

A1.2.1 BF:SS

June 2010

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General Manager

Mayor

A1. DEVELOPMENT APPLICATION 10.2010.18.1 – NEW SUBDIVISION FOR AGRICULTURE UNDER CLAUSE 12 OF LEP 1998

Staff Report to the 15 June 2010 Ordinary Meeting

File No. PR23.809

Prepared by Janet Bailey on 1 June 2010

Applicant: Mr C.L. & Mrs J McCarthy.
Property: Lot 115 in DP 757068, 809 Lowes Mount Road, Oberon NSW
Owner: Mrs L. B. Grady

Reason for Submission to Council:

Council staff has received a request to attach Council Seal to an 88b Instrument.

Proposed Terms

On the 19 March 2010 Council Staff approved a subdivision for agriculture under Clause 12 of LEP 1998 on Lot 115 in DP 757068. A copy of the Plan of subdivision is attached (**Attachment A1a**).

In approving the subdivision a number of conditions were imposed including conditions (3) **Restriction to User** and Condition (4) **Restriction as to the Use of the Land** which states as follows.

(3) Restriction to User

A draft of the proposed terms of a Restriction to User under Section 88B of the Conveyancing Act, for the proposed Agricultural lot (proposed Lot 1) signed by the owners, shall be submitted to Council with the Subdivision Certificate application.

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

(4) Restriction as to the Use of Land

The provision of a public positive covenant / restriction as to user with Council as nominee in accordance with Section 88 of the Conveyancing Act placing restriction on user relative to proposed Lot 1 that:

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

Reason:- To ensure that suitable notice is provided to indicate that no dwelling entitlement exists on Proposed lot 1 which has been created for agricultural purposes only.

On the 27 May 2010 Council received a copy of the Section 88B instrument and Council Staff have reviewed the document and found it to be in order (**Attachment A1b**).

Recommendation: That the Common Seal of Oberon Council be affixed to the 88B Instrument Mr & Mrs McCarthy in relation to Development Application 10.2010.18.1 for a New

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General Manager

Mayor

Subdivision for the purpose of agriculture under Clause 12 of LEP 1998 of Lot 115 in DP 757068, 809 Lowes Mount Road, Oberon.

A2. DEVELOPMENT APPLICATION 125/05, FIVE (5) LOT SUBDIVISION
Staff Report to the 15 June 2010 Ordinary Meeting
File No. PR191.1233
Prepared by Janet Bailey on 3 June 2010

Applicant: Lochgarry pastoral Company Pty Ltd

Owner: Lochgarry Pastoral Company Pty Ltd

Property: Lots 2,105,120,167,170 and 17 in DP 757065, Part Lot 310 & Lot 338 in DP 757067, Lot 7 in DP 240276 and Lot 69, 70 & 71 in DP 1125687
1233 Edith Road OBERON NSW

Reason for submission to Council:

This report is submitted to enable Council to determine a request from Bird Legal acting on behalf of the owners, Lochgarry Pastoral Company Pty Ltd to vary Council's Policy Release of Subdivision Certificate and the placing of the Council seal on the deed and Caveat.

Proposed terms:

The above five (5) lot subdivision was approved by Council on the 29 January 2005. A copy of the plan of subdivision is attached (**Attachment A2a**)

Various conditions were imposed on the Development Consent including:

Condition 4 Fencing

Fencing of the boundaries of the proposed lots in accordance with the approved plans and specifications. Construction Certificate approval is required for this work, unless the fencing meets the Exempt Development criteria of Oberon Development Control Plan 2001.

The enclosed Rural Fencing Certification Form shall be completed and returned to Council after all work has been completed and prior to or with the application for a Subdivision Certificate.

REASON: To ensure rural boundary fencing as proposed in the application and of a suitable standard is provided to avoid disputes between adjoining property owners and to contain stock within each property.

Condition 9 Provision of Buffer

A Buffer Management Plan shall be submitted to Council for the proposed buffer area between the building envelope shown on the site plan and the following:

- a) South, East and West boundaries of proposed Lots 1,3 and 4*
- b) North, South, East and West boundaries of proposed Lot 2.*

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General Manager

Mayor

Approval of the Plan and its implementation is required prior to the submission to Council of the Subdivision Certificate application.

REASON: To meet the design requirements of the subdivision and comply with Part B.14.12.9 of the Oberon Development Control Plan 2001 which requires the provision of suitable buffers between any dwelling site and the boundary of Class 1, 2 or 3 prime crop and pasture land.

Under Release of Subdivision Certificates Policy, Council has a provision for the acceptance of a caveat by the applicant where they wish to register the subdivision prior to completing all of the conditions of consent. Council has previously applied the policy where the Applicant does not wish to fence the boundaries of the new lots created. The caveat is registered against the Title and the Land cannot be legally transferred until all the conditions of Development Consent are met.

The current owners of the land have negotiated to sell proposed lots 1, 2, 3 and 4 of this subdivision to an adjoining land owner and they will in turn lease it back. Consequently neither party wish to construct the internal fences or plant the tree buffers, whilst the land continues to be used for agriculture purposes, however as proposed lots 1-4 are not on a separate title, subdivision is required to be registered for the sale to be able to take place.

