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Agenda and Business Papers
Oberon Council Ordinary General Meeting
Tuesday October 19 2010
5.30pm Council Chambers

5.30pm	Opening of meeting
8.15pm - 8.45pm	Dinner

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01 Opening of Meeting

The Mayor welcomed members and declared the meeting open at

02 Prayer

Led by

03 Record of Attendance

Members Cr Keith Sullivan, Mayor - Chair
 Cr John McMahon, Deputy Mayor
 Cr Bob O’Bernier
 Cr Ian Doney
 Cr Don Fitzpatrick
 Cr Neil Francis
 Cr Zsuzanne Handelsmann
 Cr Clive McCarthy

Officers Leanne Mash, General Manager
 John Chapman, Director of Corporate Services
 Ralph Tambasco, Director of Development
 Leigh Robbins, Director of Engineering
 Sharon Swannell, Executive Assistant

Apologies Nil

Recommendation

That apologies are received and accepted for the non-attendance of the

04 Questions from the Public

None received.

05 Confirmation of minutes of previous meeting(s)

Ordinary Meeting 21 September 2010



09 September 21,
2010 Unconfirmed Min

Recommendation

That the Minutes of the duly convened Ordinary Meeting held on 21 September 2010 be taken as read and confirmed.

Matters Arising From the Minutes

Special Meeting 12 October 2010



101012 October 12,
2010 Special Meeting

Recommendation

That the Minutes of the duly convened Ordinary Meeting held on 21 September 2010 be taken as read and confirmed.

Matters Arising From the Minutes

06 Declarations of Interest

Pecuniary	-
Conflicts	-
Staff	-

07 Mayoral Minute and Report

A. Meetings

Meetings attended since my last report include:

1. Meeting with Councillors and General Manager – 13 September 2010
2. Meeting with Mr & Mrs Biddle and Director of Development – 14 September 2010
3. Meeting with John Borg in conjunction with General Manager – 17 September 2010
4. Ordinary Council Meeting – 21 September 2010
5. Meeting with Brett Moore, Councillor McCarthy, the General Manager and the Director of Development regarding the construction of the Community Centre extension – 22 September 2010
6. Meeting with Chas McPhail, Country Energy in conjunction with the General Manager – 28 September 2010
7. Meeting with RSL Sub-branch in conjunction with the General Manager regarding the Ataturk Stone Project – 29 September 2010
8. Business Development Committee Meeting – 30 September 2010
9. Meeting with Mark Boffa in conjunction with the General Manager – 1 October 2010
10. Meeting with Gerard Martin in conjunction with the General Manager – 5 October 2010
11. Events Committee Meeting – 5 October 2010
12. Oberon Promotions Committee Meeting – 7 October 2010
13. Meeting with Federal Member, John Cobb in conjunction with the General Manager regarding Broadband Issues – 8 October 2010
14. Timber Heritage Rail Meeting – 11 October 2010
15. Special Council Meeting – 12 October 2010

B. Representation

Council was represented at the following:

1. St Joseph's Central School End of Term Assembly – 20 September 2010
2. Black Springs Public School End of Term Assembly – 20 September 2010
3. Community Meeting at Burruga School in conjunction with Councillor Handelsmann and the General Manager – 20 September 2010
4. Meet with Oberon High School students as part of Local Government Week activities – 22 September 2010
5. St Joseph's Art Show – 23 September 2010
6. St Barnabas Flower and Quilt Show – 24 September 2010
7. Men's Breakfast – Christian Life Centre – 25 September 2010
8. Thanks for Rain Service – St Barnabas Church – 26 September 2010
9. Central West Catchment Authority Bathurst Sustainability Business Forum – 8 October 2010
10. Visit to Men's Shed with General Manager
11. Several Media Interviews throughout the month

C. Correspondence

Correspondence received included:

