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This is Page No. 1 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 21 September 2010 commencing at 5.30 pm.

**AA1. ELECTION OF MAYOR AND DEPUTY MAYOR**  
**Staff Report to the 21 September 2010 Special Meeting**  
**File No. A7.1**  
**Prepared by John Chapman on 13 September 2010**

Section 290(1)(b) of the Local Government Act 1993 requires that the annual election of the Mayor and Deputy Mayor be held during the month of September. As reported to Council's Ordinary meeting in August 2009, the election of Mayor and Deputy Mayor will take place at the start of the Ordinary Meeting on Tuesday 15 September 2009. A review of the delegates to external organisations will also take place.

Nomination forms for the positions of Mayor and Deputy Mayor were included with the August business paper.

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

**1. Returning officer**

*The General Manager (or a person appointed by the General Manager) 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.*

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General Manager

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Mayor

## **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.*

## **Recommendation**

That the information be received and noted.

This is Page No. 3 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 21 September 2010 commencing at 5.30 pm.

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General Manager

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Mayor

**A1. UNIVERSAL HOUSING DESIGN STANDARD**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. D52.1**  
**Prepared by Ralph Tambasco on 6 September 2010**

On the 13 July 2010, the Federal Government through the Parliamentary Secretary for Disabilities, Bill Shorten announced new standards for residential development to accommodate an increase in disability friendly environments.

The Government and representatives of the Housing, Disability and Community sector have agreed to an “aspirational target that all new homes will be built to disability-friendly Liveable Housing Design standard by 2020.”

The Design Guidelines are voluntary in nature, although the Property Council, Master Builders Australia and the Housing Industry Association have supported the standard and committed to the 2020 target.

The Government has not, however, formally released the Guidelines themselves or at the least, made them widely available. It is therefore difficult to determine what the potential impacts are.

The system is to be based on a gold, silver and bronze medal rating system. Some of the “standards” that dwellings will be rated on include:

- a) A safe and continuous path of travel from the street entrance and/or parking area to a dwelling entrance that is level.
- b) At least one level entrance into the dwelling.
- c) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- d) A toilet on the ground (or entry) level that provides easy access.
- e) A bathroom that contains a hob-less (step-free) shower recess, and
- f) Reinforced walls around the toilet, shower and bath to support the safe installation of grab-rails at a later date.

It should be noted that none of the above items are in conflict with the Building Code of Australia.

A further report will be submitted to Council as more details are received on this initiative.

**Recommendation:**

That the information be received and noted.

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General Manager

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Mayor

**A2. COUNCIL SEAL TO SECTION 88B INSTRUMENT  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. PR187.221 & PR54.151  
Prepared by Janet Bailey on 2 September 2010**

Applicant: Mr G Evans  
Property: Lot 61, 177, 189, in DP 757067 & Lot 1 in DP 108853 & Lot 11 in DP 785539  
& Lot 7 in DP 838411 & Lot 2 in DP 1111176  
Owners: Graham Milton Evans & Terrance Brian Evans

On the 27 February 2006 Council staff approved a three (3) lot subdivision on Lot 61, 177, 189, in DP 757067 & Lot 1 in DP 108853 & Lot 11 in DP 785539 & Lot 7 in DP 838411 & Lot 2 in DP 1111176. On the 21 June 2010 Council approved a Modification Application 10.2006.107.2 to vary the pattern of subdivision and subsequently the Development Application conditions were amended to reflect the proposed pattern of subdivision. A copy of the plan of subdivision and site plans are attached. (**Attachment A2a**)

In approving the subdivision a number of conditions were imposed including Condition:

**3. Access Construction**

*Construction of a bitumen sealed culverted access to the proposed lot/s at full cost to the developer, at the location shown on the approved plan, in accordance with Council's standard access design (copy attached). In particular the accesses for proposed lots 2 and 3 are to be:*

- *Recessed and sealed to the gates in accordance with Councils standard rural access guide;*
- *An amended survey plan is to be provided to match the amended access locations*
- *A caveat or similar, is to be attached to the titles of lots 1 and 3 to prevent the owners planting vegetation along the northern boundary which would obstruct visibility on the Abercrombie road to the east of the entrance.*

*Construction Certificate approval for these works is required under Section 81A of the Environmental Planning and Assessment Act 1979 prior to these works commencing.*

**REASON:** *To ensure that an appropriate and safe standard of access from the road is provided and to provide protection for the carriageway verge due to the movement of vehicles to and from the property and to comply with the Oberon Development Control Plan, 2001.*

Council has now received a copy of the 88B instrument with the restriction noted that will prevent the owners planting vegetation along the northern Boundary which would obstruct visibility on the Abercrombie Road to the east of the entrance. Council staff have reviewed the document and found it to be in order. (**Attachment A2b**)

**Recommendation:** That the Common Seal of Oberon Council be affixed to the 88B instrument for the restriction on Proposed Lots 1 and 3 in Development Application 107/06 and Modification Application 10.2006.107.2 for Messrs G & T Evans of 151 The Reef Road Oberon and 221 Abercrombie Road Oberon.