Both the current owners and the proposed purchaser are asking Council to allow the legal transfer of the land with the appropriate Caveats attached, which is inconsistent with Council's policy (**Attachment A2b**).

The owner's solicitor Bird Legal has set in letter dated 26 May 2010 the justification for the request together with the respective caveats, of which a copy is attached (**Attachment A2c**). Council Staff have reviewed the documents, and found them to be in order.

Please be advised that Council has yet to receive a formal Application for Subdivision at the date of this report. It is believed that, the applicants are completing the construction of the accesses and the external boundary fencing prior to the lodgment of the Subdivision Certificate Application.

Recommendation: That:

1. The request from Bird Legal on behalf of Owners Lochgarry Pastoral Company Pty Ltd and prospective purchasers Mr & Mrs R Rhodes-White, to seek to vary Council's Release of Subdivision Certificate Policy, in relation to a five (5) lot Subdivision Development Application 125/05 on 1233 Edith Road Oberon be approved and that upon the lodgment of formal Application for Subdivision that Council's Seal be placed on the Deeds and Caveats respectively and
2. Authorisation be given for the removal of the Caveat from the Deeds held by Lochgarry Pastoral Company Pty Ltd to allow registration of the transfer of the land, and
3. Authorisation be given to place the Council Seal on the Deeds and Caveat once the sale has been finalised to Mr & Mrs Rhodes while in accordance with this report.

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General Manager

Mayor

A3. CHANGES TO THE BUILDING PROFESSIONALS ACT 2005 AND THE BUILDING PROFESSIONALS REGULATION 2007
Staff Report to the 15 June 2010 Ordinary Meeting
File No. D50.1
Prepared by Mark Dicker on 4 June 2010

Purpose of Report:

To inform Council of changes to the Building Professionals Act 2005 and the Building Professionals Regulation 2007 which now requires the accreditation of Council building surveyors in NSW, who undertake building certification work on behalf of a Council.

Background:

On 15 May 2008, three Planning Reform Bills were tabled in the NSW Parliament. Included in these Bills was the Building Professionals Amendment Bill 2008. The Bill received assent on 25 June 2008 and is known as the Building Professionals Amendment Act 2008. The provisions of this Act commenced in stages over a period of 12 months and included accreditation of Council building surveyors.

Discussion:

As of the 1 March 2010 the Building Professionals Board (the Board) will be able to issue certificates of accreditation to employees of Council's who are engaged in carrying out building certification work. The Building Professionals Act provides that an application for accreditation to carry out certification work on behalf of a Council may only be made on the recommendation of a Council. This may be done where the Council grants delegated authority to the General Manager to make recommendations in relation to applications for accreditation. The Regulation allows the Board to issue certificates of individual accreditation for different categories of accreditation. The Regulation specifies the authority confirmed by each category of accreditation and the types of certificates that may be issued.

The levels of accreditation consist of A1 to A4. The level of experience, qualifications and skills are rated from the highest level A1 to the least experience Level A4. The process for accreditation requires an applicant to satisfy the Council and the Board on qualifications and experience based on pre determined criteria, for each category of accreditation sought.

Each application is to be assessed by council management and signed off by the General Manager with a recommendation to the board for a specified category of accreditation. Councils are required to carry out a number of administration functions in relation to accreditation of staff. These include recording such things as the date on accreditation numbers; the date the certifier commenced work; the date the certifier ceased work and a description of each project certified by that person.

Key elements of the accreditation scheme are:

- Accreditation will only cover work undertaken on behalf of a council.
- Council accredited certifiers can carry out work on behalf of any council in NSW.

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General Manager

Mayor

- Councils can consider an expanded range of qualifications and experience when recommending a council building certifier for accreditation.
- Initial accreditation is free. Renewals from March 2013 will cost \$250.00
- Applications by individuals can only be made with the recommendation of a council.
- A three year transition period from March 2010 will provide time for council building certifiers to become accredited. Councils have six months from March 2010 to ensure work under A1 to A4 Categories is undertaken by accredited certifiers. Exemptions can be applied for.
- Council accredited certifiers will undertake a Continuing Professional Development program and will be subject to the Board's disciplinary procedures.
- Existing civil liability protections under the *Local Government Act* remain.
- Council accredited certifiers can undertake certification work on developments where they have been involved in the assessment or determination of a related DA or CDC, without those being a conflict of interest.

Other Related Matters:

- i) Upgrading of Accreditation – the holder of a certificate of accreditation may apply at any time prior to 1 March 2013 to be accredited in a different category of accreditation or for removal or variation of any condition attaching to their certificate.
- ii) Terms of Accreditation – Accredited certifiers may only carry out the functions and issue the certificate specified in the Regulation for their level of accreditation.
- iii) Code of Conduct – Accredited certifiers must comply with the Code of Conduct for accredited certifiers contained in Schedule 5 of the Regulation. The Board may refuse to issue or renew a Certificate of Accreditation if the applicant has contravened the Code of Conduct.
- iv) Continuing Professional Development – Accredited certifiers must participate in and satisfy the requirements of the Boards continuing professional development program. The Board may refuse to renew a certificate of accreditation if any accredited certifier has not satisfied the requirements of the Boards continuing professional development program.