1. Heart Foundation Local Government Awards
2. Letter of Congratulations for being re-elected as Mayor from Mayor of Bathurst Paul Toole
3. Scouts Australia 2009/2010 Annual Review
4. Nomination for Executive for National Timber Council's Taskforce for 2010-11
5. Sydney Catchment Authority invitation to 50th Anniversary of Warragamba Dam to be held on 17 October 2010
6. Murray River Council's and Greater Shepparton City Council regarding the Murray Darling Basin Plan
7. Letter of condolence from Mayor of Hurstville
8. Murray Darling Basin Authority regarding a Guide to the proposed Basin Plan
9. LGSA – Invitation to participate in the 2010-11 Remuneration Survey
10. LGSA – Call for expressions of interest to present a case study at the 2011 Local Government Tourism Conference
11. Invitation to attend the Forbes Shire Council opening of the new sheep yards
12. Country Energy – invitation to participate in an opinion survey
13. Minister for Fair Trading, Minister for the Arts in response to enquiries from Gerard Martin regarding Oberon Council's unsuccessful 2009-10 Library Development Grant

Keith Sullivan
Mayor

08 Councillor Reports

Report to be provided to meeting.

09 Delegates Reports

Recommendation

That the Minutes of Committee Meetings as presented in Report 09.01.01 to 09.01.04 of the Business Papers be received and noted by Council.

09.01.01 Heritage Committee Meeting Minutes

Executive Summary

The last meeting of the Heritage Committee was held on 20 September 2010 and the following minutes are presented for Council's information.

There are a number of recommendations from the committee that are presented in the background section of the report, including the nomination of Mrs Margaret Connors to the Heritage Committee as the delegate representing the Oberon Tarana Heritage Rail Group Inc. This recommendation requires a resolution of Council to come into effect.

For Council decision

Recommendation

That Council endorse the appointment of Mrs Margaret Connors to the Heritage Committee as a delegate from the Oberon Tarana Heritage Rail Group Inc.

Background

Recommendations to Council from the last Heritage Committee meeting, held September 2010 were as follows:

1. It be noted that a response has not yet been received from Dr Olwen Beazley of the NSW Heritage Branch in relation to Council's request undertake an analysis of the significance of the O'Connell Memorial Avenue of Trees.
2. Details be sought from the current owners of the old school sites at Mozart and Burruga regarding their intentions in relation to the buildings on those sites and advice be provided of the potential funding from Local Heritage Fund.

3. The current owner of the land at Golden Gully, Isabella be requested to protect the area by the provision of appropriate fencing.
4. That a main street study for Oberon, incorporating aspects such as:
 - Seating
 - Vegetation/landscaping
 - Awnings reconstruction
 - Car parking
 - Painting of buildings
 - Waste bins
 - Paving
 - Potential for tourism, heritage, and economic benefitsbe undertaken, subject to an investigation of potential funding and involvement of appropriate community groups.
5. That Mrs Margaret Connors be appointed to the Heritage Committee as a delegate from the Oberon Tarana Heritage Rail Group Inc.
6. That the O'Connell Conservation Area currently represented by an 800 metre diameter circle as published by the National Trust in 1974 be slightly modified in the new LEP to include key elements such as the O'Connell Hotel and adjoining former Bakery building and be defined by physical features being:
 - A point on the Fish River opposite Mill Cottage.
 - Following the Fish River to the Eight Mile Swamp Creek.
 - Along the Eight Mile Swamp Creek to the Eight Mile Swamp Creek Bridge on O'Connell Road at O'Connell.
 - Then following Box Flat Road to a point opposite the starting point at Mill Cottage.
 - And is to include the existing ridge line and the St Thomas Church Group on Beaconsfield Road.

Attachments



Minutes 0910
September 20 2010.doc

Statutory Environment

N/A

Policy Implications

N/A

Financial Implications

The cost of a Main Street Study will need to be determined and possible sources of funding sought.

Strategic Implications

Adoption of the recommendations will assist in Council complying with the adopted Oberon Council Heritage Strategy.

Officers Comment

N/A

Consulted With

Christo Aitken – Heritage Advisor

File: A2.22
Author: Ralph Tambasco
Date: 6 October 2010

09.01.02 Events Committee Meeting Minutes

Executive Summary

The last meeting of the Events Committee was held on 5 October 2010. The meeting discussed the 2010 Country and Living Expo, the 2010 Oberon and Villages Spring Garden Festival, planning for the 2010 Christmas Street Party and the 2011 Oberon and Villages Summer Festival.

A copy of the minutes of the meeting is attached for Council's information.

For Council Information

That the minutes of the 5 October 2010 Events Committee meeting be received for information.

Attachments



10 Minutes 5 October
2010.docx

File: A2.5
Author: John Chapman
Date: 8 October 2010

09.01.03 Library Committee Meeting Minutes

Executive Summary

The last meeting of the Library Committee was held on 5 October 2010.