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General Manager

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Mayor

**A3. DEVELOPMENT APPLICATION 10.2010.49.1, PROPOSED NEW DWELLING ON LOT 3 IN DP 1113081, 576 SHOOTERS HILL ROAD, OBERON**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PR17.576**  
**Prepared by Jaclyn Burns on 10 September 2010**

Applicant: Mr C Drummett  
Proposal: New Dwelling  
Zone: Rural 1(a)

Reason for submission to Council:

The applicant has applied to Council for the construction of a dwelling contrary to the requirements of the Oberon Development Control Plan 2001 (DCP). Clause B.14.12.9 states *"A 150m buffer must be provided between the nearest external wall of the dwelling and the boundary of an adjoining or adjacent lot, allotment, portion or parcel of land comprising state or private forest activities."*

The applicant proposes to construct a dwelling within 90m from the northern boundary which adjoins the Vulcan State Forest and 130m from the forest itself (including the 40m road reserve dividing the forest from the site).

A copy of the site plan of the proposed development and satellite image the area is attached **(Attachment A3a)**.

The Application and Site

Development Application 10.2010.49.1 was received by Council staff on the 23 July 2010. After lodgement Council staff informed the applicant that the proposal did not comply with the Oberon DCP and as such was advised to either amend the proposal or request a variation to clause B14.12.9 of the DCP **(Attachment A3b)**.

Essentially the 9ha site is steeply undulating with the only level site being the proposed location of the dwelling. This was also the location for the proposed building envelope nominated by the subdivision.

Furthermore the northern boundary setback (adjoining Vulcan Forest) is only twenty (20) metres short of the required 150m setback. Unfortunately however, the dwelling cannot be relocated further south due to the siting of an existing farm shed and without removal of an existing established stand of native trees.

The dwelling site is somewhat buffered from the north by Vulcan State Forest and by Shooters Hill Road (formerly known as Old Shooters Hill Road). However Council have still notified State Forests of the potential land use conflict and are currently waiting their response. The submission period is due to expire on 14 September 2010.

In respect to the risk of spread of fire the applicant (in consultation with staff) has nominated the site at medium risk for bushfire, and as such will require the dwelling to be upgraded to withstand a medium risk of bushfire spread, along with the required Asset Protection Zones and water supply for fire fighting in accordance with Planning for Bushfire Protection 2006.

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General Manager

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Mayor

Accordingly in consideration of the minor non-compliance with clause B.14.12.9 of DCP2001 and the on-site limitations that exist in this particular case, Council staff consider the application to vary Clause B.14.12.9 of DCP 2001 should be approved.

**Recommendation:**

That Clause B.14.12.9 "Dwelling Setbacks and Buffers" of Part B of the Oberon Development Control Plan 2001 be varied to allow the construction of the dwelling on Lot 3 in DP 1113081, 576 Shooters Hill Road, Oberon, at a distance of 90m from the northern property boundary.

**A4. RESIGNATION FROM HERITAGE COMMITTEE  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A2.22  
Prepared by Ralph Tambasco on 7 September 2010**

By e-mail dated 7 August 2010, Beatrice Norrie has tendered her resignation from the Heritage Committee for mainly personal reasons.

Beatrice is from the Burruga/Isabella area of the Oberon LGA. As Council already has a representative from Burruga on the Heritage Committee, it will be recommended that no further action be taken in respect to this matter.

**Recommendation:** That:

- a) No action be taken to replace Mrs Beatrice Norrie on Council's Heritage Committee
- b) A letter be forwarded to Mrs Norrie thanking her for her contribution to the Heritage Committee.

**A5. GRANT APPLICATION TO ROYAL AUSTRALIAN HISTORICAL SOCIETY  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A2.22  
Prepared by Ralph Tambasco on 6 September 2010**

At its 17 August 2010 Ordinary Council Meeting, Council resolved in relation to the Minutes of the Heritage Committee Meeting as follows:

*"That in relation to Council financial assistance with updating the Thematic History of the Oberon Local Government Area, the matter be deferred to allow Councillors the opportunity to view the current Thematic History of the Oberon Local Government Area which is currently available free of charge and that the Heritage Committee be requested to provide details of any additional costs to complete the project."*

Copies of the Thematic History of the Oberon Local Government Area document as referred to in the resolution have been separately distributed to Councillors.

On the 3 September 2010, Philippa Gemmell-Smith was notified that her grant application had only been successful for an amount of \$1,000, instead of the \$4,500 that she had made

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General Manager

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Mayor

application for. This means that Council's contribution is now only \$1,000 if it is prepared to match the grant of \$1,000 from the Royal Australian Historical Society (RAHS).

An itemised breakdown of the costings of the project to update the Thematic History is as follows:

### **Stage One (2010-2011)**

The scope of works for Stage 1 involves:

- Gingkin papers analysis, additional research and writing
- National Library Trove project research and writing; research of Bathurst and Sydney newspapers
- state records research and writing

The total amount for Stage 1 is now only \$2,000 i.e. \$1,000 from the RAHS and a matching contribution of \$1,000 from Council.

In addition, a total of \$900 of "in-kind" work has been contributed by Philippa, and includes writing and research (\$500) and expenses consisting of internet, phone, transport and books (\$400).

Added to this is Council's "in-kind" contribution of \$350 consisting of photocopying, postage, scanning and access to MapInfo (property record and map system).

### **Stage Two (2011-2012)**

The scope of works for Stage 2 includes the collection of photographs, interviews and further research and writing.

An application will be made to the NSW Heritage Branch for grant funding, which will need to be matched by Council.

It is considered that Council funding of between \$4,000 and \$5,000 would be sought for this stage of the project.

The above amount can be referred to the Estimates for the 2011-2012 financial year. Should the grant funding application be unsuccessful, the matter will be referred back to Council for consideration.

### **Stage Three (2012 – February 2013)**

The scope of works for Stage 3 consists of printing of the book. The cost is dependent upon the quantity of books to be published and the quality of the publication.

