins recycling award – 2013 Waste to Art
- U3A classes attracting widespread interest
- Scenic world to host 2013 BMLot Awards for Excellence

Thursday 08 August 2013

- Letter to the Editor – Thankyou to Oberon Council for 150 year celebrations – Michelle Jamison

Thursday 15 August 2013

- No Tower in our estate – Extension of submission date
- Life Jackets top priority on Lake from October 1st
- Letter to the Editor – Companion Animals Act – Jill Evans
- Petition heads east – Shooting in Forests and National Parks
- University of the Third Age News 15.08.2013
- Policies discussed – John McMahon and Jess Jennings
- Awards showcase regional attractions - BMLot

Thursday 22 August 2013

- Inspiring Little Readers – Friends of Oberon Library and Oberon Library
- News from University of the Third Age
- Message gets shot down – Sign for no hunting in Forests or National Parks

Thursday 29 August 2013

- Exercising dedication – Council staff all fired up for the Edgell Jog
- Forestry applies for new B-Double access routes
- Paul Toole welcomes new dog laws
- Start thinking about award nominations
- Gala event will mark opening of water sports at lake – October 5th.
- Plans to fill health gaps – Liaison with various health alliances
- Pig hunters seen in forest – Discussion by Councillors
- Flag-raising part of celebrations – NAIDOC Week at Oberon Correctional Centre
- Young Citizens get medallions – Oberon Children’s Centre and Park View Kindergarten

12.08 UPCOMING MEETINGS

File No: Governance/Meetings/Ordinary
Author: Sharon Swannell, Executive Assistant

Summary

A calendar of upcoming meetings is provided for information.

Recommendation:

That report item 12.08 is received as information.

Comment

A schedule of upcoming Council and Community Meetings being held during September and October 2013 FOLLOWS for Councils information.

September 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 4.00pm Chifley Local Area Command - Community Safety Precinct Committee Meeting - Oberon	3	4 7.00am – OBA Meeting	5	6	7 Farmers Markets
8	9 6.30pm OPTA Meeting	10 5.30pm – Councillor Informal Briefing Session	11 5.00pm – Donations Presentation – Robert Hooper Community Centre	12 7.30pm – Burruga District Community Assn. Meeting	13	14
15	16	17 12.45pm – Lunch Drs and Seniors Welfare Committee – Robert Hooper Centre 5.30pm Ordinary Council Meeting – Mayoral Election	18	19	20 2.00pm Upper Macquarie County Council Meeting	21
22	23	24 2pm – Meet with Bx & Lithgow GM & Mayors 5.00pm – Oberon Arts Council Meeting	25	26	27	28
29	30					

October 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<p>1</p> <p>5.30pm Works Committee Meeting</p>	<p>2</p> <p>7.00am OBA Meeting</p> <p>4.30pm Oberon Sports Facilities Committee Meeting</p>	3	4	<p>5</p> <p>Farmers Markets</p>
6	7	<p>8</p> <p>5.30pm Councillor Informal Briefing Session</p>	9	10	11	12
13	<p>14</p> <p>6.30pm – OPTA</p> <p>10am Seniors Welfare Committee Meeting</p>	<p>15</p> <p>5.30pm Ordinary Council Meeting</p>	<p>16</p> <p>11am – Oberon Youth Council Workshop</p> <p>6.00pm Oberon Timber Complex Community Consultative Committee Meeting</p>	<p>17</p> <p>10am BMLOT Board Meeting</p>	18	19
20	21	<p>22</p> <p>5.00pm – Oberon Arts Council Meeting</p>	23	24	25	26
27	<p>28</p> <p>5.00pm Heritage Committee Meeting</p>	29	30	<p>31</p> <p>2.00pm Community Services Committee Meeting</p>		

12.09 STATUS REPORT – ACTIONING COUNCIL DECISIONS

File No: Governance/Meetings/Ordinary
 Author: Sharon Swannell, Executive Assistant

Summary

Providing details of the status in actioning Council decisions, with reference to the actual Resolution Number as shown in the Minutes for each Council Meeting.

Recommendation:

That report item 12.09 is received as information.

Comment

The FOLLOWING document contains 22 separate Council “decisions”, which includes some requests by Councillors for information or actions not made by Resolution.

There are 12 decisions from the 20 August 2013 Council Meeting and of these most have been completed, or are subject to a further report item. The remaining incomplete items will be given priority.

It should be noted that due to the preparation of the Business Paper and finalising Report Items that some of the “outstanding items” may have been completed before the commencement of the Council Meeting.

Progress on Actions – updated 12 September 2013

Resolution No – <i>Subject</i>	Resolution - <i>Summary</i>	Assigned To:	Action Taken
30200813 – Sloggetts Road Intersection	That Council note the contents of this report and decline the additional compensation claimed by the property owners	WED	Complete - Council Solicitor has been advised of Council resolution and to take appropriate action.
29200813 – Disposal of Waste Material	That the Council approve the rates and charges outlined in this report etc.	WED	Negotiations are in progress with regard to the Contract Agreement
28200813 – Tender Purchase of Backhoe	That the Tender from Westrac to supply a Caterpillar Backhoe and trade-in the existing Backhoe be accepted	WED	Complete – Received Backhoe and deployed to site.
26200813 – Edith Road Bridge	That Council provide funding in the current 2013/14 budget allocation to allow investigation to take place for design work to widen the Edith Road Bridge and that the Member for Bathurst be contacted in relation to possible Grant Funding to carry out the work.	WED	Funding needs to be identified at the 1 st quarterly review.