A copy of the minutes of the meeting and the Library Manager's Report is attached for Council's information

For Council Information

That the minutes of the 5 October 2010 Library Committee meeting be received for information.

Attachments



101005 Minutes



101005 Library

October 5 2010 LibrarManagers Report Oct :

File: A2.8
Author: John Chapman
Date: 8 October 2010

09.01.04 Oberon Promotions Committee Meeting Minutes

Executive Summary

The last meeting of the Oberon Promotions Committee was held on 7 October 2010. The meeting discussed the promotion of Oberon on trucks.

A copy of the minutes of the meeting is attached for Council's information.

For Council Information

That the minutes of the 7 October 2010 Oberon Promotions Committee meeting be received for information.

Attachments



10 October 7, 2010 -
Minutes Promotions Cc

File: A2.17
Author: Leanne Mash
Date: 12 October 2010

10 Director of Development Reports

10.01 Reports for Information

Recommendation

That the Director of Development Reports for Information as presented in Report 10.01.01 to 10.01.02 of the Business Papers be received and noted by Council.

10.01.01 Monthly Update Report – Development Department

The following items are presented for Councillors information and are reflective of the period September 1 to September 30 2010.

1) Determinations for the Month of September 2010

The following Development Applications, Construction Certificates, Complying Development Certificates, Section 68 Applications and Subdivision Certificates were determined during the month of September 2010.

a) Development Applications	8
b) Construction Certificates	6
c) Complying Development Certificates	Nil
d) Subdivision Certificates	2
e) Section 68 Applications	4
f) Applications Refused	Nil

A complete list of the determinations is attached.



1010 Determinations
September 2010.xlsx

2) Certificates Issued During the Month of September 2010

During the Conveyancing process, normally as part of the sale of a property, various Certificates are applied for by Solicitors, Real Estate Agents or by the public. During the month of September the following certificates were issued:

- a) 51 Section 149 Certificates were issued.

Section 149(2) and (5) Planning Certificates - issued under Section 149(2) and (5) of the Environmental Planning and Assessment Act, 1979.

- b) Seven (7) Section 735A Certificates were issued

Section 735A Certificates As To Notices - issued under Section 735A of the Local Government Act, 1993.

- c) Two (2) Section 121ZP Certificates were issued.
Section 121ZP Certificates As To Orders - issued under Section 121ZP of the Environmental Planning and Assessment Act, 1979.
- d) Two (2) Section 149A Building Certificates were issued
Section 149A Building Certificates - issued under Section 149A of the Environmental Planning and Assessment Act, 1979.

3) Oberon Animal Pound

No Nuisance Dog, Nuisance Cat orders or Dangerous Dog Declarations were issued during September 2010. The following details concerning the Animal Pound are for the month of September 2010:

Details	Number of Cats	Number of Dogs
Animals carried over from previous month	0	2
Animals Seized	2	3
Animals Abandoned	0	0
Animals Surrendered	0	0
Animals released to Owner	0	1
Animals Released to CHD(Cats, Dogs and Horses Charity) under Clause 17 of the Companion Animals Regulations 1999 (Exemptions from Registrations Requirement) for re-homing	0	0
Animals Destroyed	1	0
Animals Sold	0	0
Animals died at Council's facility	0	0
Animals Escaped/Stolen	0	0
Animals still in the pound	1	4

4) Amendments to Environmental Planning and Assessment Regulation 2000

The Environmental Planning and Assessment Regulation 2000 (EPAR) plays an important role in supporting the planning provisions of the Environmental Planning and Assessment Act 1979. Under the Subordinate Legislation Act 1979, the Regulation is required to be reviewed and updated regularly.

Key features of the amended draft 2010 Regulation include:

- Changes to Part 4 (Development Application assessment system), including limiting the use of “stop-the-clock” provisions and introducing new determination times of 50 days for simple Development Applications and 90 days for more complex Development Applications.
- Changes to additional matters to be considered when determining Development Applications.

- Updating fees and charges.
- Introducing a fee for BASIX Certificates.
- Improving Section 149(2) Planning Certificates to reduce their complexity and length.
- Requiring smoke alarms to be installed in moveable dwellings such as caravans and campervans.
- Describing the circumstances in which work is not taken to be physically commenced for the purposes of determining when a development consent lapses.