Once again, Council will seek to obtain grant funding, if available, for this aspect of the project, with matching Council funding normally being a requirement of any grant application.

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General Manager

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Mayor



Anticipated costings can be referred to the Estimates for the 2012-2013 financial year. Should the grant funding application be unsuccessful, the matter will be referred back to Council for consideration.

**Recommendation:**

That Council provide funds from the 2010/2011 Local Heritage Fund (as an investment in the intellectual property) to match the grant of \$1,000 from the Royal Australian Historical Society and "in-kind" assistance of \$350 towards the first stage in the development of the research and writing of the updated Thematic History of the Oberon Local Government Area leading up to the sesqui-centenary of Oberon in 2013.

**A6. OBERON SWIMMING POOL COMPLEX**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. D55.3.1**  
**Prepared by Ralph Tambasco on 6 September 2010**

At its Ordinary Meeting of 15 June 2010, Council resolved as follows:

- “2. 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.*
- 3. The operation of the swimming pool kiosk prior to the commencement of the 2010/2011 swimming season be reviewed prior to the 2010/2011 swimming season;*
- 4. 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.”*

**Fees and Charges**

In respect to item two above, attached is a revised schedule of the fees and charges for the Pool for the 2010/11 year (**Attachment A6**). The schedule has been reformatted and it is now easier to read.

It is now clearly spelt out that only one adult/carer will be considered by staff as being a supervisor for a paying child or children. This will eliminate the problems that staff had last year whereby one parent/guardian would arrive after their family had already entered the pool with another parent/guardian and expect to enter free of charge after claiming that they were supervising their children. They are not the supervising parent/guardian as they arrived after their children had entered the complex.

**Kiosk Operations**

Staff have investigated the idea of introducing a vending machine in lieu of operation of the kiosk by staff. This option is considered to be not feasible as it would not reduce operational costs as the staff member who operates the kiosk carries out numerous other duties associated with the operation of the swimming pool.

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General Manager

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Mayor

Staff would still be required to supervise the operation of machines, stock them and attend to them when coins or products get stuck. In addition, vending machines carry limited products and cannot dispense ice-creams or hot chips, both of which are extremely popular items.

Costs and income in relation to vending machines are summarised as follows:

- a) It would cost approximately \$13,000 to install a vending machine.
- b) A return of approximately \$50 for every \$200 sold per week which represents a profit of 25%.
- c) The standard vending machine stocks only chips and chocolate bars. Other larger and more expensive machines can stock chips, chocolate bars and drinks.
- d) Re-stocking of the machine will depend on who the supplier of the machine is. For example, if Council receives a commission from the supplier for stock sold, the supplier will restock the machine as and when required. Otherwise, stock would need to be purchased from a wholesaler by Council and restocked by pool staff, in which case Council would only receive the 10% discount on stock. Restocking is normally required every two weeks or so.
- e) Faults - if the machine retains someone's money, patrons will have to attend the kiosk for refunds/reimbursement.
- f) Maintenance can be high if the machines are shaken or mistreated, which apparently is common, according to the supplier, if the machine is not installed in the sight of pool supervisors.
- g) The machine must be installed internally or in a protected area. As installing a machine internally would defeat the purpose of having the machine, a protected area to house the machine would need to be constructed, but still be capable of being supervised.

Information has also been obtained from a very large wholesaler in Bathurst who provides a vending machine service and have confirmed above points and also advised as follows:

- a) They do not hire the machines, but they can supply them. They will also service the machine when it breaks down and will fill it when stock runs low.
- b) Council receives around 10% of sales at the end of each month.
- c) The pool will require two machines. One would contain drinks and the other would contain snack foods such as chips, confectionery bars, muesli bars and others.
- d) Stocking of each machine can be tailored to Council's requirements.
- e) Both machines have note readers installed to cater for people that don't have coins.

The kiosk not only sells drinks and food to patrons, but also convenience items and necessities such as sunscreen and swim gear items such as goggles, caps, flippers and other items. It also offers Cardio Pulmonary Resuscitation and "First Aid in a Box" resources to the public.

The income from the Kiosk for 2009/2010 swimming season was \$13,192 and the Kiosk expenditure was \$11,399.

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General Manager

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Mayor

Staff have undertaken a comprehensive review of salary allocations between swim school, kiosk and pool operations including supervision. This review revealed that while employee wages were being charged to the kiosk the employees were not only undertaking kiosk duties but were also undertaking, for the majority of the time, other pool operational duties such as cleaning, taking entry fees, making swim school bookings, handling enquiries and other maintenance works. Therefore, the wages budget for the kiosk and pool operations have been amended to more accurately reflect true cost allocations.

Income and expenses will be monitored throughout the coming season to ensure that the profit earned represents an acceptable return.

### **Alternatives for a Suitable Changeroom Facility for Disabled Patrons**

At its Special Meeting held on 13 July 2010, Council resolved inter alia, as follows:

*“3. An allocation of \$20,000 to connect the Netball Court toilet block to sewer to be funded from the Sewerage Fund and \$11,000 to be utilised for change cubicles and permanent ventilation into ablutions block at the Oberon Swimming pool to be funded from Town Improvement Fund”*

The Director of Development has arranged for works involving the change cubicles to the male ablutions and the permanent ventilation to both male and female ablutions to be carried out.

**Recommendation:** That:

- a) The information be received and noted.
- b) The draft Fees and Charges Schedule for the Oberon Swimming Pool for 2010/11 be adopted and advertised for a period of 28 days for the receipt of public submissions, before adoption at Council's 16 November 2010 Ordinary Meeting.