Oberon Council - Agenda and Business Papers – Ordinary Meeting – 20 September 2013

<p>24200813 – Finance Committee Meeting</p>	<ol style="list-style-type: none"> 1. That the Strategic Business Plan for Water and Sewer, as amended be endorsed and submitted to the NSW Office of Water for approval. 2. That the Rotary Club of Oberon be contacted for Graffiti Removal Day on 20 October 2013. 3. That Council set the Councillor Fee and Mayoral Fee for 2013/14 4. That the Mayor, Councillor John McMahon and General Manager attend the 2013 Local Government NSW Annual Conference and the Mayor be the voting delegate. 5. That Council notes the proposed dates for Workshops to be held in conjunction with scheduled Informal Briefing Sessions on 10 September, 8 October and 12 November 2013. 	<p align="center">GM</p>	<p>noted, some amendments required</p> <p>noted</p> <p>noted</p> <p>noted, registrations made</p> <p>noted</p>
<p>23200813 – Traffic Advisory Local Committee</p>	<ol style="list-style-type: none"> 1. That the following work be carried out for the intersection of Carrington Avenue and O’Connell Road: <ol style="list-style-type: none"> a. Installation of a “Reduce Speed” sign on the approaches to the intersection; b. A reduction of the “no parking zone” in Carrington Ave adjacent to Apex Park; c. The removal of the “no parking zone” in O’Connell Rd, opposite Apex Park and adjacent to residential property in the vicinity of the intersection. d. Confirming a “Stop” sign at the intersection for vehicles moving north into Carrington Ave and O’Connell Rd; e. The removal of two trees on the footpath area in Carrington Ave to improve sight distance. 	<p align="center">WED</p>	<p>Work is scheduled for 17 September.</p>
<p>22200813 – Heritage Committee</p>	<ol style="list-style-type: none"> 1. Minutes be received as information. 2. Council endorses the (concept) signage for O’Connell and seek to have concept signage prepared for Black Springs and Burruga. <ol style="list-style-type: none"> 2a. All signage include appropriate Council logo and acknowledgement of local indigenous history. 2b. Costs be obtained for the design, print and construction of the concept signage for O’Connell and if these costs are less than \$4,000 that arrangements be made to erect the sign at O’Connell. 3. The Committee request Council to allocate an amount of \$500 for a suitable commemorative stone to acknowledgement the naming of the O’Connell Plains. 	<p align="center">PDD</p>	<p>Noted</p> <p>Matter Closed</p>

Oberon Council - Agenda and Business Papers – Ordinary Meeting – 20 September 2013

21200813 – Assessment for Restricted Access Vehicle Routes	That Council approves these applications subject to the applicant addressing all deficiencies identified in the assessments	WED	Applicant advised through RMS and awaiting reply.
20200813 – Request to name Park	That Council name the unnamed park adjacent to the Fish River Bridge at O'Connell as 'Hassall Park'.	PDD	Park to be gazetted 'Hassall Park' and letters sent to those who replied to the advertising. Matter closed
19200813 – DA10.2013.45.1		PDD	Noted Matter Closed
18200813 – DA10.2013.42.1	That delegation is granted to the Planning and Development Director to vary Part B6 and Part C.5.4 of the Oberon Development Control Plan, 2001	PDD	Noted Matter Closed
17200813 – DA 10.2013.44.1	That delegation is granted to the Director of Planning & Development to vary Part K7.1.5 of the Oberon's Development Control Plan, 2001	PDD	Noted Matter Closed
26160713- Works Committee Meeting	2. Council introduce a Kerbside Collection Day for the removal of large items ... further consultation in the Villages of Burruga and Black Springs for options to collect large items.	WED	2. Not Commenced
14180613	Letter to Centroc and State Govt for greater efficiencies of rail transport	GM	letter drafted
10180613 Hunting in State Forests and National Parks	The Game Council of NSW be invited to meet with Council. Seek permanent exclusion areas for hunting in State Forests and National Parks	GM	letter drafted
21210513 – Closure of Meetings	Note guidelines and vary Code of Meeting Practice to reflect these requirements when closing meetings to the public.	GM	Noted. Work required to update and then to advertise Code of Meeting Practice.
30160413 Waste Less Recycle More	That Council staff be requested to investigate the cost and logistics of implementing a recycling program.	PDD	Matter in progress in consultation with Works & Engineering Director
27160413 – Access and Use of Lake Oberon	Council undertake to construct a gravel car parking area at the reserve off Reef Road	GM	work not yet commenced pending Grant funding outcomes.
22190319 – Privacy Management Plan	Council adopt the Model Privacy Management Plan for Local Government. GM report to Council on the appointment of "Privacy Contact Officers"	GM	noted, further report to be completed
30190213 – Finance Committee Meeting	7. GM be requested to investigate options for purchase of land for Recreation Ground in the O'Connell district. 8. GM consult with Brigade Captain of the O'Connell RFS re possible expansion of the existing RFS land in O'Connell.	FCSD GM	Noted and actioned or in the process of being actioned. Initial meeting with RFS Captain and GM

13 Reports for Decision

13.01 SWIMMING POOL BARRIER INSPECTION PROGRAM

File No: Development and Building Controls\Swimming Pool Barrier Inspection Program
Author: Jaclyn Burns, Senior Development Control Officer

Summary

At Councils Ordinary Meeting of the 19 February 2013, it was advised that the NSW State Government had introduced a requirement for Council to prepare and implement a swimming pool barrier inspection program.

Recommendation:

That Council endorse the proposed draft swimming pool barrier inspection program and that the draft be placed on public exhibition for a period of 28 days.

Comment

Since 2008 the NSW Government has been reviewing the legislation relating to swimming pool safety. Backyard swimming pool drowning's and near drowning's have steadily increased over the last 10 years resulting in increased media attention and public concern.

In 2012, a comprehensive review of the Swimming Pools Act 1992 was finalised by the NSW Division of Local Government. The review identified a number of improvements to enhance the safety of children under the age of five around privately owned swimming pools in NSW.

The New Legislation

The requirements of the Swimming Pools legislation are to be implemented in stages as detailed below:

1. The development and implementation of the Swimming Pools Register by the NSW State Government (commenced on 29 April 2013);
2. Registration by pool owners of pools (after the Register commences and by no later than 29 October 2013);
3. Council's inspection programs (to be developed in consultation with the community), adopted and commenced by no later than 29 October 2013; and
4. Mandatory inspections by Council of tourist, visitor and multi-occupancy developments, and pools associated with property sale and lease (to commence by no later than 29 April 2014).

Pool Owner Responsibility

Under the new legislation, pool owners are responsible for:

1. Registering their swimming pools on the online register set up by the NSW State Government at www.swimmingpoolregister.nsw.gov.au;
2. Completing a self-evaluation of their pool and stating in the Register that, to the best of their knowledge, their swimming pool complies with the applicable standard;
3. Providing a valid swimming pool compliance certificate before being able to sell or lease a property with a pool, commencing 29 April 2014.