The last dot point criteria will have effect on Council's Policy 3111 – Lapsing of Development Consents in Respect to Physical Commencement. The proposal is that work is not taken to be physically commenced if that work only comprises the carrying out of a survey within the meaning of the Surveying and Spatial Information Act 2002.

The second dot point, under the heading “3. Procedures” of Council's Policy 3111 states as follows:

“The placement of permanent survey marks/pegs/stakes and associated documentary evidence, in respect to each proposed excised lot or one or more staged lots being created as constituting physical commencement of works.”

It should be noted that the amended clause in the Regulation will only apply to development consents granted after the date of commencement of the new Regulation. That is, it will not apply retrospectively to development consents that staff have deemed to have been physically commenced.

Therefore staff will amend Policy 3111 after the new Regulation has been gazetted.

In the meantime, Staff will prepare a Press Release to advise the community of this expected amendment.

Council should be aware that Applicants can still complete the following works of their development consents as per Policy 3111 which Council would deem as physical commencement:

- a) Construction of vehicle gateways and/or accesses and/or the like, in respect to each proposed excised lot or one or more staged lots being created, and/or
- b) The completion of all new required fencing to delineate the proposed lot boundaries in accordance with Council's Policy for Fencing Standards and the relevant condition of consent.

Public comments close on Friday 5 November 2010.

5) Miscellaneous Matters

The Development Department undertakes various inspections, including building inspections, health inspections, environmental inspections and complaints.

Development Department staff conducted the following inspections during the month of September 2010.

a)	Building Inspections	22
b)	Food Inspections	Nil
c)	Environmental Inspections (Air Pollution/Noise Pollution/Water Pollution)	7
d)	Subdivision Certificate Inspections	3
e)	Complaints (Includes Animal Control)	18

6) Attendance at Seminars/Conferences/Short Courses

As part of Continuing Professional Development (CPD), staff are encouraged to attend suitable seminars, conferences, and short courses to keep abreast of changes in legislation and in the industry.

Development Department staff were given the opportunity to attend the Annual Conference of the Australian Institute of Building Surveyors in Sydney, however, staff declined.

The Director of Development attended the Local Government Managers Australia (NSW Division) Annual Conference in Sydney on the 14, 15 and 16 September 2010.

File: A1.2.1
Author: Ralph Tambasco
Date: 6 October 2010

10.01.02 Director of Development Status Report

Resolution Number – 41210910 – Stockpiling of Sawdust in Industrial Area

Resolution

That an Infringement Notice be issued daily to Australian Native Landscapes, 7 Endeavour Street, Oberon until such time as the site complies with the conditions of consent or an acceptable demonstrated plan for compliance has been established and agreed to by Council and further that investigations immediately be undertaken to ascertain the feasibility of transferring the consent authority to the Department of Environment, Climate Change and Water.

Status

Infringement Notice first issued 23 September 2010. Last notice issued was October 5 2010 at which time ANL contacted Council to make a meeting time for October 7 2010. Prior to this five Infringement Notices have been issued.

Daily site inspections made and continuing.

Meeting conducted with ANL Management and Council staff on October 7 2010, with a suitable plan for compliance now in place. The plan has actions to be undertaken over the next two weeks, where by October 22 the issues as they now stand will have been addressed.

Documentation dated 27 September 2010 has been forwarded to the Department of Environment, Climate Change and Water (DECCW) seeking their consent to take on the Appropriate Regulatory Authority role from Council owing to the possibility that the facility can be classified as “Resource Recovery” pursuant to Schedule 1, Scheduled Activities, Part 1, Item 34 of the Protection of the Environment Operations Act 1997.

As at the date of writing this report, Council has not received a response from DECCW.

Resolution Number – 17210910 – Development Application 10.2010.43.1

Resolution

That delegation be given to the General Manager to vary clause 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 subject to no objections being received during the notification period which expires on 22 September 2010.

Status

Applicant has been notified that DCP variation has been approved. Matter closed

Resolution Number – 15210910 – Sydney Catchment Authority Local Government Reference Panel

Resolution

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

Status

Sydney Catchment Authority advised of nomination in writing. Matter closed.

Resolution Number – 13210910 – Oberon Swimming Pool Complex

Resolution

That on the basis that the staff report does not adequately address the issues raised that the matter be referred back to the General Manager for review and resubmission.

