

A1.2.1 BF:SS

May 2010

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General Manager

Mayor

**A1. DEVELOPMENT APPLICATION 10.2010.23.1 - PROPOSED NEW GARAGE,
LOT 79 IN DP805063, 53 WILSON DRIVE, OBERON
Staff Report to the 18 May 2010 Ordinary Meeting
File No. PR142.53
Prepared by Mark Dicker 6 May 2010**

Applicant: Mr. A.W Beuermann

Proposal: Construction of New Garage

Zone: Rural 1 (c)

Reason for the Submission to Council

The owner wishes to erect an additional ancillary building (garage) contrary to the requirements of Part J "Titania Park Estate" Development Control Plan 2001 in that;

- 1) The garage is proposed to be setback only 8m from the Eastern boundary, being 2m closer than the 10m minimum.
- 2) The aggregate floor area of both ancillary buildings on the site will total 150.5m², being 50.5m² greater than the 100m² maximum.

Copies of the site plan and elevations of the proposed building are attached.
(Attachment A1a)

The Application

Development Application 10.2010.23.1 was received by Council on 8 April 2010 for the proposed construction of a 10m x 10.5m (totaling 105m²), colorbond clad barn style garage. The application also contained a request to vary;

- 1) Clause J.7.2.6 – "Building Setback" of Part J of the DCP 2001, which states:

"Objective: to encourage the siting of dwellings to maximize solar access, establish privacy and minimize adverse impacts on adjoining premises".

"Any buildings or structures shall not be erected within 10m of the lot boundaries, with the exception of Lots 88, 89, 90 and 91, which can have buildings or structures erected no closer than 3 metres from the front boundary to Marks Crescent".

- 2) Clause J.7.2.7 – "Ancillary Buildings" of Part J of the DCP 2001, which states:

"Objective: to discourage the erection of numerous outbuildings on the lots",

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“Only two (2) buildings ancillary to a dwelling shall be permitted on each allotment. The ancillary buildings are to have a total aggregate floor area of less than 100m²”.

A copy of the justification letter from the Applicant is attached (**Attachment A1b**).

An existing metal shed approximately 45.5 m² in size and 1.9m off the western boundary currently exists on the property which was constructed by the previous owner without development consent. This metal shed does not comply with the boundary setback of Clause J.7.2.6 – Part J of the DCP 2001, requiring a 10m setback. However when the current owner purchased the property in 2007 a building certificate was obtained from Council during purchase, in which Council proceeded to approve Building Certificate 17.07 on 31 May 2007, but for some unforeseen reason, the setback non compliance of the existing metal shed was overlooked at the time the Building Certificate was issued.

A copy of two photos taken during site inspection on 5 May 2010 show the existing metal shed (**Attachment A1c**).

The applicant’s reason for applying to vary Clause J.7.2.6 – “Building Setback” of Part J of the DCP 2001 for the new garage is that suitable locations for the proposed garage are restricted due to the steep terrain over the majority of the property. The only level area on the property is adjacent to the existing dwelling, covered by mature trees, which would require substantial clearing to construct the garage. The proposed location is the most logical location without the clearing of any trees and which a level building platform can be achieved thus minimizing the amount of earthworks to be undertaken (the benching of the site has already been undertaken as exempt development).

A copy of photos taken during site inspection on 5 May 2010 are attached to show the proposed location and also the completed benching of the site (**Attachment A1d**).

The applicant’s reason for applying to vary Clause J.7.2.7 – “Ancillary Buildings” of Part J of the DCP 2001 is that the existing metal shed is used for the storage and shelter of animals and as such there is no ancillary building on the property to use as a hobby workshop and vehicle/equipment storage.

The applicant has indicated the proposed roof and wall cladding of the proposed garage is to be of colorbond steel, beige in colour with grey trim. However, it should also be noted that the proposed garage will be well screened particularly to the East as existing mature trees currently exist on the adjoining property.

Adjoining property owners have been notified and the submission period closes on the 12 May 2010. As at the date of this report, no submissions have been received. If submissions are received, they will be tabled at the Council Meeting.