There is a penalty for owners who fail to register a swimming pool by the due date (penalty notice amount of \$220).

The Role of Local Government

Under the new legislation, Oberon Councils is required to:

1. . Develop and implement a Swimming Pool Barrier Inspection Program in consultation with their communities;
2. . Report annually on the number of pool inspections undertaken and the level of compliance with the requirements;
3. . Inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three-year intervals;
4. . At the request of a pool owner, inspect pools prior to sale or lease;
5. . Issue Compliance Certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance Certificates are valid for three years; and
6. . Investigate pool safety complaints within 72 hours of being received.

Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one re-inspection resulting from the first inspection). Council adopted a lower initial inspection fee of \$60 to reduce the impost to the community as much as possible and a reinspection fee of \$60.

Once an Occupation Certificate for a pool has been issued, the pool is exempt from an inspection program for three years from the date of issue of the Occupation Certificate. However, Council may inspect any swimming pool that is the subject of a complaint to the Council or where Council's authorised officer reasonably suspects non-compliance with the Swimming Pools Act.

Resourcing a Swimming Pool Barrier Inspection Program

There is no current legislative requirement for a Council to maintain a local pool register. As a result, the exact number of pools in the Oberon Local Government Area (LGA) is not known. However, approval figures combined with local knowledge indicate that there are approximately 42 pools in the LGA, a number of which appear to have been installed without consent. Council have no records of existing pools within the former Evans Shire at this stage.

In August of 2012 Council actively promoted the implementation of the swimming pool inspection program requirements by advertising an amnesty for all unauthorised and non-compliant swimming pools in the local government area. The purpose of the amnesty was to enable swimming pool and spa owners to legitimise unauthorised swimming pool installations and to ensure authorised pools were compliant prior to the implementation of the program.

Of the 8 inspection requests received by Council, 7 of the pools inspected were deemed non-compliant. Council staff have worked with those pool owners to ensure the non-compliant issues identified were rectified.

Data collected from this program indicates that each pool requires at least two to three inspections to reach full compliance.

Consultation

It is proposed that consultation be undertaken under the general provisions of the Draft Community Engagement Strategy. This will ensure that all members of the community have an equal opportunity to participate in the development of the Swimming Pool Inspection Program by:

1. The program being placed on public exhibition for a period of 28 days, including a period of 42 days for submissions to be made to Council in accordance with Section 160 of the Local Government Act, 1993;
2. Appropriate advertising will be undertaken in the Oberon Review and Western Advocate in respect to the draft program as well as the requirement to register private swimming pools. Advertising in the Western Advocate will be undertaken as a significant number of pools are within the O'Connell area;
3. Notification letters will be sent to all existing swimming pool owners, that Council are aware of, regarding the requirement to notify their pool and a copy of the draft policy for their comment;
4. A notice will be placed in the O'Connell and Burruga Notice boards.
5. Council's Planning & Development Department will also be available to discuss any issues or concerns and receive feedback directly relating to the draft policy.
6. Upon review of submissions the final policy will be reported to Council for its endorsement.

It is acknowledged that whilst the program will directly affect only a small percentage of the community its implementation will be of benefit to the community as a whole.

ATTACHED is the Draft Swimming Pool Barrier Inspection Policy.

**13.02 DEVELOPMENT APPLICATION 10.2009.225.2
STAGE TWO (2) OF THE MOTOR CROSS TRACK FACILITY**

File No: PR17-2968

Author: Jaclyn Burns, Senior Development Control Officer

Summary

A Development Application has been received for construction works associated with Stage Two (2) of a previously approved concept approval associated with a recreational motor cross facility and associated camping ground at 2968 Shooters Hill Road.

Recommendation:

That Council determine Development Application 10.2009.225.2 for Stage Two (2) of the concept plan approval associated to the recreational motor cross facility and associated camping ground on Lots 50, 51, 66, 67 and 73 in DP 753027 and lot 4 in DP: 1079460, 2968 Shooters Hill Road, Shooters Hill in accordance with the conditions contained within the report.

Comment

The following conditions are listed below:

GENERAL CONDITIONS

Approved Plans

1. The development is to be carried out in accordance with the approved stamped plans:
 - The erosion and sedimentation control plan prepared by Abacus Planning; and
 - The buffer management plan prepared by Mark Weekes;
 - The acoustic report by Renzo Tonnin dated 3rd March, 2011.

Except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:-To confirm and clarify the terms of Council's approval.

Site Identification

2. A sign is to be erected in a prominent position at the entrance of the work site, stating that unauthorised access is prohibited, and showing the name and contact phone number of the person or company in charge of construction on the site.

Reason:-To identify the site and builder, and prevent unauthorised access.

Copy of Approval on Site

3. A copy of the development consent and approved plans and specifications shall be kept on site at all times.

Reason:-To ensure a copy of the approval is available for builders/tradespersons on site.

Buffer Maintenance

4. The vegetation buffers as required by Condition 1 of this consent are to be maintained to the satisfaction of Council.

Reason:-To ensure that the vegetation buffer is maintained in accordance with the Buffer Management Plan approved by Council.

Imported 'waste derived' fill material

5. The only waste derived fill material that may be received at the development site is:
 - a. Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997),
 - b. Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

Reason:-To ensure that imported fill that is of an acceptable standard for environmental purposes.

Construction noise management levels and hours of operation

6. Construction activities are to be carried out in accordance with the Interim Construction Noise Guideline (Department of Environment and Climate Change (DECC) 2009). The Construction activities shall also be limited to the following standard hours:

Land Use	Construction Time	Management Level LAeq, 15 minute
Residential	<u>Standard hours:</u> Monday to Friday 7.00am to 6.00pm Saturday 8.00 am to 1.00pm No work on Sundays or public holidays	Noise Affected: 40dB (A) <hr/> Highly Noise Affected: 75 dB (A)
	<u>Outside standard hours:</u> (not recommended without further investigation and justification by proponent)	Noise Affected: 35 dB (A)

Reason:-To limit the operating hours of the development so as to reduce the likely nuisance on adjoining development.

Site to be kept neat and tidy during the construction phase

7. The site shall be kept clean and tidy during the construction period and all rubbish shall be removed from the site upon completion of the project to the satisfaction of Council.