Status

Report to 12 October Special Meeting for decision by Council, prepared by General Manager.

Resolution Number – 12210910 – Grant Application to Royal Australian Historical Society

Resolution

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.

Status

Funds allocated.

Resolution Number – 11210910 – Resignation from Heritage Committee

Resolution

That the resignation of Mrs Bea Norrie be accepted and a letter be forwarded to Mrs Norrie thanking her for her contribution to the Heritage Committee.

Status

Letter forwarded to Mrs Norrie. Matter closed.

Resolution Number – 10210910 – Development Application 10.2010.49.1 Proposed New Dwelling on Lot 3 in DP 1113081, 576 Shooters Hill Road, Oberon

Resolution

That the matter be deferred to allow for consultation with the appropriate stakeholders and a further report be provided to a future meeting.

Status

See report to 12 October 2010 Special Meeting.

Resolution Number – 08210910 – Council Seal to 88B Instrument

Resolution

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 and T Evans of 151 The Reef Road Oberon and 221 Abercrombie Road Oberon.

Status

Seal affixed – matter closed.

Resolution Number – 06210910 – Proposed Development Application

Resolution

That Council extend the resolution of 17 February 2009 Ordinary Meeting for an additional six months from today's date to submit the Development Application and further that Council requires the payment of any increase in fees from the original application.

Status

Applicant advised in writing. Awaiting submission of new Development Application as at 6 October 2010.

Resolution Number – 32170810 – Heritage Committee Meeting Minutes

Resolution

In respect to the proposed sign structures at Black Springs, Burraga and O’Connell:

- a) The quotation from Peter Anderson for the supply and erection of three sign structures to accommodate proposed signs at Black Springs, Burraga and O’Connell at a cost of \$1,900 each plus GST (funded from the Local Heritage Fund) be accepted,
- b) Second-hand galvanised iron be used for the roof of the structure at O’Connell, and
- c) An additional sum of up to \$100 per structure be provided (funded from the Local Heritage Fund) for treatment for the preservation of the timber members.

Status

Works Order issued to Peter Anderson for commencement of construction of structures. Works are progressing.

Resolution Number – 31170810 – Heritage Committee Meeting Minutes

Resolution

The NSW Heritage Branch be asked to undertake an analysis of the significance of the O’Connell Memorial Avenue of Trees to inform the new LEP, utilising information that the Heritage Branch may have available.

Status

Email sent to Olwen Beazley who advised she will respond shortly. No response received as at 6 October 2010.

Resolution Number – 19170810 – Oberon Street Paving

Resolution

That staff be requested to investigate and report opportunities for development of Heritage style awnings on the Oberon Street streetscape and that as part of the report they engage the shop owners in the process.

Status

To be discussed with Council’s Heritage Advisor initially.

Resolution Number – 12170810 – Variation to Development Control Plan 2001

Resolution

That Development Control Plan 2001 be amended as follows:

- a) By deleting Clause D4.4 “Parking” of Part D – Commercial and Industrial Development, the following:
“The development will be required to provide for car parking at the rear of the development site in accordance with Council’s Parking Code.”
- b) By deleting from Clause F10.1 “Car Spaces” of Part F – Vehicle Circulation and Parking, the following:
“Parking spaces are not normally permitted to be between the building line and the property boundary.”
- c) By amending Clause F10.2 “Driveways” of Part F – Vehicle Circulation and Parking as follows:
Delete: *“Driveway materials to be concrete, segmented paving, exposed aggregate concrete or other coloured or textured hard stand approved surface.”*
Replace with: *“As a minimum requirement, vehicle parking and manoeuvring areas are to be constructed of all weather, compacted, decomposed granite or similar hard stand, approved material.”*
- d) By adding the following to Parts D and F of the DCP2001:
“The access crossing over the footpath from the kerb of the road/street to the gateway of the development is to be concreted.”
- e) The proposed amendments to the DCP2001 for the purpose of public notification in accordance with Clauses 22 and 23 of the Environment Planning and Assessment Regulation 2000, be adopted by Council
- f) The subsequent formal notification of the amendments be endorsed subject to there being no adverse public submissions
- g) The eventual amendments to the DCP2001 be endorsed by Council as the current plan.

Status

No submissions received. DCP2001 amended. Matter closed.