There are several properties within the Titania Park Estate with; ancillary buildings closer than 10m to side boundaries, more than one outbuilding and outbuildings in excess of 100m².

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General Manager

Mayor

Recommendation:

- a) Council take no further action regarding the existing metal shed constructed 1.9m off the western boundary at Lot 79 in DP 805063, 53 Wilson Drive, Oberon, and
- b) Subject to no adverse submissions being received from adjoining property owners, clause J.7.2.6 – “Building Setback” of Part J of the Development Control Plan 2001 be varied to allow the construction of a metal framed and clad Garage at Lot 79 in DP 805063, 53 Wilson Drive, Oberon 8m off the eastern property boundary, and
- c) Subject to no adverse submissions being received from adjoining property owners, clause J.7.2.7 – “Ancillary Buildings” of Part J of the Development Control Plan 2001 be varied to allow the construction of a 105m² metal framed and clad Garage at Lot 79 in DP 805063, 53 Wilson Drive, Oberon subject to appropriate conditions of consent.

B1. APANIE ROAD

Staff Report to the 18 May 2010 Ordinary Meeting

File No. R213, DA17/05 & DA288/03/04

Prepared by Leigh Robins on 3 May 2010

A request has been received from Tablelands & Buttsworth Surveyors to extend Apanie Road to provide access to a five lot subdivision.

The approved access for the proposed subdivision is via a right of carriageway and the applicant has requested a variation to construct the road to Council standards on the existing track in use.

The road would be constructed over a section of Crown Road Reserve and private property. Negotiating for approval for access construction through the private property is a matter for the applicant.

A plan of the proposal is included as **Attachment B1a, B1b & B1c**.

All costs with the transfer from Crown to Council Road and construction costs would be borne by the applicant.

Recommendation:

- a) That an extension of Apanie Road be supported providing concurrence of the adjoining landholder is obtained.
- b) All costs associated with the extension be borne by the Developer.

This is Page No. 4 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 18 May 2010 commencing at 5.30 pm.

General Manager

Mayor

B2. COMMUNITY TRANSPORT PROGRAM
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C24.1 & A5.3
Prepared by Joanne Barton on 3 May 2010

Council would be aware that Oberon Council has been allocated \$50,000 pa recurrent funding as a result of the HACC 2008/09 Open Tender process.

Council has received the reporting documents from the Ministry of Transport to receive \$51,210 funding for the Community Transport Scheme for the financial year 2010/2011 (**Attachment B2**).

The Agreement must be signed by an authorised signatory and requires the attachment of the Council's Seal.

Recommendation:

That the Council Seal be affixed to the Funding Agreement provided at **Attachment B2** and forwarded to the Ministry of Transport in accordance with the requirements of the funding agreement.

B3. WATER LOSS MANAGEMENT PROGRAM
Staff Report to the 18 May 2010 Ordinary Meeting
File No. E32.1
Prepared by Ian Tucker on 3 May 2010

A survey has recently been completed to identify and repair any leaks from the water reticulation system throughout Oberon.

The survey involved using listening equipment on all water meters throughout the town, as well as on hydrants and stop valves. Experienced operators are able to determine sounds which indicate a nearby leak, and to quickly narrow down their precise location.

Nine leaks from mains and services were detected and repaired, as well as various other minor problems. Where leaks were detected inside private properties, letters have been sent to the property owner.

The final report for the program is attached (**Attachment B3**).

Recommendation:

That the information be received and noted.

This is Page No. 5 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 18 May 2010 commencing at 5.30 pm.

General Manager

Mayor

B4. GST CERTIFICATE OF CONFIRMATION
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C17.3.2
Prepared by John Chapman on 5 May 2010

An annual Certificate of Confirmation (*Attachment B4*) is required to be submitted to the Department of Local Government by 31 May 2010.

The certificate is to be signed in accordance with a resolution of Council.

Each of the twelve BAS reports during this period were completed and remitted by Council by the due date.