Reason:-To ensure the site does not create a nuisance for the adjoining development during the construction phase.

Toilet accommodation for people working at the site

8. Closet accommodation is to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site. If temporary closet accommodation is proposed, each closet must comply with the following:

- It must be at least 1050 mm wide, 1350 mm long and 2100 mm high (measured internally).
- It must have a hinged door capable of being fastened from both inside and outside.
- It must have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof.
- It must have a floor constructed of a material that is rigid and impervious.
- It must be provided with a suitable receptacle for, and an adequate supply of, deodorising or fly-repelling fluid.
- It must comply with any relevant requirements of the Building Code of Australia.

Reason:-To ensure adequate closet accommodation is provided for workers.

Management of Construction Activities

9. Management of construction activities is to be undertaken by the incorporation of a Construction Management Plan (CMP). The CMP must be approved by Council, developed and implemented prior to the commencement of any construction works on site. The CMP must include the following details in accordance with the details:

Community Notification

- Contact potentially noise effected neighbours at the earliest possible time before any site works begins.
- Inform potentially noise effected neighbours about the nature of the construction stages and the duration of noisier activities – for example rock braking and excavation.
- Describe any noise controls or the use of silenced equipment;
- Keep potentially noise effected neighbours up to date on progress;
- Provide contact details on a site board at the front of the site, and maintain a complaints register suited to the scale of works.

- Ask about any concerns that potentially noise effected neighbours may have and discuss possible solutions.

Operation of plant in quiet and efficient manner:

- Where practical, undertake the noisiest works during the recommended standard hours.
- Turn off plant that is not being used;
- Examine, and implement where feasible and reasonable, alternative work practices which generate less noise – for example, use hydraulic rock splitters instead of rock breakers, or electric equipment instead of diesel or petrol powered equipment.
- Examine, and implement where feasible and reasonable, the use of silenced equipment and noise shielding around stationary plant (such as generators), subject to manufactures' design requirements;
- Ensure plant is regularly maintained, and repair or replace equipment that becomes noisy.
- Arrange the work site to minimise the use of movement alarms on vehicles or mobile plant.
- Locate noisy plant away from potentially noise affected neighbours or behind barriers, such as sheds or walls.

Involve workers in minimising Noise

- Avoid dropping materials from a height.
- Talk to workers about noise from the works at the identified land uses and how it can be reduced.
- Use radios and stereos indoors rather than outdoors.

Handle complaints

- Keep staff responsible for handling telephone complaints informed regarding current and upcoming works and the relevant contracts for these works.
- Handle complaints in a prompt and responsive manner.
- Where there are complaints about noise from an identified work activity, review and implement, where feasible and reasonable, actions additional to those described above to minimise noise output.

Reason:- to confirm and clarify the terms of Council's approval and to ensure the ongoing management of the facility is carried out in an environmentally responsible and sustainable manner.

Works in Emigrants Creek

10. No construction works are to commence within the high water mark of Emigrants Creek unless a Part 3A permit has been obtained and a copy forwarded to Council.

Reason:- to ensure the facility is carried out in an environmentally responsible and sustainable manner and that all required permits are obtained for works within the high water mark of an identified watercourse.

OPERATIONAL CONDITIONS

The following conditions are included for consistency with the overall concept approval. It is noted that these conditions do not relate to the construction phase of the development.

Noise Impact Assessment Criteria

11. The Proponent shall ensure that the noise generated by the Project, including traffic noise generated on private access roads, does not exceed the noise impact assessment criteria in **Table 1**.

Table 1 - Noise Impact Assessment Criteria dB(A)

Location	Day	Evening	Night	
	L _{Aeq} , 15min	L _{Aeq} , 15min	L _{Aeq} , 15min	L _{A1} , 1min
Residential dwellings that: <ul style="list-style-type: none"> exist at the date of this consent; and are situated within a 3km radius of the project boundary. 	35	35	35	45
Future residential dwellings that: <ul style="list-style-type: none"> are approved under residential development rights that apply to existing allotments at the date of this consent; and are situated within a 3km radius of the project boundary. 	35	35	35	45

Note 1: Daytime period is 7 am to 6 pm Monday to Saturday and 8 am to 6 pm Sundays and Public Holidays. Evening period is 6 pm to 10 pm. Night time period is 10 pm to 7 am Monday to Saturday and 10 pm to 8 am Sundays and Public Holidays.

Note 2: To determine compliance with the L_{Aeq} (15 minute) noise limit, noise from the Project is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the Project is impractical, Oberon Council may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

Note 3: To determine compliance with the L_{A1} (1 minute) noise limits, noise from the Project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the Project is impractical, Oberon Council may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).

Note 4: The noise emission limits identified in the above table apply under meteorological conditions of:

- wind speeds of up to 3 m/s at 10 metres above ground level; or
- temperature inversion conditions of up to 3 °C/100 m and wind speeds of up to 2 m/s at 10 metres above ground level.

Note 5: The Noise Impact Assessment Criteria is not intended to apply to future residential subdivision that has not been approved prior to the date of this consent.

However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in **Table 1**, and a copy of this agreement has been forwarded to Oberon Council, then the Proponent may exceed the noise limits of L_{Aeq} (15 minute) 35 dB(A) in accordance with the negotiated noise agreement.

Reason: To ensure compliance with the Protection of the Environment Operations Act. 1997.

Monitoring

12. The Project is to be monitored quarterly over the first 12 month period during full operation of the site, to ensure the Recreational Motor Cross Facility is not exceeding the noise impact assessment criteria in **Table 1** or where relevant the noise criteria that forms part of a negotiated noise agreement. The Recreational Motor Cross Facility is to be monitored by the applicant.

Should the noise levels exceed that as listed in **Table 1** a suitably qualified, experienced and independent person, whose appointment has been approved by Oberon Council, is to be engaged to conduct noise monitoring on the land, to determine whether the Project is complying with the relevant noise impact assessment criteria, and identify the source(s) and scale of any impact on the land.

Reason: To ensure compliance with the Protection of the Environment Operations Act. 1997.