Resolution Number- 04030810 – Draft Land Use Strategy

Resolution

That a letter be written to the Consultant expressing the Council’s disappointment at the continued errors and lack of attention to its requests and in particular request justification of the consultant’s contention of land use conflicts in the Oberon area and that the consultant be requested to provide the corrected report within 14 days, and that after 14 days submit justification of why his contract should not be terminated forthwith.

Status

Completed. Letter sent 9 August 2010. No response received, follow up letter sent. Draft Version 3 of Land Use Strategy submitted.

Resolution Number - 42200710 – Stockpiling of Sawdust in Industrial Area

Resolution

That the industry located at Lot 28, in DP 877490, 7 Endeavour Street, Oberon be advised that any future non-compliance with conditions of consent will result in a penalty notice being issued.

Status

Letter sent. No response received. Staff undertook site inspection on 31 August 2010. Response received 7 September 2010. See resolution number 41210910.

Resolution Number - 29200710 - Heritage Committee Meeting Minutes

Resolution

- a) The Principal of Oberon High School be contacted regarding the project to ascertain their support
- b) An appropriate plaque be designed and manufactured depicting the first landing of Sir Charles Kingsford-Smith in Oberon on 6 March 1921
- c) The plaque is to include photographs of the landed plane
- d) The plaque be erected at the front of Oberon High School so that it is visible to the public from the footpath.

Status

- a) Heritage Committee members to meet with Principal of Oberon High School at a mutually convenient time.
-

Resolution Number - 28200710 - Heritage Committee Meeting Minutes

Resolution

That the Heritage Committee be asked to investigate appropriate advice with a view to establishing a suitable program to restore and retain the PISE Barn at Lindlegreen.

Status

To be arranged shortly in conjunction with Resolution 27200710.

Resolution Number – 27200710 - Heritage Committee Meeting Minutes

Resolution

That the Heritage Advisor (Christo Aitken), Director of Development (Ralph Tambasco) and a practising Structural Engineer meet on site at the PISE Barn at Lindlegreen to ascertain the extent of existing deterioration and to establish a monitoring program for the cracking of the Western wall and that an amount of \$1000 from the Local Heritage Fund be allocated for this project.

Status

To be arranged shortly.

Resolution Number - 02110510 – Oberon Community Centre

Resolution

That the plan 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.

Status

Quotation received. Construction works have commenced. Matter closed.

Resolution Number – 06200410 – Meeting with Department of Planning

Resolution

That a letter be written to Gerard Martin asking, why if Mr Biddle's Submission was incomplete wasn't he advised at the time and the matter proceeded with promptly.

Status

Letter sent – letter from Ministers office received advising that a response will be provided soon. No response received as at 6 October 2010.

Resolution Number – 01110210 – Draft Land Use Strategy

Resolution

That the Draft Land Use Strategy be advertised for public comment noting that the views within the Strategy are not necessarily views expressed by all Councillors.

Status

Can only be done after endorsement received from DoP. To be discussed at Special Meeting of 12 October 2010.

Resolution Number – 05150909 – Proposed O’Connell Conservation Area

Resolution

1. The Heritage Committee be asked to provide the reasons and logic in relation to what they perceive needs to be protected.
2. All affected landowners within the proposed area, regardless of the size of property, be given adequate time to provide comment in regards to the proposal including the information requested in Item 2 above.
3. Consultation between the Council and the relevant parties be undertaken prior to the Council taking a decision on any issue relative to the matter.

Status

Ongoing

File: A1.2.1
Author: Ralph Tambasco
Date: 6 October 2010

10.02 Reports for Decision

10.02.01 Development Application 10.2010.45.1

Applicant: Mrs. K.A Sales and Mr W.E Sales
Location: Lot 5 DP 1068451, 165 Goughs Road Oberon
Proposal: Proposed Dwelling.
Zone: Rural 1 (a)

Executive Summary

A Development Application for a proposed dwelling has been received requesting a variation from the 150m minimum allotment boundary setback from adjoining State Forestry activities to 110m.

For Council decision

Recommendation;

That Clause B.14.12.9 – “Dwelling Setbacks and Buffers” of Part B of the Development Control Plan 2001 not be varied to allow the construction of a dwelling at Lot 5 in DP 1068451, 165 Goughs Road Oberon.