Recommendation: That:

- a) The report be received and noted.
- b) The Council grant delegated authority to the Acting General Manager or General Manager to make recommendations in relation to applications for accreditation of Council Building Surveyors under the Building Professionals Act 2005.

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General Manager

Mayor

B1. GREAT WESTERN HIGHWAY UPGRADE
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E30.1.1
Prepared by Ian Tucker on 31 May 2010

A letter has been received from the RTA advising they have now selected the preferred route for the upgrade of the Great Western Highway from Mount Victoria to Lithgow (**Attachment B1**).

The RTA also offered to provide Council with a briefing on the project. It is an opportune time to accept this offer at a critical stage of the project development.

The Senior Project Manager, Mr Chris Barnett, will attend the Council meeting at 5.30 pm on 20 July 2010.

Recommendation:

That the information be received and noted.

B2. FEES FOR COUNCILLORS
Staff Report to the 16 June 2009 Ordinary Meeting
File No. A1.2.3
Prepared by John Chapman on 25 May 2010

Advice has been received from the Local Government & Shires Association (**Attachment B2**) that the Local Government Remuneration Tribunal has determined the annual fees for Councillors for the 2010/2011 financial year.

The Tribunal sets a minimum and maximum fee, and Council may determine the fee anywhere within the range. Oberon Council is classed as Rural (Category 4).

The fees currently paid and the fees determined for 2010/2011 are summarised as follows:

	<u>Councillors</u>	<u>Mayor</u>
Paid 2009/2010	\$9,000	\$19,600
Maximum Allowable	\$9,290	\$20,280
Council Draft Budget 2010/2011	\$9,381	\$20,421
Increase over 2009/10 Actual	4.23%	4.19%
<u>Remuneration Tribunal Determination 2010/2011</u>		
Minimum Payable	\$7,250	\$ 7,700
Maximum Payable	\$9,570	\$20,890
Increase over 2009/10 Determination	2.93%	2.92%
Increase over 2009/10 Actual	5.96%	6.18%

Recommendation: That the annual fee for Councillors and the Mayor for 2010/2011 be determined.

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General Manager

Mayor

B3. DIGITAL TELEVISION
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A3.4
Prepared by Leigh Robins on 1 June 2010

Council resolved at its 18 May 2010 Ordinary Meeting that an additional report be prepared outlining the potential financial effects on Council when the analog service is upgraded to a digital service.

The Federal Government is not allocating funds for the upgrade and these costs are being borne by the broadcasters.

The broadcasters will take over the licence and install the upgrade kits.

The existing arrangement of Council providing and maintaining the site as well as providing and paying for the ongoing electricity supply remains. There will be no financial difference for Council as a result of the upgrade to digital transmission at the Fall Hill site.

Recommendation:

That the information be received and noted.

B4. BOSWORTH FALLS ROAD
Staff Report to the 15 June 2010 Ordinary Meeting
File No. R6
Prepared by Leigh Robins on 2 June 2010

Councillor McCarthy has requested that the issue of support for a road closure on Bosworth Falls Road be revisited.

Council has previously resolved that providing support for a road closure was forthcoming from Bathurst Regional Council, the proposed closure be supported.

Recommendation:

Submitted for Council's consideration.

B5. THE ROLE OF INTERNAL OMBUDSMAN IN COUNCILS
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A1.4.6
Prepared by Leigh Robins on 3 June 2010

By letter, dated 25 May 2010 (**Attachment B5**), the NSW Ombudsman has written to Council's regarding the role of Internal Ombudsman in Councils.

As Councillors will be aware, the NSW Ombudsman's jurisdiction includes local Councils, Councillors and Staff. In recent years, complaints received by the NSW Ombudsman's office indicate that there may be cause for concern regarding the independence of the

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General Manager

Mayor

Ombudsman's offices and confusion regarding the role of the Internal Ombudsman. Consequently an issues paper has been developed to highlight and illustrate some relevant issues regarding Internal Ombudsman.

The issues paper was initially circulated to Council's that currently have Internal Ombudsman, the Local Government & Shires Association of NSW, the Local Government Managers Australia (NSW), the Division of Local Government and the Independent Commission Against Corruption, seeking comment on the matters discussed in the paper and has now been circulated to all Council's in NSW.

Council's are invited to provide comments or suggestions in relation to the issues described in the paper by 22 June 2010.

Recommendation:

Submitted for Council's consideration.

**B6. WASTEWATER TREATMENT PLANT UPGRADE
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E33.2.1
Prepared by Leigh Robins on 3 June 2010**

At the inlet flume at the treatment works there is an opportunity to collect solids other than faecal matter prior to entry to the process components.

The current arrangement is that this material collects on vertical screens and is manually removed twice daily. The screens do not collect all the foreign material which flows into the process system and jams equipment and pumps.

Pumps in the digester become blocked with rags and the filter arms on the trickling filter block with cotton buds.

To eliminate the screen flow through and manual cleaning and subsequent maintenance issues, a screen extractor can be installed which automatically screens, collects and conveys to a disposal bin.

The estimated cost for supply and installation of a screen extractor is \$43,400.

The capital cost can be funded from Section 94 Sewer Reserve.

Recommendation:

That an allocation of \$43,400 be provided to supply and install a screen extractor at the wastewater plant.