Additional Noise Mitigation Measures

13. Upon receiving a written request from the owner of any residence listed in **Table 1** where subsequent operational noise monitoring shows the noise generated by the Project is greater than, LAeq (15 minute) 37 dB(A), (except where a negotiated noise agreement is in place), as measured in accordance with the notes presented below **Table 1**, the Proponent shall implement additional noise mitigation measures.

Additional noise mitigation measures may include:

- source controls such as the installation of noise bunds or the limiting of the number of bikes allowed to operate at any one time; or
- receiver controls such as the installation of double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.
- These additional mitigation measures must be reasonable and feasible.

If within three months of receiving this request from the landowner, the Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to Oberon Council for resolution.

Land Acquisition Criteria

14. Upon receiving a written request from the owner of any residence listed in **Table 1** where subsequent operational noise monitoring shows the noise generated by the Project is greater than LAeq (15 minute) 40 dB(A), (except where a negotiated noise agreement is in place), as measured in accordance with the notes presented below **Table 1**, the Proponent shall acquire the land in accordance with the procedures in condition 5.

Land Acquisition

15. Within three months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:

(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the Project (i.e. the subject of the project application), having regard to the:

- existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
- presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 3;

(b) the reasonable costs associated with:

- relocating within the Oberon local government area, or to any other local government area determined by Oberon Council;
- obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and

(c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to Oberon Council for resolution.

Upon receiving such a request, Oberon Council shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent Valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the independent Valuer's determination, the Proponent shall make a written offer to purchase the land at a price not less than the independent Valuer's determination. If the landowner refuses to accept this offer within 6 months of the date of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by Oberon Council.

The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or Oberon Council and the costs of determination referred above.

If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

Operational Management Plan

16. An Operational Management Plan (OMP) must be approved by Council, developed and implemented prior to the operation of the motor cross and camping ground complex. The OMP must include the following details in accordance with the details provided by the concept plan approval:

Use of the Facility:

- The hours of operation of the proposed facility;
- The number and capacity of the motor bikes proposed to operate on each track at any time;
- Implementation of a management strategy for the operation of the primitive camping ground including appropriate noise mitigation measures;
- Measures to mitigate the risk of bushfire;
- Measures dealing with dust suppression;
- Control measures for littering and dumping of rubbish;

- The implementation of a landscaping plan including details for ongoing maintenance to facilitate the reduction of visual impact of the proposed facility.

Community Notification:

- The implementation of a pollution line for complaints;
- Describe any noise controls or the use of silencer equipment;

Operation of plant in quiet and efficient manner:

- Turn off plant that is not being used;
- Examine and implement where feasible and reasonable alternative work practices which generate less noise.
- Examine and implement where feasible and reasonable the use of silenced equipment and noise shielding around stationary plant subject to manufactures design requirements;
- Ensure plant is regularly maintained and repaired or replaced equipment that becomes noisy;

Handle complaints:

- Keep staff responsible for handling telephone complaints and handle the complaints in a prompt and responsive manner.

Reason:- to confirm and clarify the terms of Council's approval and to ensure the ongoing management of the facility is carried out in an environmentally responsible and sustainable manner.

PROPOSED DEVELOPMENT

ATTACHMENT 1 – Copy of Development Consent. On 9 May, 2011, at Councils Ordinary Meeting, Development Application 10.2009.225.1 was determined for Stage 1, being the concept plan approval, as a staged consent, for a tourist development consisting of a recreational motor cross facility and camping ground with 25 Conditions.

Condition 7 of the development consent outlines the proposed stages of the consent, as follows:

- **Stage 1:** Concept approval – development consent to establish the proposed facility;
- **Subject to Stage 1 - Stage 2:** Seek Development and Construction Certificate consent as may be required by stage one consent for:
 - Land Shaping;
 - Preliminary earthworks (proposed track layout No.2);
 - Preliminary drainage and soil erosion control works;
 - Dynamic Noise evaluation/modelling;
 - Preliminary buffer plantings (note Condition 8 & 9);
- **Subject to Stage 2 – Stage 3:** seek Development, Construction Certificate and Section 68 Approvals as may be required by stage 1 and Stage 2 consents for:
 - Access construction (note Condition 24);
 - Signage
 - Facility construction;
 - Refined earthworks and track construction for proposed tack No's 1 and 3;
 - Extended drainage and soil erosion control works;
 - Extended buffer plantings;

- **Subject to Stage 3 – Sage 4:** Seek Development and Construction Certificate consent as may be required by stage 1 – 3 consents for:
 - Track Construction for proposed track No's 1, 3, 4 and beginner;
 - Extended drainage and soil erosion control works;
 - Extended buffer plantings.

Development Application 10.2009.225.2 was received on the 18 September, 2012 to enable the applicant to carry out stage two of the staged development, of the concept plan approval associated to the recreational motor cross facility and camping ground. Stage Two works consist of:

- Land Shaping;
- Preliminary earthworks, construction of proposed track layout No.2;
- Preliminary drainage and soil erosion control works; and
- Preliminary buffer plantings;

The submission of a dynamic noise evaluation/modelling was undertaken as part of the consideration of the concept plan approval.

It is noted that Stage 2 relates to the construction of Track 2. No operation is proposed as part of this stage.

ATTACHMENT 2 - A copy of the applicant's statement of environment effects, the details of the buffer plantings, the track design for track number two and the associated sedimentation and erosion control details.

SECTION 79C ASSESSMENT

ZONING: The land is zoned Rural 1 (a) in accordance with Councils current Local Planning Instrument, being Local Environmental Plan (LEP) 1998.