**A7. PROPOSED DEVELOPMENT APPLICATION**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PR22.173**  
**Prepared by Jaclyn Burns on 13 September 2010**

Application: Construction of a dwelling  
Owner: Mr H & Mrs S Webb  
Zone: Rural 1(a)  
Property: Lot 12 in DP 603429, 173 Titania Road Oberon

Reason for Submission to Council:

On the 20 August 2010, Council staff received a request to waive the fees associated to a proposed development application for the construction of a dwelling on Lot 12 in DP 603429, 173 Titania Road Oberon (**Attachment A7a**).

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General Manager

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Mayor

### History:

The request to waive the required and proposed Development Application fees relates to Development Application 23/09 determined At Council's 17 February 2009 Ordinary Meeting by refusal (Council report attached as **Attachment A7b**).

The staff recommendation for refusal was modified to resolve:

*"That:*

1. *Development Application 23/09 to construct a dwelling on Site 3 on Lot 12 in DP 603429, 173 Titania Road, Oberon be refused until such time as the proponents can provide to Council the following:*
  - a. *An independent noise assessment prepared by an approved acoustic consultant, identifying the appropriate noise contour in relation to proposed Site 3, and*
  - b. *Architectural plans of a proposed future dwelling showing noise attenuation construction methods*
  - c. *Documentary evidence that all other outstanding issues as identified in staff report A3 to Council's 17 February 2009 Ordinary Meeting have been addressed by the proponents to the satisfaction of Development Department staff*
2. *If the proponents resubmit a Development Application within 12 months of the date of refusal of Development Application 23/09 that all appropriate Development Application fees be waived."*

On the 19 February 2009, a copy of Council's resolution was forwarded to the landowners, then on 2 March 2009 the determination of the application was sent to the applicant (**Attachment A7c**), NDF Building Certification.

### Discussion:

The argument being put forward by Umwelt Environmental Consultants is that the landowners "... understood that the development application 23/09 had effectively been put on hold until such time as the additional information set out in clauses 1a) to 1c) of Council's resolution was provided".

In Council's consideration of whether to waive the fees the following must be considered:

1. Development Application 23/09 was originally valued (by the applicant and was critically undervalued) as \$185,000 for the cost of constructions the dwelling and required the payment of a \$730 Development Application fee plus \$118 Development Application tax.
2. The determination of Development Application 23/09 took seven (7) months, three (3) site inspections, two (2) Council reports and a considerable amount of staff's time. However, while it is anticipated that the proposed Development Application will address all the concerns raised by the initial application a new assessment will be required. It is important to note that no Development Application has been

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General Manager

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Mayor

lodged at the time of drafting this report and the owner is pre-empting this requirement.

3. Council do not have a policy for the waiving of Development Application fees for applicants other than charities or not for profit organisations (**Attachment A7d**).

Accordingly as no policy applies to this situation a merit-based determination is required and as such the following recommendation is made.

**Recommendation:**

That Council consider if the payment of fees are required associated to a forthcoming Development Application for a proposed dwelling at Lot 12 in DP 603429, 173 Titania Road, Oberon.

**A8. DEVELOPMENT APPLICATION 10.2010.43.1  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. PO51.10  
Prepared by Jaclyn Burns on 13 September 2010**

Applicant: Mr J Booth  
Owner: JA Enterprises (Oberon) Pty Limited  
Premises: Lot 18 in DP 749692, 10 Sirius Street, Oberon  
Zone: 2 (v) Village

Reason for Submission to Council:

1. Clause D4.1 Development Control Plan (DCP) 2001, Building Setback, requires a *"minimum 6 metres from the street and 4.5 metres from any side street..."*

The applicant has requested a variation to this clause. Accordingly the proposal is referred to Council for consideration, and

2. Clause F10.2 of the DCP, "Driveways", requires that *"driveway materials to be concrete, segmented paving, exposed aggregate concrete or other coloured or textured hard stand approved surface."*

The applicant has requested a variation to this clause as well. Accordingly the proposal is referred to Council for consideration.

Discussion:

On the 29 June 2010, Council received a Development Application to construct a proposed Engineering Workshop and Office (**Attachment A8a**) within the existing industrial area.

Council's initial correspondence of the 13 July 2010 (**Attachment A8b**) and subsequent meetings with the applicant, Council staff highlighted the requirement for two (2) variations to Council's DCP.

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General Manager

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Mayor

The first variation (to Cause D4.1) is due to the proposed street setback of four (4) metres, not six (6) metres as required by the DCP.

The second variation (to clause F10.2) is required due to the applicants request for a gravel/road base driveway surface, not hardstand as required by the DCP.

During the assessment of both the proposed variations in respect to the development Council staff have considered any potential impacts on Council's infrastructure and adjoining property owners.

The only directly affected adjoining landowner has been notified with the notification period due to expire on 22 September 2010. They have been notified due to the reduced boundary setback.

In respect to the proposed gravel/road base driveway and vehicle manoeuvring areas, discussions with Council's Engineering Department indicate the requirement for a concrete access between the kerb and guttering and the boundary to ensure adequate protection of the footpath. The applicant is aware of this requirement.

Council may recall item A4 reported to the 17 August 2010 Ordinary Meeting regarding variations to Council's DCP (**AttachmentsA8c**).