The total amount of GST owed to Council from the Australian Taxation Office less the amount of GST payable during this period was \$205,315.00.

Recommendation:

That the Goods and Services Tax Certificate for the payment of voluntary GST for the period from 1 May 2009 to 30 April 2010 to be submitted to the Department of Local Government

B5. QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2010
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C15.3
Prepared by John Chapman on 7 May 2010

The Quarterly Budget Review Statements for the third quarter to 31 March 2010 have been distributed as a separate document.

All items in respect of which there are variations are noted on the detailed statements with brief comments. A summary of major variations is also provided with the statements.

Recommendation:

That the Quarter 3 Budget Review Statements for 2009/2010 be received and noted and the revised budgeted income and expenditure items be voted.

This is Page No. 6 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 18 May 2010 commencing at 5.30 pm.

General Manager

Mayor

B6. REVIEW OF MANAGEMENT PLAN – QUARTER 3, 2009/10
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C15.5
Prepared by John Chapman on 7 May 2010

In accordance with the provisions of the Local Government Act 1993, a report is being distributed as a separate document on the progress made to 31 March 2010 with Council's Management Plan for the 2009/10 year.

Recommendation:

That the Quarter 3 Management Plan review for 2009/2010 be received and noted.

B7. BLACK SPRINGS PROGRESS ASSOCIATION MEETING
Staff Report to the 18 May 2010 Ordinary Meeting
File No. A3.1
Prepared by Leigh Robins on 10 May 2010

By letter, dated 19 May 2010, the Black Springs Progress Association has written to extend an invitation to Councillors to attend its next meeting being held on 14 June 2010 commencing at 7.00 pm in the Black Springs Community Hall.

The meeting will provide an opportunity for Councillors & representatives from Forests NSW to meet the next executive committee of the Black Springs Progress Association and discuss future directions for the community.

Recommendation:

That those Councillors that are able to attend the next Black Springs Progress Association Meeting to be held on Monday 14 June 2010 advise the Executive Assistant of their attendance.

B8. SLOGGETTS ROAD INTERSECTION LOT 3 DP 1076999
Staff Report to the 18 May 2010 Ordinary Meeting
File No R16 C25.6 PR16.59
Prepared By Engineering Admin Matilda Dwyer

At its Ordinary Meeting of 20th January 2009, Council resolved to commence action under the Land Acquisition (Just Terms Compensation) Act 1991 to acquire land for the improvement of the intersection of Sloggetts Road and Abercrombie Road Oberon.

This is Page No. 7 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 18 May 2010 commencing at 5.30 pm.

General Manager

Mayor

The Department of Local Government has since replied requesting that council re-word the resolution so that it specifically authorises the application. Further information in support of the application is also requested.

Recommendation:

That an application be made to the Minister for Local Government and the Governor for approval to compulsorily acquire part of Lot 3 DP 1076999 at the intersection of Abercrombie Road and Sloggetts Road.

**B9. OBERON RUGBY LEAGUES CLUB GROUNDS MANAGEMENT SECTION
355 COMMITTEE
Staff Report to the 18 May 2010 Ordinary Meeting
File No. PO36.16
Prepared by Leigh Robins on 10 May 2010**

Council at its 20 April 2010 Ordinary Meeting received a report regarding expressions of interest received from community representatives to join the newly formed Section 355 Committee for the ongoing management of the Rugby Leagues Club grounds.

Council resolved that a further request be sent to local sporting clubs asking that a representative (and an alternative) be nominated from each relevant organisation and that nominations be received until 7 May 2010.