PERMISSIBILITY: Clauses 2, 9 and 10 of Councils current Local Environmental Plan 1998 applies to the development, which state:

2 Aims and objectives

The general aims of this plan are:

- (a) to recognise and promote the Oberon local government area as a desirable and viable place to visit and in which to live and to invest, and*
- (b) to encourage the proper management, development and conservation of natural and built resources within the Oberon local government area by protecting, enhancing or conserving:*
 - (i) prime crop and pasture land, and*
 - (ii) timber, minerals, soil, water and other natural resources, and*
 - (iii) areas of significance for nature conservation, and*
 - (iv) areas of high scenic or recreational value, and*
 - (v) places and buildings of heritage significance, including archaeological and Aboriginal relics and places, and*
 - (vi) water catchment areas, and*
- (c) to replace planning controls, as they applied to rural land before this plan commenced, with a local environmental plan to help facilitate growth and development of the Oberon local government area in a manner which is consistent with the aims stated in paragraphs (a) and (b) and which:*
 - (i) minimises the cost to the community of fragmented and isolated development of rural land, and*
 - (ii) facilitates the efficient and effective delivery of amenities and services, and*

- (iii) facilitates a range of residential and employment opportunities in accordance with demand, and*
- (iv) facilitates farm adjustments, and*
- (d) to encourage tourism in the Oberon local government area in a manner which is consistent with the aims stated in paragraphs (a) and (b), and*
- (e) to encourage agriculture (including forestry) and protect the agricultural base of the Oberon local government area.*

The development, for the works described above, as part of the Stage 2 are in accordance with the aims of the Local Environmental Plan.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of Zone” appearing in the matter relating to the zone.*
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development (if any) that:
 - (a) may be carried out without development consent, and*
 - (b) may be carried out only with development consent, and*
 - (c) is prohibited, is specified under the headings “Without Development Consent”, “Only with Development Consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.**
- (3) Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.*

Zone No 1 (a) (Rural ‘A’ Zone)

1 Objectives of Zone

The objectives of this zone are to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and*
 - (ii) soil stability, by controlling and locating development in accordance with land capability, and*
 - (iii) forests of existing and potential commercial value for timber production, and*
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials, by controlling the location of development in order to ensure the efficient extraction of those deposits, and*
 - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to control land degradation or is significant to scenic amenity or the natural wildlife habitat, and*
 - (vi) water resources, including groundwater, for use in the public interest, preventing the pollution of water supply catchments and water storage, and*
 - (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats, and*
 - (viii) items of archaeological or heritage significance, including Aboriginal relics and places, and**
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and*
- (c) facilitating farm adjustments, and*
- (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and*
 - (ii) providing, extending and maintaining public amenities and services, and**

- (e) *providing land for rural small holdings development and for other non-agricultural uses in accordance with demand for that development and in a manner which has the least adverse impact on prime crop and pasture land, and*
- (f) *controlling and locating dwelling-house development to provide buffers from adjoining agricultural land in order to provide adequate environmental safeguards to the inhabitants and not prejudice future agricultural activity in the near vicinity.*

2 Without Development Consent

Development for the purpose of:

agriculture (other than building work and intensive livestock keeping establishments); forestry.

3 Only with Development Consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

bulk stores; commercial premises; motor showrooms; residential flat buildings; sales rooms or showrooms; shops (other than general stores).

The development is permissible in the Rural 1 (a) zone and is considered as being in accordance with the objectives of the zone.

10 General considerations for development within rural zones

- (1) *The Council must not consent to development on land within Zone No 1 (a), 1 (c) or 1 (e) unless it has taken into consideration, if relevant, the effect of the carrying out of the proposed development on:*
 - (a) *the present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and*
 - (b) *vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights), and*
 - (c) *the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive minerals, and*
 - (d) *the protection of areas of significance for nature conservation or of high scenic or recreational value, and items of archaeological or heritage significance, including Aboriginal relics and places, and*
 - (e) *the cost of providing, extending and maintaining public amenities and services to the site of the proposed development, and*
 - (f) *the future expansion of settlements in the locality.*
- (2) *As well as the matters referred to in subclause (1), the Council must take into consideration the relationship of the development to development on adjoining land and on other land in the locality.*
- (3) *Subclause (1) does not apply to development, being:*
 - (a) *an addition to a building or work, or*
 - (b) *development ancillary to a land use for the purpose of which development may be carried out without the consent of the Council, or*
 - (c) *the erection of a dwelling-house on an allotment of land created for the purpose of a dwelling-house in accordance with this plan.*

Council has considered the Stage 2 development in accordance with the requirements of Clause 10 of the Local Environmental Plan.

Clause 23 Development that must be advertised

This clause does not apply to Development Application 10.2009.225.2 as the development is not required to be advertised under the LEP, however due to the controversial nature of the concept plan approval the proposal has been extensively notified.

Clause 27 Environmentally sensitive land and destruction of trees

Does not apply to Development Application 10.2009.225.2 as the land where the development is to be undertaken is not considered by the applicant as environmentally sensitive in accordance with the definition in the LEP and the application also does not indicate the removal of any trees.

Clause 28 Flood liable land

Does not apply to Development Application 10.2009.225.2 as the land is not considered flood liable land.

POLICY IMPLICATIONS (OTHER THAN DCP's):

Nil

FINANCIAL IMPLICATIONS (e.g. Section 94):

Nil

LEGAL IMPLICATIONS

Any Environmental Planning Instrument

No Regional Environmental Plan's are applicable to the proposed development.

There are a number of State Environmental Planning Policies (SEPP's) applicable within the Oberon Local Government Area, however no SEPP's apply to the works associated to Stage Two.

SECTION 79C ASSESSMENT:

Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority:

There are two draft environmental planning instruments that have been publicly exhibited and applicable to the proposed development site.

Council's *Oberon Land Use Strategy Draft – June 2011* (LUS) has come off a period of public exhibition and is awaiting endorsement from the Department of Planning & Infrastructure.

Oberon Council's Draft Local Environmental Plan 2013 – *June 2013* (LEP) has come off a period of public exhibition and is awaiting endorsement from the Department of Planning & Infrastructure.

The proposed development as an outdoor recreation facility would be considered permissible with consent in the RU1 zone under the provisions of the Draft LEP 2013.

Any Development Control Plan:

Council's DCP 2001 applies to the proposal. It is considered that given the information supplied and Council's assessment of the development is consistent with the DCP.

Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil

Any matters prescribed by the regulations that apply to the land:

A Development Application has been submitted for stage two only. No Construction Certificate has been submitted for determination.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:

The application is for the construction of track number two; land shaping, sedimentation and erosion control measures and buffer plantings. The application does not include consent for the operation of the facility. As such, the impacts of the development relate to construction only.

The likely impacts of such construction include dust, sedimentation and general construction noise which have been dealt with via conditions of development consent, which are attached to the recommendation. There are no perceived social or economic impacts resulting from this development.

Property Values – There is no conclusive evidence that Council is aware of that indicates that the proposed development does or does not adversely impact on property values.