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General Manager

Mayor

**B7. THE SPIRIT OF THE LAND LOCKHART FESTIVAL
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A3.1
Prepared by Leigh Robins on 3 June 2010**

The Spirit of the Land Lockhart Festival is a three day Festival comprising the only Australian National Farm Sculpture Award.

By letter, received 25 May 2010 (**Attachment B7**), the Chairperson of the Spirit of the Land Lockhart Inc has requested Council consider supporting local artists to create sculptures for the Awards which will be held in Lockhart NSW on 8 – 10 October 2010. Sculptures are to be created from recycled farm materials or natural elements of the land and should reflect the unique identity of the Shire.

Recommendation:

That the information be referred to the Oberon Arts Council.

**B8. BURRAGA & BLACK SPRINGS TIPS
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E35.1
Prepared by Ian Tucker on 3 June 2010**

The tips at Burraga and Black Springs now effectively operate as transfer stations. Waste is deposited in large bins which are transported back to Oberon Tip as required.

Each tip is open for two hours, twice per week. They are staffed by a contractor for a fixed fee of \$638 per week, which includes transporting the waste to Oberon. The contractor also retains any tipping fees collected, approx \$5,000 pa.

There are extra costs when Council removes scrap metal or other recyclables.

The cost to Council, excluding recyclables, is therefore approx \$35,000 pa plus \$5,000 pa tip fees. This is a large cost considering the small amount of rubbish taken to both tips.

Over the past eight months the total quantity of waste taken to both tips has been approximately 231 m³ (maximum) equating to 350 m³ per annum. The cost is therefore approx \$114 per m³, compared to approximately \$13 per m³ at Oberon Tip.

The option of staffing the tips using Council staff and plant has again been assessed. However this is considerably more expensive than the current contract arrangement.

The only way to significantly reduce costs would be to reduce the tip opening hours to once per week. Opening each tip for one hour on a weekday afternoon would reduce the cost to approx \$440 per week. It is expected this could be done by Council staff at a cost comparable to the contractor, with Council then retaining the tipping fees.

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General Manager

Mayor

The option of opening the tips without staff in attendance has also been considered. However this creates significant public liability risks for Council if a person enters and has an accident, or deposits materials which are difficult for Council to dispose of.

It is recognised that any reduction in tip hours is likely to inconvenience some residents, so there may be some opposition to the change. If Council chooses to pursue this change, it is suggested that consultation first take place.

Recommendation:

That the Burruga and Black Springs Progress Associations be asked to comment on a possible reduction of tip operating hours, and to advise their preferred opening day.

B9. GOLF CLUB ASSISTANCE
Staff Report to the 15 June 2010 Ordinary Meeting
File No. PO47.107
Prepared by Leigh Robins on 4 June 2010

At the budget meeting on 11 May 2010 an additional report on the ongoing charges and liability for the delivery of treated effluent to the golf course was requested.

The cost is dependent on pump selection and pumping times.

Two designs being a single stage vertical discharge centrifugal pump and a multi-stage inline pump have been considered.

The pump selection will not be decided until a detailed design is completed but either pump can deliver between 15 & 30 MI/annum. This volume satisfies the demand for watering the course.

The Golf Club irrigation storage capacity is 360 kl and if pumping is done on a worst case of 90 nights per year to refill following storage drainage the energy consumption would be a maximum of 25,000 kWh and an annual cost of \$3,100.

Under the current arrangement for the Golf Club raw water supply the rate charged is \$0.27/kl. If 30ML were consumed, raw water costs would be \$8,100.

Over the four year period to 2008/09, fees paid to the EPA for discharge from the wastewater plant have been \$22,082 for 1171 MI discharged (average \$18.64/MI). There would be an advantageous reduction in licence fees for any effluent diverted from the current river discharge.

It is proposed that the works to deliver treated effluent at a cost of \$110,000 to the golf course be funded from the sewerage fund.

As there has been a reduction of \$10,000 per annum proposed in assistance for the Golf Club it is suggested that the General Fund reimburse the cost of the effluent reuse scheme over an 11 year term.

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General Manager

Mayor

As the water is on its second use since being supplied from the Oberon Dam, it is not proposed to charge for the recycled treated water. The pumping cost should be borne by the Golf Club.

Recommendation:

1. That \$110,000 be allocated from the Sewerage Fund for the construction of a recycled wastewater system to the Oberon Golf Club.
2. That the General Fund reimburse the Sewerage Fund \$11,000 per year until 2021/22.
3. The Oberon Golf Club enter an agreement with Council to accept treated effluent on the basis that Oberon Golf Club are responsible for the energy costs on the scheme.
4. The raw water feed to the Golf Club be disconnected.

**B10. BLUE MOUNTAINS LITHGOW AND OBERON TOURISM
Staff Report to the 15 June 2010 Ordinary Meeting
File No. P73.1
Prepared by Leigh Robins on 4 June 2010**

Mr Wayne Cooper, Council's delegate to Blue Mountains Lithgow and Oberon Tourism (BMLOT) has provided a report (**Attachment B10**) regarding the recent activities of BMLOT.

Negotiations are continuing with Blue Mountains City Council regarding the restructure of BMLOT.

A customer service training program titled "the George Sprague Excellence in Customer Service" has been developed in conjunction with the Blue Mountains Hospitality School and will now be offered to all members.