Background

Development Application 10.2010.45.1 was received by Council on 2 July 2010 for the proposed construction of a dwelling.

The applicant wishes to construct 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 the dwelling 110m off the Southern property boundary of which adjoins the Blenheim State Forest.

A Copy of the site plan of the proposed development is attached and a printout from Councils GIS Exponare program showing the allotment is also attached.

On 13 July 2010 Council informed the applicant that the proposal was not in accordance with the Oberon Development Control Plan (DCP), and as such the applicant was advised to either amend the proposal or submit substantial justification for Council to consider varying the DCP to approve the proposed dwelling in its current form.

On 24 September 2010 Council received correspondence from the applicant seeking to vary Clause B.14.12.9 of the DCP.

A copy of the applicant’s letter requesting Council vary the DCP is attached.

The applicant's justification can be summarised as follows:

- The home is to be situated at its current location to:
 - Utilise the natural fall of the land.
 - Restrict the amount of excavation required.
 - Take advantage of the view.
- A Buffer Management Plan 17m wide, 400m long is to be planted out with Acacia Melanoxylon (Tasmanian Blackwood) of which it is estimated there would be approximately 600 trees planted.

Attachments



101011 - DA
10.2010.45.1 Sales.pdf

Statutory Environment

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000
Oberon Local Environmental Plan 1998
Oberon Development Control Plan 2001, as revised

Policy Implications

It is envisaged a precedent would be set for future applications should this variation be approved, however all applications are assessed on their individual merits.

Financial Implications

There are no financial implications.

Strategic Implications

There are no strategic implications.

Officers Comment

Having considered the applicant's justification and the merits of the proposal the following points are considered important:

- Lot 5 DP 1068451 is 35.61 hectares in size. The attached satellite image shows the building constraints upon lot 5. The clear area in the middle of Lot 5 of the satellite image totals approximately 11 hectares or 31% of the total property which could be built upon and would comply with all relevant buffers.
- Considering 11 hectares or 31% of Lot 5 could have a dwelling constructed upon it which would comply with the 150m buffer, compliance in this instance would not be categorised as unreasonable.
- The first justification point relied upon by the applicant that the dwelling needs to be situated only 110m off the Southern boundary to "Utilise the natural fall of the land" is

considered not sufficient justification as the majority of the allotment has the same topography and the natural fall of the land would be the same if not less should the dwelling be located a further 40m North. In other words, the land 40m to the North is much flatter and would be provide a suitable building envelope.

- The second justification point relied upon by the applicant that the dwelling needs to be situated only 110m off the Southern boundary to “Restrict the amount of excavation required” is again considered not sufficient justification as the majority of the allotment has the same topography and the excavation would be the same if not less, should the dwelling be located a further 40m North. In other words, the land 40m to the North is much flatter and would be provide a suitable building envelope.
- The third justification point relied upon by the applicant that the dwelling needs to be situated only 110m off the Southern boundary to “Take advantage of the view” is not a sufficient planning justification to warrant a 26% variation to Clause B.14.12.9, of the DCP which, as Forests NSW point out in their letter dated 8 October 2010 (copy attached), the buffer is in place to prevent land use conflict between new buildings and State Forest activities.
- The fourth justification point relied upon by the applicant that the dwelling should be approved only 110m off the Southern boundary because a Buffer Management Plan incorporating an artificial planting of trees, thus negating any land use conflict is considered to not be relevant in this instance.

Artificial Buffers referred to in point 2 of Clause B.14.12.9 of the DCP are for Buffer Management Plans to reduce land use conflicts between new dwellings and surrounding agricultural land in respect to aerial spraying when required not to reduce land use conflict between new dwellings and State Forests.

Consulted With

Forests NSW
Director of Development

File: PR21.230
Author: Mark Dicker
Date: 11 October 2010

11 Director of Corporate Services Reports

11.01 Reports for Information

Recommendation

That the Director of Corporate Services Reports for Information as presented in Report 11.01.01 to 11.01.04 of the Business Papers be received and noted by Council.

11.01.01 Monthly Update Report – Department of Corporate Services

The following items are presented for Councillors information and are reflective of the period September 1 to September 30 2010.

1) Visitor Information/Community Technology Centre Statistics

The monthly statistical report on visitors to the Visitor Information/Community Technology Centre is attached for information.