The Suitability of the site for the development: The site is considered to be suitable for the proposed development. The development is permissible in the zone and is consistent with the aims and objectives of the Rural 1 (a) zone. There are no human or natural hazards that would consider the proposal to not be considered. As such the application is considered to be suitable for the site.

Any submissions made in accordance with this Act or the Regulations:

The application was neighbour notified on three separate occasions to 14 of the adjoining and adjacent land owners originally notified as part of the concept plan application and also including those land owners not adjoining or adjacent to the development but who made a submission. Each notification was for a period of 14 working days. The periods of notification consisted of:

- 1st Notification dated - 21 November 2012 and extended on the 28 November, 2012 for the notification of the original statement of environmental effects.
- 2nd Notification dated – 21 June, 2013 for the amended statement of environmental effects.
- 3rd Notification dated – 2 August, 2013 for the buffer management plan.

Submission dated:	Issues raised:
5/12/12	<ul style="list-style-type: none"> • Lack of proper submission by the applicant in respect to sedimentation and erosion control; • The application does not comply with Councils conditions of consent in relation to the submission of: <ul style="list-style-type: none"> ○ Dynamic noise evaluation/modelling. The submission relates to the requirement of dynamic noise modelling as part of the Stage 2 development. The submission also states that the objector had an expectation,

	<p>considering the Conditions of consent, that they would have a reasonable opportunity to provide a submission and obtain a report in response to the noise impact issues;</p> <ul style="list-style-type: none"> ○ Preliminary buffer plantings. No documentation had been provided by Council relating to buffer plantings. <ul style="list-style-type: none"> • The Renzo Tonin and Associates noise assessment states “<i>should the two proposed residences proceed to construction, earth mounds could be constructed at the motor cycle complex to provide the required noise attenuation.</i>”
27/11/12	<ul style="list-style-type: none"> • The development is located predominantly on farmland and there is concern that the proposed development could damage the environment; • Concerns raised that noise pollution would occur if the development proceeds.
11/7/13	<ul style="list-style-type: none"> • The application does not comply with Councils conditions of consent in relation to the submission of: <ul style="list-style-type: none"> ○ Dynamic noise evaluation/modelling. The submission relates to the requirement of dynamic noise modelling as part of the Stage 2 development. The objector also states that they had an expectation, considering the Conditions of consent, that they would have a reasonable opportunity to provide a submission and obtain a report in response to the noise impact issues; ○ Preliminary buffer plantings. No documentation had been provided by Council relating to buffer plantings. • The Renzo Tonin and Associates noise assessment states “<i>should the two proposed residences proceed to construction, earth mounds could be constructed at the motor cycle complex to provide the required noise attenuation.</i>” • The Abacus Report provides a false assumption that the adjoining land is currently only utilised for grazing and agriculture and the impacts (of the development) are not expected to be significant. The report also states that “<i>Due to the nature of the proposed development, the ideas behind the final layout and facilities are dynamic and evolving</i>”. <p><u>Officers comments:</u> The land is zoned Rural 1(a) and the predominant land use in the area is agriculture.</p>
21/8/13	<ul style="list-style-type: none"> • The proposed buffer management plan is devoid of any professional input; • The plan should be prepared by a suitably qualified person; • The issue of the plantation buffers will be directly relevant to the reduction in noise impacts of the facility, any buffer management plan accepted by Council should be referred to Umwelt Environmental Consultants for consideration; • The plans should provide details on: <ul style="list-style-type: none"> ○ Ground preparation; ○ Fertilization and soil testing; ○ Specific plant details, such as the species; ○ More accuracy and detail in the preparation of a plan. • The planting of tube stock will not provide an adequate buffer for many years; • No details have been provided on the proposed stock fencing.

SEDIMENTATION AND EROSION CONTROL: In response to the objections the following information is provided:

- The track design and location are considered to be substantially the same as that considered at Stage 1 in the concept plan approval.
- Information has been addressed by the applicant as to how sedimentation and erosion control measures are to be provided in accordance with industry standards.
- The applicant has advised Council in writing that no works will be undertaken on Emigrants Creek.

DYNAMIC NOISE MODELING AND ASSESSMENT: A noise impact assessment was provided by the applicant as part of Stage One (the concept plan) to enable Council to have full consideration of the potential noise impacts associated to the operation of the facility.

A report by Renzo Tonnin and Associates was provided by the applicant, and the report subsequently peer reviewed by Umwelt, Council's noise consultants. It was this noise assessment and associated peer review that enabled Council to determine the application with some assurances that the issues associated with operational noise for the facility could be managed. Conditions 1 to 5 specifically relate to the management of operational noise.

The requirement for noise modelling and assessment was included in the development consent as part of Stage 2 and became otiose and should have been deleted.

However as the Stage 2 application is its own development, quite separate from that of the consent for Stage 1 (the concept plan approval), Section 79C (1) (b) requires Council in its assessment to have regards to *"the likely impacts of that development, including environmental impacts on both the natural and built environments"*. This assessment must have regard to the specifics of the Stage 2 application.

As such Council have further considered the following issues relevant to the Stage 2 application and the noise modelling undertaken and approved as stage 1:

1. The land contouring associated to the construction of track number two as well as the buffer plantings;
2. The fact that one of the "proposed residences", identified in the applicants noise assessment has now been constructed;
3. The Renzo Tonnin reports acknowledgment that the proposed residences may have *"line of site"* to some tracks and suggests that consideration should be given to the provision of an earth mound to cut the line of sight from the source to the receiver.

In consideration of these three main issues advice has been obtained from Umwelt, who undertook the original peer review. The advice provided by Umwelt states the following:

- The daytime construction activities associated with a development of this size would not normally be expected to exceed the noise goals set out in the Interim Construction Noise Guideline (ICNG) as long as appropriate conditions are in place to protect the amenity of the surrounding properties there is no noise related reason why Oberon Council should not approve construction activities associated with the development.
- It is recommended that construction activities be limited to standard hours, Monday to Friday 7am to 6pm and Saturday 8am to 1pm.
- Umwelt also indicates that the proposed construction activities for stages 3 and 4 of the proposed development are not likely, from a noise impact perspective, to differ greatly from the proposed Stage 2 construction activities.
- As Stage 2 of the development comprises of earthworks and other associated construction activities and does not include consent for the operation of the recreational motor cross track facility.
- It is considered that the land contouring and buffer planting would be within the margin of error of the proposed noise impacts stated in the noise impact assessment.
- Staff will be consulting closely with the applicant regarding the development of an operational management plan for the site as well as undertaking noise testing under operational conditions prior to full site operation to enable appropriate consideration of the design and construction of earth mounds for noise attenuation.