Recommendation:

That the information be received and noted.

**B11. MOTOR VEHICLE POLICY
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E37.5.2
Prepared by Leigh Robins on 7 June 2010**

A private consultant was engaged to provide a policy for Private Use of Motor Vehicles. The information provided by the consultant recommends adoption of:

- Private Use of Motor Vehicle Policy (**Attachment B11a**)
- Council Owned Vehicles – Private Leasing Agreement (**Attachment B11b**)
- Oberon Car Costing Worksheet, May 2010 (**Attachment B11c**)

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General Manager

Mayor

Recommendation: That the proposed:

- Private Use of Motor Vehicle Policy
- Council Owned Vehicles – Private Leasing Agreement
- Oberon Car Costing Worksheet, May 2010

be adopted as the basis for future lease calculation for staff offered the private use of a Council vehicle.

B12. STORMWATER HARVESTING
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E32.11
Prepared by Leigh Robins on 7 June 2010

The Minister for Water, Senator Penny Wong has announced that Council's application for funding under the National Water Security Plan for Cities and Towns has been successful.

The grant of \$1,000,000 will be combined with the State Grant of \$1,250,000 for this project.

The project has the following components:

- Collection dam south of Queen Street
- Pump station at Queen Street
- Rising main from Queen Street to Albion Street
- Turkey nest storage in Albion Street
- Treatment plant in Albion Street
- Rising main from Treatment Plant

Preliminary concept designs of the collection dam and turkey nest storage are included as **Attachments B12a & B12b**.

The turkey nest has been positioned to intercept and collect stormwater from the western town area.

Geotechnical investigations are starting on site in the week commencing 7 June 2010.

Recommendation:

That the Common Seal be affixed to the Deed of Agreement between Council and the Commonwealth of Australia for the Stormwater Harvesting project.

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General Manager

Mayor

B13. EQUAL EMPLOYMENT OPPORTUNITY POLICY
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A1.2.7 C19.1
Prepared by Joanne Barton on 7 June 2010

The following resolution was adopted at the 19 May 2009 Ordinary Meeting in relation to adopting the Draft Equal Employment Opportunity Policy:

“That the matter be deferred pending clarification of the following:

- 1. Whether lack of training will affect the ability of individuals to take part in the selection process, and*
- 2. Whether it is necessary to list all appropriate discriminatory points”*

Investigations have revealed:

1. There is no requirement for individuals involved in a selection process to undertake training, however it would be in the best interest of Council and reduce the risk of potential legal repercussions if individuals taking part in the recruitment process undertook relevant training.
2. The listed discriminatory points under section 3 “Guidelines” refers to the areas of discrimination specified in the associated State and Federal Act’s. It is necessary for Council’s policy to reflect its commitment in ensuring an absence of discrimination in employment on these grounds and to avoid any ambiguity in the interpretation of the policy.

A copy of the policy is included at **Attachment B13** for Council’s information.

Recommendation: That the Equal Employment Opportunity Policy be adopted.

B14. DRAFT MANAGEMENT PLAN
Staff Report to the 15 June 2010 Ordinary Meeting
File No. C15.5
Prepared by John Chapman on 7 June 2010

The Draft Management Plan, Fees & Charges and Budget/Estimates have been on display for the required 28 days, with submissions closing on Friday 11th June, 2010. To date the following submissions have been received:

SWIMMING POOL FEES AND CHARGES, OPERATING COSTS AND CHANGEROOM FACILITIES FOR THE DISABLED

During the advertising period staff became aware of some confusion regarding the interpretation of the listed proposed fees for Oberon Swimming Pool.

In addition a submission has been received (**Attachment B14**) from a regular user of the swimming pool, objecting to the removal of the pensioner concession previously offered.

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General Manager

Mayor

Council will recall also that, while the Quarterly Budget Review for the period to 31 March 2010 was adopted, concern was expressed by Councillors in relation to the loss (after staff wages were accounted for) in the operation of the swimming pool kiosk during the 2009/2010 season. Additionally, previous negative public feedback in relation to the interpretation of fees & charges for the swimming pool was noted.

In the absence of the Director of Development, relevant staff members have discussed the above issues and agree that it is appropriate to review all aspects of the operation of and capital improvements to the swimming pool prior to the 2010/2011 swimming season.

As at the date of preparation of this report, no other submissions had been received.

OBERON COMMUNITY SOCIAL VISION

Following discussion at Council's Management Plan Meeting on 11 May 2010, staff undertook to review the wording of the Oberon Community Social Vision (page 7, point 11). Subsequently, the draft Management Plan was amended to the following:

"Address the inadequate provision of nursing home type accommodation by providing aged care facilities which will accommodate between 60 and 88 places consisting of both low and high care. The new facility is to maintain at least the current service standard provided by Hathaway Cottages with specific reference to the number of bonded places currently provided."

INTEREST RATE TO BE CHARGED ON OVERDUE RATES & CHARGES AND FEE FOR RATES CERTIFICATES (SECTION 603)

Advice has not yet been received from the Division of Local Government in relation to the maximum allowable charge to be made for overdue rates and charges or the prescribed fee for the supply of rates certificates under Section 603 of the Local Government Act. An updated will be provided by staff at the Council meeting.