Whilst Council has already resolved to vary Clause F10.2 to allow "decomposed granite or similar hard stand, approved materials", the amendments to the DCP are yet to be finalised. It should be noted that the public notification period of the proposed variations to Council's DCP2001 expires on 23 September 2010.

The application appears to be otherwise permissible with all the other relevant clauses of Council's LEP and DCP. Accordingly the following recommendation is made:

**Recommendation:**

That delegation be given to the Director of Development to vary both clauses D4.1 and F10.2 of the Oberon Development Control Plan 2001 for Development Application 10.2010.43.1 for a proposed engineering workshop and office at Lot 18 in DP 749692, 10 Sirius Street, Oberon.

**A9. SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL**

**Staff Report to the 21 September 2010 Ordinary Meeting**

**File No. D51.6**

**Prepared by Ralph Tambasco on 7 September 2010**

Council's Director of Development, Ralph Tambasco, is Council's representative on the Local Government Reference Panel (LGRP) of the Sydney Catchment Authority (SCA).

The SCA wrote to Council in April about the LGRP's desire to establish a number of committees to consider specific issues relevant to the SCA's activities in the drinking water catchment.

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General Manager

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Mayor

One of the committees is to consider issues and partnerships around weed management in the catchment, and the SCA now invite nominations for membership to such a committee.

The current council members of the LGRP are the Mayor and the Director of Development.

**Recommendation:** That Councillor \_\_\_\_\_ be nominated as Oberon Council's representative on the proposed Weeds Management Committee of Sydney Catchment Authority's Local Government Reference Panel.

**B1. DELEGATES TO EXTERNAL COMMITTEES**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A2.1**  
**Prepared by John Chapman on 13 September 2010**

Following the election of the Mayor and Deputy Mayor, Council traditionally reviews the delegates to the various committees and external organisations.

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

- Arts Outwest
  - No delegate currently appointed
  - Oberon Arts Council – Oberon representative
- Ben Chifley Catchment Management Steering Committee
  - Councillor McCarthy
- Blue Mountains, Lithgow & Oberon Tourism Association
  - Wayne Cooper
  - Councillor Sullivan (alternate delegate)
- Catchment Management Committees (Lachlan, Macquarie and Sydney Water Catchment Management Authorities)
  - No delegate currently appointed
  - Staff
  - Director of Development
- Central NSW Area Consultative Committee – Strategic Regional Plan For 2007-10
  - Councillor Sullivan
- Cox's River Catchment Management Authority
  - No delegate currently appointed
- Lachlan Regional Transport Committee Incorporated
  - Councillor Handelsmann
- Oberon Arts Council
  - Councillor Handelsmann

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General Manager

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Mayor

- Oberon Business Association
  - Councillor Handelsmann
- Oberon Plateau Tourism Association
  - Councillor Sullivan
- Rural Fire Service Chifley Zone Liaison Committee
  - Councillors (also to represent Council on Brigade Captains' Meetings)
  - McCarthy
  - Francis
  - Staff
  - Director of Engineering (Leigh Robins)
  - Finance Manager (Amanda McGrath)
- Upper Macquarie County Council
  - Councillors
  - McMahan
  - Francis

**Recommendation:**

That Delegates to external organisations for the ensuing twelve months be appointed.

**B2. SEWELLS CREEK ROAD  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. R11  
Prepared by Ian Tucker on 27 August 2010**

A letter has been received requesting sealing of a short section of Sewell's Creek Road immediately west of Sewell's Creek bridge (**Attachment B2**).

This section of road is often a problem in wet weather, with vehicles unable to get up the hill. Coarse gravel has been placed there in the past, but the problems still occur. The eastern approach to the bridge is also steep, but has been sealed.

The suggestion to seal a short section is sensible, reducing problems for Council and the residents.

The estimated cost is \$50,000, to be considered in the 2011/12 budget. However if there are surplus maintenance funds towards the end of 2010/11 the project could possibly be brought forward.

**Recommendation:**

That an allocation of \$50,000 to construct and seal a section of Sewell's Creek Road west of Sewell's Creek be referred to the 2011/12 budget considerations.

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General Manager

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Mayor



**B3. CHIFLEY ZONE RURAL FIRE SERVICE OPERATIONS**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. F90.8**  
**Prepared by Leigh Robins on 30 August 2010**

Following the meeting which was held on August 24, 2010 with the Group Captains and Captains of the Rural Fire Brigades and Council representatives, a meeting was held with RFS representatives Mr John Parnaby and Mr Tom Shirt; Mr David Shirley and Mr Brian Dwyer from Bathurst Regional Council and Mr John Chapman and Mr Leigh Robins from Oberon Council on August 25, 2010.

The meeting was formally advised that:

- Oberon Council will not be contributing towards the construction of a new File Control Centre at Bathurst.
- Oberon is willing to remain in the Chifley Zone provided an equitable share of staff resources and equipment is re-established and maintained.
- Council is particularly concerned that assurances in the past which have been given regarding staffing for the fire control centre have not been honoured.
- A revised formal agreement will need to be negotiated to satisfy the objectives of Council to ensure that this Zone remains in place.
- Council requested that RFS provide financial details of how the arrangement works between the Chifley Zone and the Lithgow District to ensure that the Chifley Zone is not subsidising operations of the Lithgow District.

This information has been provided to the RFS.

By letter, dated 31 August 2010 (**Attachment B3**) Superintendent Tom Shirt has written to Council confirming the RFS commitment to report back to Oberon and Bathurst Council's regarding financial details of the Zone/Team structure. When this information is received, Council will be further advised.

**Recommendation:**

That the information be received and noted.