- The Renzo Tonnin noise assessment provided by the applicant indicates that noise attenuation measures such as earth mounds could be constructed at the motor cycle complex to provide the required noise attenuation should the proposed residences proceed to construction. The report also recommends that to address the 1dBA predicted exceedance at the proposed residence noise testing of the motorcycle facility be conducted at these proposed residences prior to their occupation to confirm the predicted noise levels.

It is important to note, however, that the applicant has no control as to the construction of the neighbouring proposed residences and as the tracks have not been constructed appropriate noise monitoring cannot be undertaken to test the expected operational noise levels.

Council staff will be liaising with the applicant as to how the project can proceed with a level of clarity as to the actual operational noise levels proposed and what measures, if any, will need to be provided to assure the amenity of the adjoining property owners.

Operational conditions of development consent, including the preparation of an Operational Management Plan (OMP) have been included as part of the Stage 2 Consent. It is acknowledged that Stage two is for construction and works associated to track number two and not for the operation of the facility, however the operational conditions are included for consistency with the overall concept approval.

BUFFER PLANTING: The provision of buffer plantings has been nominated by the applicant as a requirement of Stage Two works within the original Statement of Environmental Effects associated to the Stage 1 application.

The submission dated the 21 August, 2013 states that the buffer management plan should be prepared by a suitably qualified person. Advice from Umwelt, Councils noise consultants, indicates that the planting of tree buffers provides little if any acoustic attenuation. Furthermore the provision of a tree buffer has not been referenced by either the applicants noise assessment nor Councils peer review.

The requirement of a buffer, in accordance with the provisions of Condition 8 of the development consent, stem from the Statement of Environmental Effects where the applicant stated that a tree planting program would be implemented on site.

THE PUBLIC INTEREST: Apart from those interests mentioned above no other public interest impacts are perceived.

DISCUSSION AND CONCLUSIONS: The application is permissible in the zone and is consistent with the aims and objectives of that zone. Any perceived impacts can be minimised by onsite techniques in place or through conditions of consent. As such it is considered that the application can be supported in this instance.

ATTACHMENTS

- ATTACHMENT 1 – Development Consent 10.2009.225.1
- ATTACHMENT 2 – Applicants statement of environmental effects, the details of the buffer plantings, the track design for track number two and the associated sedimentation and erosion control details

13.03 OBERON LAWN CEMETERY GUIDELINES

File: Public Health/Cemeteries/Oberon Cemetery
Author: Matilda Dwyer

Summary

A set of guidelines is required to ensure that the Lawn Cemetery is maintained to a required standard.

Recommendation:

That the Draft Guidelines for the Oberon Lawn Cemetery be placed on public exhibition and following appropriate community consultation a further report be provided to Council prior to adoption.

Comment:

The Oberon Lawn Cemetery is low maintenance burial option in the in a non-denominational section of the Oberon Cemetery. Until now, there have been no clear written restrictions on the placement of monuments, memorial items etc. in the grounds.

These Draft Guidelines have been prepared to inform families/visitors of the expectations and restrictions that are in place for the Oberon Lawn Cemetery.

Notes:



DRAFT - Oberon Lawn Cemetery Guidelines

Objective/Scope

The Oberon Lawn Cemetery is a lawn cemetery set in the centre of The Oberon Cemetery offering a picturesque, low maintenance burial option in a non-denominational section of the cemetery.

The facility is designed as a circular lawn cemetery and it is Oberon Council's responsibility to maintain the area so that it is consistent with the overall design.

In an effort to maintain the cemetery to the highest possible standard the following guidelines have been determined and are enforced by Oberon Council.

Graves

All grave sites are provided a concrete plinth on a concrete base to attach a memorial plaque to. The remaining area of the gravesite is planted with grass seed after burial and is maintained by council during routine mowing. No memorial items, flowers etc. can be placed on this area. Any items that interfere with routine mowing will be removed.

Fresh or artificial flowers may be placed in the receptacles provided directly behind the concrete plinth. Vases are permitted subject to the following conditions;

- Vases must be made of plastic, bronze or similar weather hardy material (glass not permitted)
- Vases are not to be taller than the concrete plinth
- Vases must be placed on the concrete base – not the grass

Gravesites must remain neat and tidy and must not detract from the simplistic beauty of the site.

Plaques

Plaques must be of the required size of 560mm x 300mm or smaller, must be affixed to the concrete plinth and cannot obstruct any adjoining gravesites. Council offers a direct ordering service for the selection and purchase of a bronze memorial plaque which are hardy and weather resistant.

Number of interments

Each grave site has the capacity to receive up to four (4) interments with a maximum of two (2) burials and two (2) cremations.

Reservations

Reservations cannot be made for a particular location in the lawn cemetery and plots are allocated on an as needed basis. Plots are allocated in a clockwise direction. Plots can be pre-purchased, however the exact location cannot be guaranteed.

Staff Assistance

Council staff are available to assist with any queries relating to the cemetery. An appointment can be made by telephoning the Administration Centre during office hours on (02) 6329 8100.

Fees and charges

The fees for Oberon Lawn Cemetery are reviewed annually; therefore quotes provided may be subject to change.

Approving Authority	Oberon Council
Contact	
Approval	
Revision Date	
Issue Date to Staff	

DRAFT

14 Committee Reports

Nil

15 New Business of an Urgent Nature Admitted by Council

Summary

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Recommendation:

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council.

16 Closed Session Reports

Summary

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is Section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) Personnel matters concerning particular individuals (other than Councillors)
- (b) The personal hardship of any resident or ratepayer
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret
- (e) Information that would, if disclosed, prejudice the maintenance of law
- (f) Matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.

There are no Closed Session Reports listed for Council's consideration.

17 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on Tuesday 15 October 2013 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.