Recommendation:

1. The draft fees & charges for the swimming pool not be adopted at this stage, but a review be undertaken so that a revised schedule can be adopted prior to the commencement of the 2010/2011 swimming season;
2. The operation of the swimming pool kiosk be reviewed prior to the 2010/2011 swimming season;
3. Alternatives for the provision of a suitable changeroom facility for the disabled at the swimming pool be considered prior to the 2010/2011 swimming season;
4. That the following **General Fund** ordinary rates for 2010/2011 be made:

Farmland – a base amount of \$180.00, producing 14% of the total amount payable for the category, and an ad valorem amount of 0.233243 cents in the dollar, on all rateable assessments categorised as farmland.

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Residential – a base amount of \$164.00, producing 42% of the total amount payable for the category, and an ad valorem amount of 0.304017 cents in the dollar, on all rateable assessments categorised as residential.

Business – a base amount of \$236.00, producing 34% of the total amount payable for the category, and an ad valorem amount of 0.362458 cents in the dollar, on all rateable assessments categorised as business.

Residential Rural – a base amount of \$169.00, producing 28% of the total amount payable for the category, and an ad valorem amount of 0.213521 cents in the dollar, on all rateable assessments categorised as residential rural.

Non-Urban Centres of Population – a base amount of \$231.00, producing 41% of the total amount payable for the category, and an ad valorem amount of 0.269128 cents in the dollar, on all rateable assessments categorised as non-urban centres of population.

5. That the following **Town Improvement Fund** special rates for 2010/2011 be made on all rateable properties within the Oberon Town area:

Residential – an ad valorem amount of 0.284543 cents in the dollar on all rateable land in the town improvement area categorised as residential.

Rural Residential – an ad valorem amount of 0.381941 cents in the dollar on all rateable land in the town improvement area categorised as residential.

Business – an ad valorem amount of 0.609814 cents in the dollar on all rateable land within the town improvement area categorised as business.

Farmland – an ad valorem amount of 0.217988 cents in the dollar on all rateable land within the town improvement area categorised as farmland.

6. That the following **Waste Water (Sewerage) Service** charges for 2010/2011 be made:

- a) A charge of \$370.00 (currently \$361.00) for all residential properties accessible to the waste water system, consisting of an access charge of \$102.00 (currently \$100.00) and a usage charge of \$268.00 (currently \$261.00).
- b) An access charge for all non-residential properties accessible to the waste water system, levied in accordance with the size of the water meter for the respective property, as follows:

Meter Size	Charge (\$)
20 mm (¾")	\$ 100.00 (currently \$100.00)
25 mm (1")	\$ 156.00 (currently \$156.00)
30 mm (1¼")	\$ 225.00 (currently \$225.00)
38 mm (1½")	\$ 361.00 (currently \$361.00)
50 mm (2")	\$ 625.00 (currently \$625.00)
80 mm (3¼")	\$1,600.00 (currently \$1,600.00)
100 mm (4")	\$2,500.00 (currently \$2,500.00)
150 mm (6")	\$5,625.00 (currently \$5,625.00)

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General Manager

Mayor

- c) A usage charge of \$1.22 (currently \$1.19) per kilolitre for all non-residential properties accessible to the waste water system, based upon the estimated volume discharged into the waste water system utilising total water consumption figures, together with the SDF (Sewage Discharge Factor) determined for each property.

7. That the following **Water Service** charges for 2010/2011 be made:

- a) A base charge of \$128.00 (currently \$117.00) and a consumption charge for water of \$1.35 (currently \$1.23) per kilolitre.
- b) A special levy to be applied to each water meter, to be set aside for the payment of the water treatment plant at Oberon, as follows:

Meter Size	Charge (\$)
20 mm (¾")	\$ 100.00 (no change)
25 mm (1")	\$ 156.00 (no change)
30 mm (1¼")	\$ 225.00 (no change)
38 mm (1½")	\$ 361.00 (no change)
50 mm (2")	\$ 625.00 (no change)
80 mm (3¼")	\$1,600.00 (no change)
100 mm (4")	\$2,500.00 (no change)
150 mm (6")	\$5,625.00 (no change)

and any other meter size to be charged in accordance with the formula of the radius squared in mm x \$1.00.

8. That:

- a) The following **Domestic Waste Management** charges for 2010/2011 be made:

Vacant Land - \$10.30 per annum (currently \$10.00)
 A 240 litre bin weekly collection service - \$141.00 per annum (currently \$137.00)

- b) The following **Non-Domestic Waste Management** charges for 2010/2011 be made:

A 240 litre bin weekly collection service - \$141.00 per annum (currently \$137.00)

9. That the Management Plan as advertised for 2011/2015, subject to the above amendments and incorporating the adopted Fees & Charges (except for swimming pool fees & charges) and Budget, be adopted.

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General Manager

Mayor

B15. VISITOR INFORMATION/COMMUNITY TECHNOLOGY CENTRE STORAGE
Staff Report to the 16 June 2010 Ordinary Meeting
File No. PO47.48-54
Prepared by John Chapman on 7 June 2010

Council has provided the sum of \$6,000 in the current (2009/2010) budget for the provision of additional storage facilities in the “downstairs” area at the Visitor Information/Community Technology Centre. The original proposal was to carry out alterations to the existing building in the “downstairs” area adjacent to the Conference Room with access to be gained via the existing internal stairway. Upon a further review, it is considered that the proposed access via the internal stairway is not appropriate from the Occupational Health & Safety aspect and the proposed alteration to the building will not provide a practical solution as the extra area available within the existing building is limited and, if used for storage, would restrict future improvements/expansion to the existing conference room and office.