**B4. O'CONNELL ROAD RECONSTRUCTION THROUGH O'CONNELL**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. R253**  
**Prepared by Leigh Robins on 31 August 2010**

A preliminary report has been received from Dr Peter Martin from the University of Sydney who undertook evaluation of the impact of the proposed rehabilitation of Main Road 253 on the Anzac Memorial Avenue at O'Connell on behalf of the Roads and Traffic Authority.

The proposed construction will consist of rollover kerb being constructed on either side of the Avenue and the addition of a nominal 250mm pavement.

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General Manager

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Mayor

The report indicates that providing care is taken with excavation adjacent to the trees there is unlikely to be any effect on the tree health because of the construction. Due to changes with level of the road, the trees which have recently been planted will effectively be buried and should be relocated.

A meeting was held with the RTA and Council representatives on August 25 2010 to review the draft report from Dr Martin.

The RTA intend meeting with the O'Connell community guardian angels to discuss Dr Martin's report.

**Recommendation:**

That information be received a noted.

**B5. BURRAGA AND BLACK SPRINGS TIPS  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. E35.1  
Prepared by Ian Tucker on 31 August 2010**

A report was submitted to the Council Meeting in June about the high cost of operating the transfer stations at Burraga and Black Springs (**Attachment B5a**).

Council resolved to write to the two Progress Associations seeking their views about a possible reduction in opening hours. A letter was also sent to Burraga Mill.

The Burraga Progress Association prefers a Sunday opening (**Attachment B5b**).

The Burraga Mill prefers a weekday, suggesting Wednesday (**Attachment B5c**).

The Black Springs Progress Association has not replied in writing, but has discussed the matter and prefers a weekend opening.

The Black Springs tip is also used by Forests NSW, who would presumably find a weekend opening inconvenient.

There is clearly a dilemma, with no day suiting all regular users.

As reported previously, the main way to reduce costs is to reduce opening hours to once per week. A one hour session at each tip should be sufficient.

If a weekday is chosen, the cost will be approx \$440 per week (\$23,000 pa) or on a weekend approx \$580 per week (\$30,200 pa). It is for Council to determine whether these savings are sufficient to justify changing the current system.

The above costs are based on Council staff managing the tips, instead of a contractor. Whatever opening days and hours are decided, a revised price will be sought from the contractor, with tip fees being returned to Council. If their price is significantly lower than in-house, the contract arrangement will continue.

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General Manager

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Mayor

While opening on a weekend will be more expensive, it will better suit the majority of residents in both villages. The Mill and Forests NSW will need to arrange either for someone to work on a weekend, or to take their rubbish to Oberon on a week day.

**Recommendation:**

That the opening hours of Burruga and Black Springs tips be reduced to one hour at each tip on Sunday afternoons, to commence after appropriate publicity, and after negotiations with the tip contractor.

**B6. O'CONNELL/OBERON ROAD – ROAD CLOSURE AND TRANSFER, LOT 15 IN DP 1142567  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. PR1.1873 & E31.6.2  
Prepared by Matilda Dwyer on 1 September 2010**

Tablelands Surveyors have completed a plan for the creation of Lot 15 on O'Connell Road, which is to be closed and transferred to the adjoining owner.

It is a requirement that the Council Seal be attached to the plan to enable it to be registered. Once these documents are signed this matter can proceed with exchange and ultimate completion

**Recommendation:**

That the Council Seal be affixed to all plans relating to the road closure and transfer of Lot 15 in DP 1142567.

**B7. ROAD CLOSURE & SALE, PROPOSED LOT 1 IN DP 757068, CNR QUEEN & EARL STREETS, OBERON  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. PO44.46 & E31.6.2  
Prepared by Matilda Dwyer on 1 September 2010**

Tablelands Surveyors have completed a plan for the creation of Lot 1 in DP 757068, Corner of Queen and Earl Streets, Oberon, which is to be closed and sold to the adjoining owner.

It is a requirement that the Council Seal be attached to the plan to enable it to be registered. Once these documents are signed this matter can proceed with exchange and ultimate completion

**Recommendation:**

That the Council Seal be affixed to all plans relating to the road closure and sale of proposed Lot 1 in DP 757068.

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General Manager

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Mayor

**B8. ROAD REALIGNMENT – ROAD CLOSURE AND FIRST TITLE CREATION, PART LOT 1, LOTS 2 – 11 IN DP 753036, HINTON’S ROAD, ISABELLA**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. R253 & E31.6.2**  
**Prepared by Matilda Dwyer on 1 September 2010**

Tablelands Surveyors have completed a plan for the creation of Lots 2, 5, 7, 9 and 10 which are to be to be acquired for road purposes.

Lots 3, 4, 6, 8 & 11 are to be closed and transferred to adjoining owners.

It is a requirement that the Council Seal be attached to the plans to enable them to be registered. Once these documents are signed this matter can proceed with exchange and ultimate completion.

**Recommendation:**

That the Council Seal be affixed to all plans relating to the creation of Lots 2, 5, 7, 9 & 10 in DP 753036 for road purposes and the road closure and transfer of lots 3, 4, 6, 8 & 11 in DP 753036.

**B9. WATER RESTRICTIONS**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. E32.1**  
**Prepared by Ian Tucker on 8 September 2010**

Council’s current policy on water restrictions is attached (***Attachment B9***).

Oberon is currently on Level 3 restrictions. This level came into effect on 26 August 2010.

The latest reading (9 September 2010) shows the level of Oberon Dam at 31.14%. According to the policy, the restrictions should now move to Level 2.