The following additional responses have been received:

Mr Peter Varlas	Oberon Touch Football Club (delegate)
Ms Suniti Rodwell	Oberon Touch Football Club (alternate representative)

The following is a list of the members of the public that have already expressed an interest in becoming a member of the committee:

Mr Peter Gascoigne	Oberon Junior League
Mr Clinton Corby	Oberon United Football Club
Mr Ian Christie-Johnston	Oberon Tigers Supporters Club Inc.
Ms Judy Jacobs	Oberon Tigers Supporters Club Inc.
Ms Mary Jacobs	Oberon Tigers Supporters Club Inc

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General Manager

Mayor

Recommendation: That:

- a) A representative from Oberon Touch Football, Oberon United Football Club and Oberon Tigers Supporters Club Inc. that have expressed an interest in becoming a member of the Section 355 Committee for the ongoing management of the Oberon Rugby Leagues Club Grounds be formally appointed to the committee.
- b) That a date and venue be selected for the first meeting of the newly formed committee.

B10. ALCOHOL FREE ZONES
Staff Report to the 18 May 2010 Ordinary Meeting
File No. E31.1
Prepared by Ian Tucker on 11 May 2010

At its Ordinary Meeting on 13 November 2007, Council resolved to have a case prepared to establish an alcohol free zone in Oberon Street and at The Common from 10.00pm to 6.00am.

Following consultation with the Oberon community, Oberon Police, the Pejar Aboriginal Land Council and licensees in the affected areas the Alcohol-Free Zones were established and signs erected at the outer limit of the zones and at other suitable locations within the zones.

In accordance with the legislation at the time of implementation the policy was to be reviewed in three years, this period expires on 28 February 2011.

Staff have recently been requested to install larger signs in the Alcohol-Free Zones as the current signs are felt to be inadequate. Photographs of the signs currently in use in Oberon Street and The Common are attached for Council's information (**Attachment B10**). As the current Alcohol-Free Zone expires on 28 February 2011 it is felt that it may be more appropriate to review the Alcohol-Free Zones with a view of extending the period prior to replacing the signs. This will avoid the cost of replacing the signs for just the final nine months of the current three year period.

Since the implementation of the Alcohol-Free Zones in Oberon, new Ministerial Guidelines on Alcohol-Free Zones have been released, brought about by legislative changes to the *Liquor Legislation Amendment Act 2009*.

The guidelines provide guidance to Councils that are considering establishing or re-establishing an alcohol free zone, as well as providing advice about Council's responsibilities in line with the amended legislation.

The new guidelines provide for an alcohol-free zone to be established for a period not exceed four years (previously three) and for the zone to operate for the whole of that period or just for days on which particular special events occur.

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General Manager

Mayor

Council is required to carry out appropriate community consultation in accordance with Section 644A of the Local Government Act. A comprehensive summary of the Ministerial Guidelines is included at **Attachment B10b** for Council's information.

Following the consultation a further report will be prepared with recommendations on appropriate alcohol-free zones for the next four year period, with larger signs to be installed in February 2011.

Recommendation: That:

- a) An advertisement be placed in the Oberon Review advising that it is proposed to extend the Alcohol-Free Zone which exists in Oberon Street from North Street through to Duckmaloi Road and The Common from 10.00pm to 6.00am for a further four years from 1 March 2011 to 28 February 2015.
- b) That submissions be invited for a period of 14 days from the date on which the notice is published.
- c) The police and the Pejar Aboriginal Land Council and licensees in the affected areas be consulted regarding the extension of the Alcohol-Free zones.

B11. SHED REMOVAL MOSS GROVE ROAD
Staff Report to the 18 May 2010 Ordinary Meeting
File No. E31.1 P71.2
Prepared by Leigh Robins on 11 May 2010

A request has been received from OTHR Inc. for approval to remove two sheds which are located on a closed road adjacent to Moss Grove Road (**Attachment B11**).

Council has title to the land and has no current use for the sheds.

Council's Legal Advisor has advised that what attaches to the land becomes part of the land. Should Council agree to the OTHR request, an agreement indemnifying Council from personal injury or property damage resulting from the shed removal would need to be provided by OTHR.

Recommendation: That:

- a) OTHR be advised that the two steel sheds on Lot 175, in DP 869927 are available for removal at a cost of \$1.00.
- b) OTHR provide an agreement indemnifying Council from personal injury or property damage resulting from the shed removal.