The suggested alternative solution is to acquire a used storage container (similar to that currently located at the Library) for installation on the south-eastern corner of the building as outlined on the attached site plan (**Attachment B15**). It is proposed that the container would be of a suitable colour to match the colour scheme of the existing building and suitable screening would be provided to secure a more aesthetically pleasing appearance.

The cost is estimated to be \$4,500 which is within the budget limit. The total cost of the container located at the Library was \$3,200. The additional cost for the Visitor Information/Community Technology Centre facility results from the requirement to provide for some minor earthworks to level the site, along with provision of suitable screening.

Recommendation:

That the funding allocated for additional storage facilities at the Visitor Information/Community Technology Centre be utilised for the acquisition and placement of an external storage container.

B16. FOSSICKING IN OBERON
Staff Report to the 15 June 2010 Ordinary Meeting
File No. P70.2
Prepared by John Chapman on 7 June 2010

Council received a staff report in July 2009 seeking endorsement of action to seek sponsorship to assist with the installation of a “noodling patch” at the Oberon Visitor Information Centre. Council resolved:

“That staff at the Oberon Visitor Information Centre be authorised to seek sponsorship from local businesses to assist with the installation of a “noodling patch” at the Oberon Visitor Information Centre”.

“Noodling” refers to the activity whereby people in mining towns search for precious stones in old mullock heaps.

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General Manager

Mayor

In recent years visitor enquiries regarding fossicking have increased from 536 in 2006 to over 1070 in 2009, and 601 to the end of April in 2010. Not all of Oberon's fossicking sights are accessible by two wheel drive vehicles and the closest site is 24 km south west of the town. Fossicking is usually an activity that families wish to do with children for a limited amount of time and, by providing a "noodling" education site, it would allow first time fossickers to have access to kits and gain knowledge of practical techniques before heading out on their own. It would also provide holiday activities for local school students, and a potential tourist attraction for bus tour groups.

The proposed area is located immediately to the southern side of the Visitor Information Centre building near the Ross Street frontage of the building and will be fenced off with locked gates (a site plan is provided at **Attachment B16**). The proposed site would not impact upon the future realignment of the Edit Rd/Ross St intersection should Council go ahead with that project.

It is proposed to charge on the basis of a gold coin donation to use the noodle patch and the donations would enable the maintenance of the supply of sapphires and zircons for use in the patch.

The estimated cost of establishment of the noodle patch is \$3,500 and sponsorship has been received or committed to cover the cost of the establishment of the facility.

Major sponsorship has been committed by Oberon Plateau Tourist Association (\$2,000 – naming rights sponsor) and Ray White Emms Mooney (\$500). Other sponsorship and/or assistance has been committed by:

Barkers Butchery	NSW Forests
Café Savanna	Oberon Glass
Country Belle	Oberon Men's Shed
Highlands Meat	Oberon Pharmacy
MCF Engineering	Oberon Tarana Heritage Rail Group
Marks Signage	P & G Varlas Automotive
Mawhood's IGA	Rosedale Gifts
Mitre Ten	Thrifty Link

Recommendation: That the construction of a Noodling Patch adjacent to the Oberon Visitor Information Centre, funded from donations received and voluntary assistance, be authorized and that a gold coin donation be charged for the use of the facility.

B17. OBERON CHRISTMAS STREET PARTY
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A3.1
Prepared by Leigh Robins on 8 June 2010

By letter, received 12 May 2010, (**Attachment B17**) the organisers of the Oberon Christmas Street Party have written to Council regarding arrangements for this year's event.

This year the Christmas Street Party will be held on Friday 3rd December, 2010 from 5pm to 7pm.

This is Page No. 19 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 15 June 2010 commencing at 5.30 pm.

General Manager

Mayor

The committee has again requested Council's approval and support of the event for the closing of the street to traffic and the supply of the sound system as in recent years.

Recommendation: That the organisers of the Oberon Christmas Street Party be advised that provision has been made to provide road closures and the use of a sound system in the 2010/11 Management Plan.

B18. OBERON COMMUNITY CENTRE SUBMISSIONS
Staff Report to the 15 June 2010 Ordinary Meeting
File No. C21.1
Prepared by Leigh Robins on 8 June 2010

Council, at its 11 May 2010 Special Meeting resolved that the plan for the extension and internal alternations to the Oberon Community Centre be placed on display for further comment and following consideration of submissions received final plans be developed for the proposed extension to the Oberon Community Centre subject to alteration to the original entry foyer to the northern side.

In accordance with Council's resolution, the plans have been placed on public display, with the consultation period ending 18 June 2010.

At the time of preparing this report there has been no submissions received.

Recommendation:

That the information be received and noted.

B19. REQUEST FOR DONATION – BURRAGA BUGS PLAYGROUP
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A3.3
Prepared by Leigh Robins on 8 June 2010

The following written request has been received, seeking a donation from Council:

Burraga Bugs Playgroup (*Attachment B19*)

Seeking Council's assistance with the cost of providing play equipment and craft items to assist with early childhood development.