In discussions with the Mayor and Acting General Manager it was decided to leave the Level 3 restrictions in place pending a review by Council.

If Council prefers to remain on Level 3 restrictions, the table in part 3 of the policy should be amended to reflect this.

**Recommendation:**

Submitted for Council’s consideration.

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General Manager

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Mayor

**B10. OBERON GYMNASTICS CLUB**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A3.12**  
**Prepared by Kathy Beesley on 4 August 2010**

At Council's 17 November 2009 Ordinary Meeting, the Director of Corporate Services, presented a report to Council advising of the resignation of the Coordinator of Council's Gymnastics/Fitness Program.

Council had invested \$15,000.00 for equipment combined with \$10,000.00 contributed by the Oberon Swimming Pool Advisory Committee. The club operated on a user pays basis.

The balance currently owing to the Oberon Swimming Pool Committee is \$7,000.00.

The condition of equipment has suffered with constant use when the Gymnastics Club was operational. Also the equipment has been stored at the Oberon High School and was moved on a regular basis which added to its depreciation.

In January 2010 Council advertised for expressions of interest for the appointment of a new Gymnastics Instructor. At the same time expressions of interest were sought also from anyone wishing to join and become a member of the Gymnastics Club to which there was no response.

After further investigation it was assessed that the Club was no longer feasible due to lack of interest in the Gymnastics program and due to the availability of alternative programs operating in Oberon which meet the needs of residents. These current programs, which include aerobics, circuit training, kick boxing, step classes, Zumba, children's fitness classes as well as personal training, are expanding rapidly.

Council therefore now has gymnastic equipment for disposal. Currently, the equipment is being stored at Oberon Swimming Pool Complex and will need to be moved by November to allow for the opening of the swimming season.

**Recommendation:**

That Expressions of Interest be invited via advertising and notification to schools in the Oberon Local Government area for the disposal of gymnastics equipment.

**B11. POLICY REVIEWS**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A1.2.7**  
**Prepared by Joanne Barton on 9 September 2010**

Council's Governance policy requires that its policies be reviewed in accordance with predetermined review dates, which are generally each two years.

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General Manager

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Mayor

The following Policies are due to be reviewed and are submitted for Council's consideration:

1. No changes considered necessary:
  - a. Policy 3303 – Section 94 Contributions Car Parking (**Attachment B11a**)
  - b. Policy 3124 – Burials on Private Land (**Attachment B11b**)
  - c. Policy 3108 – Re-Siting of Buildings (**Attachment B11c**)
  - d. Policy 3201 – Food Establishment Inspections (**Attachment B11d**)
  - e. Policy 3122 – Rural Fencing (**Attachment B11e**)
  - f. Policy 2203 – Pensioner Concessions (**Attachment B11f**)
  - g. Policy 2202 – Mixed Development Properties Rating Categorisation (**Attachment B11g**)
  - h. Policy 3104 – Rural Subdivisions Noxious Weed Control (**Attachment B11h**)
  - i. Policy 3128 – Unauthorised Development Works and Other Activities (**Attachment B11i**)
  - j. Policy 3602 – Pool Supervision (**Attachment B11j**)
  - k. Policy 3110 – Release of Subdivision Certificates (**Attachment B11k**)
  - l. Policy 3403 – Recycling Receipts (**Attachment B11l**)

2. Policies to be deleted.

- a. Policy 3123 – Additional Public Notification Requirements

The intent of this policy is to:

*“Provide for notification requirements additional to those in the Development Control Plan 2001 to ensure that it is sufficient for specific development types that have been identified as potentially contentious local issues.”*

So as to eliminate the need for additional policy regarding this matter the Director of Development has advised that the contents of the Policy can be included in the current Development Control Plan 2001 as an amendment.

A copy of the policy to be deleted is attached (**Attachment B11m**)

- b. Policy 3118 – Development Application Fees for Sporting Club

So as to eliminate duplication of policies, the Director of Development has advised that the intent of this policy is already addressed in Policy 2209 – Financial Assistance, in that any Development Application received from a sporting body to Council will normally be accompanied by a letter requesting Council refund the full Development Application Fees. Council then considers this request under Policy 2209 – Financial Assistance and as such this policy should be deleted.

A copy of the policy to be deleted is attached (**Attachment B11n**)

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**Recommendation:** That:

1. The following policies remain unaltered:
  - a. Policy 3303 – Section 94 Contributions Car Parking
  - b. Policy 3124 – Burials on Private Land
  - c. Policy 3108 – Re-Siting of Buildings
  - d. Policy 3201 – Food Establishment Inspections
  - e. Policy 3122 – Rural Fencing
  - f. Policy 2203 – Pensioner Concessions
  - g. Policy 2202 – Mixed Development Properties Rating Categorisation
  - h. Policy 3104 – Rural Subdivisions Noxious Weed Control
  - i. Policy 3128 – Unauthorised Development Works and Other Activities
  - j. Policy 3602 – Pool Supervision
  - k. Policy 3110 – Release of Subdivision Certificates
  - l. Policy 3403 – Recycling Receipts
  
2. That the following policies be deleted:
  - a. Policy 3123 – Additional Public Notification Requirements
  - b. Policy 3118 – Development Application Fees for Sporting Club

**B12. LIBRARY BUILDING EXTENSIONS – GRANT FUNDING APPLICATION**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PO16.74A**  
**Prepared by John Chapman on 13 September 2010**