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General Manager

Mayor

B12. AGED CARE
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C22.4
Prepared by Leigh Robins on 11 May 2010

A letter from the Chairman of the Aged Care Committee is included as **Attachment B12**.

Mr Whalan is seeking clarification on non-bonded beds for any future Aged Care facility.

As previously advised, the issue of bonds is very complicated and determined on a case by case basis.

Recommendation: That the Chairman of the Oberon Aged Care Committee be advised that Council will be negotiating with the Aged Care facility provider on bond issues once bed licences have been secured.

B13. DIGITAL TELEVISION
Staff Report to the 18 May 2010 Ordinary Meeting
File No. A3.4
Prepared by Sharon Swannell on 12 May 2010

By letter, received 1 April 2010 (**Attachment B13**), Senator the Hon Stephen Conroy, Minister for Broadband, Communications and the Digital Economy has written regarding upgrading of self-help television transmission sites from analog to digital.

On 5 January 2010, Senator Conroy announced that under an agreement between the Government and commercial television broadcasters, a number of existing regional analog self-help transmission facilities will be upgraded by broadcasters to operate in digital. The self-help facility at Oberon has been identified by broadcasters as a candidate for upgrading from analog to digital.

The final decision as to whether or not this facility will be upgraded will depend on agreement being reached with the current transmitter licence holder and the broadcasters about the conditions under which the upgrade will be carried out. A representative of the broadcasters will contact Council in the near future to formally discuss their proposal and the terms of an agreement.

Under the offer being made by broadcasters they will be primarily responsible for the provision and maintenance of transmission equipment, while communities would be expected to continue to meet the costs of running the site, including site leasing costs, electricity, access charges and air conditioning. Oberon is in the Central Tablelands and Central Western Slopes switchover area, which will switch to digital only in the first half of 2012.

Recommendation: That the information be received and noted.

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General Manager

Mayor

M1. HERITAGE COMMITTEE MEETING MINUTES
Staff Report to the 18 May 2010 Ordinary Meeting
File No. A2.22
Prepared by Ralph Tambasco on 23 April 2010

The minutes of the Meeting held on 19 April 2010 are attached. (*Attachment M1*)

Recommendation: That:

- a) The offer from NSW Heritage Branch be accepted to develop a nomination of the O'Connell Anzac Memorial Avenue of Trees under the WWI and WWII theme for inclusion on the State Heritage Register.
- b) It be noted that the nomination is to be prepared by the NSW Heritage Branch in conjunction with community groups.

M2. PROMOTIONS COMMITTEE MEETING MINUTES
Staff Report to the 18 May 2010 Ordinary Meeting
File No. A2.17
Prepared by Leigh Robins on 28 April 2010

The minutes of the Promotions Committee Meeting held on 28 April 2010 are attached. (*Attachment M1*)

Recommendation: That:

- a) A letter be forwarded to the Chair of OPTA, Mr Brian Harman, representatives of the Timber Industry, National Parks and Wildlife Service, Mayfield Garden, Black Springs Progress Association and the Burruga and District Community Association inviting them to nominate a representative and an alternate delegate to the Oberon Promotions Committee.
- b) Seek funding from DSRD to facilitate a workshop to consider the direction forward for promotion of Oberon.

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General Manager

Mayor

M3. CARE CAR COMMITTEE MEETING MINUTES
Staff Report to the 18 May 2010 Ordinary Meeting
File No. A2.28
Prepared by Joanne Barton on 5 May 2010

The minutes of the Care Car Committee Meeting held on 30 April 2010 are attached (*Attachment M3*).

Recommendation:

That Councils Community Liaison Officer, Kathy Beesley, Corporate Planner, Joanne Barton and Tenealle Corby (Oberon Medical Centre) be formally appointed to the Care Car Committee and that Amanda McGrath, Lisa Nash, Toni Dwyer and Maxine Whittaker be removed as Committee Members.

Submitted,

Leigh Robins
ACTING GENERAL MANAGER

This is Page No. 13 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 18 May 2010 commencing at 5.30 pm.

General Manager

Mayor