A summary of donations made by Council during the previous two financial years, and in the current year, to date is provided as follows:

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General Manager

Mayor

Recipient	2007/2008	2008/2009	2009/2010 (committed to date)
Oberon RSL Museum - Water Charges	215	209	217
Schools Annual Presentations			
St Josephs Catholic School	100	100	150
Black Springs Public School	100	100	150
O'Connell Public School	100	100	150
Oberon High School	100	100	150
Oberon Public School	100	100	150
Burruga Public School			150
St Josephs Catholic School - Bronze Medallions	695		585
Oberon Tigers Supporters Club	500		
LSL Fee Refund re DA166/08 (Able)	140		
Lifeline	500		500
Oberon High School - Leaders Day	660	850	
Country Women's Association - Public Speaking	100	100	100
Oberon Show Society - Showgirl Competition	1,500	1,500	1,000
Oberon Arts Council - The Common Project	5,000		
Oberon RSL - Refund Planfirst Fee (Museum)		38	
Oberon RSL Museum - Rates (Resid/Bus)		443	460
Oberon Tarana Heritage Railway - Clearing Sale		2,000	2,000
O'Connell Picnic Day - Swimming Pool Passes			200
Bathurst Broadcasters - Junior Sports Awards		100	
Oberon Tennis Club - DA etc Fees		463	
Black Springs Rural Fire Brigade - DA etc Fees		730	
Burruga Public School - Donation		200	
Dept Education & Training - Industry Links Prog		500	500
Black Springs Avoca Church - Concrete Slab		181	
Oberon Men's Shed		500	
Victorian Bushfire Appeal		1,000	
Total Approved by Council	\$ 9,810	\$ 9,314	\$ 6,462

Budget 2009/2010: \$ 11,700

Balance of Budget Remaining: \$ 5,238

Recommendation: Submitted for Council's consideration.

B20. FISH RIVER WATER SUPPLY SCHEME
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E32.2
Prepared by Leigh Robins on 8 June 2010

The Fish River Water Supply Customer Council meeting on 8 June 2010 was addressed by Mr David Miller from the Office of Water NSW.

This is Page No. 21 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 15 June 2010 commencing at 5.30 pm.

General Manager

Mayor

Mr Miller is responsible for the review of the Fish River Water Supply announced by the Minister for Water.

A draft of the terms of reference is included for information.

It is proposed that the review and final report will be completed and signed off by the Minister by September 2010.

Recommendation:

That the information be received and noted.

B21. ROAD SAFETY GRANTS
Staff Report to the 15 June 2010 Ordinary Meeting
File No. E30.1.1
Prepared by Ian Tucker on 8 June 2010

A letter has been received from the RTA inviting Council to participate in a Road Safety Grant Pilot Program (**Attachment B21**). This program is expected to replace the current Road Safety Officer Program.

The pilot program would provide up to \$40,000 in 2010/11 to deliver road safety projects focusing on behavioural and educational issues.

It is not believed that any existing staff would have the time or appropriate skills to develop and implement suitable projects. It would be necessary to engage an employee or consultant to oversee this pilot program.

Development of the road safety education centre for students was discussed, however the RTA has advised that construction of such a centre would not meet the program guidelines. To date no suitable projects have been identified.

Recommendation:

That Council determine if it wishes to participate in the Road Safety Grant Pilot Program.

M1. LIBRARY COMMITTEE MEETING MINUTES
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A2.8
Prepared by John Chapman on 2 June 2010

The minutes of the Library Committee Meeting held on 1 June 2010 are attached. (**Attachment M1**)

This is Page No. 22 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 15 June 2010 commencing at 5.30 pm.

General Manager

Mayor

Recommendation: That:

- a) Ms Lyndall Hawkes and Ms Bev Evans be appointed as community representatives on the Library Committee.
- b) In lieu of re-lodging the previous application with the State Library for grant funding for extensions to the Library building, application be made for funding for alternative projects.

M2. EVENTS COMMITTEE MEETING MINUTES
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A2.5
Prepared by John Chapman on 2 June 2010

The minutes of the Events Committee Meeting held on 1 June 2010 are attached (**Attachment M2**).

Recommendation: That the Autumn/Winter Festival banner as tabled be endorsed as the official banner for Autumn/Winter events.

M3. OBERON PROMOTIONS COMMITTEE MEETING MINUTES
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A2.17
Prepared by Leigh Robins on 8 June 2010

The minutes of the Oberon Promotions Committee Meeting to be held on 10 June 2010 will be tabled at the Ordinary Council Meeting.

Recommendation: That the information be received and noted.

M4. LEAGUES CLUB GROUNDS COMMITTEE MEETING MINUTES
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A2.29
Prepared by Leigh Robins on 2 June 2010

The minutes of the Oberon Promotions Committee Meeting to be held on 10 June 2010 will be tabled at the Ordinary Council Meeting.

Recommendation: That the information be received and noted.

Submitted,

Leigh Robins
ACTING GENERAL MANAGER

This is Page No. 23 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 15 June 2010 commencing at 5.30 pm.

General Manager

Mayor