An application for grant funds for the proposed extensions to the Oberon Library building was submitted to the State Library in September 2009. A summary of the financial aspects of the grant application is provided as follows:

<u>Grant Funding</u>	
Survey and Design	\$ 3,000
Construction	\$125,455
Fit-out	\$ 4,199
Landscaping	\$ 2,500
Advertising	\$ 1,500
Contingencies	<u>\$ 16,600</u>
<b>Sub-total</b>	<b>\$153,254</b>
 <u>Council "In-Kind" Funding</u>	
DA and Associated Costs	\$ 1,662
Insurance	\$ 800
Project Management	\$ 23,770
Project Administration	<u>\$ 3,310</u>
<b>Sub-total</b>	<b>\$ 29,542</b>
 <b>Total Project Cost</b>	 <b>\$182,796</b>

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General Manager

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Mayor

The application provided for an extension of approximately 64 square metres generally on the Fleming Street frontage of the existing building.

The State Library advised in March 2010 that Council's application for grant funding was unsuccessful.

During the process of consideration in adoption of councils budget for 2010 - 2011, Council made provision in the budget to re-apply for grant funding, based upon the same estimates as used for the 2009 application.

Applications for funding need to be submitted by 24th of September 2010 and it is considered that, in order to strengthen Council's case for a successful application for funding, it would be appropriate to confirm that the proposed extensions to the library building represent an improvement to the community/cultural precinct which includes the library, the community centre and the dental surgery and the ultimate aim is that the buildings be linked and some of the features (e.g. toilet facilities, staff rooms, meeting rooms, etc) be shared.

**Recommendation:**

That Council confirm that the proposed extensions to the Oberon Library building is being undertaken to improve the community/cultural precinct which includes the library, the community centre and the dental surgery, with the ultimate aim that the buildings be linked and some of the features (e.g. toilet facilities, staff rooms, meeting rooms, etc) be shared.

**B13. DELEGATION TO GENERAL MANAGER  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A1.2.5  
Prepared by Leanne Mash on 14 September 2010**

In accordance with Section 377 (1) of the Local Government Act Council may by resolution, delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

- (a) *The appointment of a general manager,*
- (b) *The making of a rate,*
- (c) *A determination under section 549 as to the levying of a rate,*
- (d) *The making of a charge,*
- (e) *The fixing of a fee,*
- (f) *The borrowing of money,*
- (g) *The voting of money for expenditure on its works, services or operations,*
- (h) *The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) *The acceptance of tenders which are required under this Act to be invited by the council,*
- (j) *The adoption of a management plan under section 406,*
- (k) *The adoption of a financial statement included in an annual financial report,*
- (l) *A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) *The fixing of an amount or rate for the carrying out by the council of work on private land,*

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General Manager

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Mayor



- (n) *The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
  - (o) *The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),*
  - (p) *The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
  - (q) *A decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
  - (r) *A decision under section 234 to grant leave of absence to the holder of a civic office,*
  - (s) *The making of an application, or the giving of a notice, to the Governor or Minister,*
  - (t) *This power of delegation,*
  - (u) *Any function under this or any other Act that is expressly required to be exercised by resolution of the council.*
- (2) *A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.*

A copy of the delegations to the General Manager is attached (**Attachment B13**). The delegations have not been altered from the previous General Manager's delegation, which was reviewed and adopted by Council at its 15 September 2009 Ordinary Meeting.

**Recommendation:** That the Delegations to the General Manager be endorsed by Council.

**M1. TRAFFIC ADVISORY LOCAL COMMITTEE MEETING MINUTES**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A2.2**  
**Prepared by Ian Tucker on 9 September 2010**

The minutes of the Traffic Advisory Local Committee Meeting held on 6 September 2010 are attached. (**Attachment M1**)

**Recommendation:** That:

1. Butterfactory Lane from Edith Rd to Shooters Hill Rd, and Shooters Hill Rd from Butterfactory Lane to Abercrombie Rd be approved for 25 m B-Doubles.
2. Mayfield Rd from Sewell's Creek Rd to Mayview Rd be approved for 25 m B-Doubles when the access points at Munjarra Forest Rd and Mayview Rd are upgraded
3. Sewell's Creek Rd from Abercrombie Rd to Roberts Rd be approved for 25 m B-Doubles when the access point at Pineview Rd is upgraded.
4. The application for 25 m B-Double access on Hazelgrove Rd from Albion Street to Meadows Rd, and on Meadows Rd from Hazelgrove Rd Golden Valley Rd not be approved.
5. Isabella Rd from Abercrombie Rd to Blue Rd be approved for 25 m B-Doubles.
6. Dog Rocks Rd, from Abercrombie Rd to Airstrip Rd be approved for 25 m B-Doubles

This is Page No. 25 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 21 September 2010 commencing at 5.30 pm.

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General Manager

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Mayor

7. Swallows Nest Rd from Dog Rocks Rd for approximately 700 m to the forest boundary, be approved for 25 m B-Doubles when the narrow section is widened.
8. The application for 25 m B-Doubles on Mount Werong Rd from Shooters Hill Rd to Banshea Rd, not be approved.
9. Oberon Street from Ross St to Fleming St be closed on 3<sup>rd</sup> December 2010 between 3.00pm and 8.00pm.

Submitted,

**Leanne Mash**  
General Manager

This is Page No. 26 of the Staff Report as presented to the duly convened Ordinary Meeting of Oberon Council to be held at the Council Chambers, Oberon on Tuesday, 21 September 2010 commencing at 5.30 pm.

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General Manager

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Mayor