Despite reported tapering off, and in some cases decreases in visitation, being experienced in other areas, Oberon's visitor numbers continue to increase with the total for the year to 30 September showing a 2.5% increase on the same period last year.

Attachments



Tourism Report to
Sep 2010.pdf



OIC Stats Graph to
Sep 2010.pdf

2) Rates Collections Report

The monthly statistical report on the collection of rates and annual charges for the period to 30 September 2010 is attached for information.

Total collections to date for the year represent 37.41% of the total receivable, compared with 38.72% at the same time last year.

Staff are aware of the deterioration in the rate of collection and recovery action is currently in progress in an attempt to reduce the total outstanding.

Attachments



100930 Rates
Report.pdf

3) Staff Recruitment Report

Council resolved at its 16 June 2009 Ordinary Meeting, *“That staff be allowed to recruit within the adopted structure and keep Council informed of staff replacements at its ordinary meetings.”*

There has been no staff replacements since the August 2010 Ordinary Meeting.

4) Councillor and General Manager Expenses

There are no Councillor or General Manager Expenses to report for the period.

File: A1.2.1
Author: John Chapman
Date: 12 October 2010

11.01.02 Statement of Bank Balances and Investments

Executive Summary

In accordance with Clause 212 of the Local Government (General) Regulation 2005:

“(1) *The responsible accounting officer of a Council:*

(a) must provide the Council with a written report (setting out details of all money that the Council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the Council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the Council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the Council’s investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting.”

The statement of Bank Balances and Investments as at 30 September 2010 is attached for Council’s information.

For Council Information

Recommendation: That the information be received and noted.

Attachments

Investments 30 Sep
10.pdf

Background

In addition to the statement of Bank Balances and Investments as at 30 September 2010 the following comparative figures, with those reported at 30 September 2009, are presented for information.

	<u>2009</u>	<u>2010</u>
Face Value of all Investments Held	\$6,701,055	\$5,413,907
Face Value of Grange/Lehman Bros Investments	\$2,500,000	\$2,500,000
Market Value of Grange/Lehman Bros Investments	\$1,026,277	\$1,166,979
Market Value as % of Face Value	41%	47%
Cheque Account Cash Book Balance	\$210,203	(\$126,634)
Total Cash and Investments (Market Value)	\$5,437,536	\$3,954,252
Interest Received Year to Date	\$47,650	\$38,199
Call A/c Interest Rate	2.95%	4.45%

Coupon payments continue to be received for the Grange Securities/Lehman Bros Investments, with the exception of the Zircon/Coolangatta CDO.

The total sum held in investments and cash is \$1.4 million less than at the same period last year. The major contributing factors to this reduction were:

Budgeted decrease in Cash Reserves for 2009/2010	\$0.61 million
Leagues Club and Grounds Purchase	\$0.32 million

File: C17.1
Author: John Chapman
Date: 11 October 2010

11.01.03 Statewide Mutual Rebates

Executive Summary

Rebates have been received from Statewide Mutual, Council's insurers, as follows:

- Risk Management Incentive Bonus 2009/2010 - \$9,441.30 – this bonus is distributed to participating Councils and is based upon the following formulae:
 - 30% based upon the rating achieved in the Risk Management Audit
 - 20% based upon the rating achieved in implementation of specific Risk Management Programs
 - 40% based upon the claims loss ratio achieved by the individual Council over the preceding five years
 - 10% based upon attendance at Regional Risk Management Group Meetings
 - Statewide Property Mutual Dividend - \$5,870.59
 - This dividend is distributed to participating Councils and is based upon the surplus generated by this scheme. This payment has been calculated following the finalisation of claims incurred during the 2005-2006 Fund Year.
-

For Council Information

Recommendation:

That the information be received and noted.

File: C25.2
Author: John Chapman
Date: 7 October 2010

11.01.04 Director of Corporate Services Status Report

Resolution Number – 50210910 – Water Consumption Account – A/C No 12368076

Resolution

That the account be reduced to the raw water cost contained in the report.

Status

Consumption account amended and refund processed. Matter closed.

Resolution Number – 47210910 – Oberon Dental Surgery

Resolution

That the common seal be affixed to the licence agreement with Henriette Macri-Etienne for use of the Oberon Dental Surgery and an addendum be inclusive of a letter of understanding.

Status

Common seal affixed and addendum included. Revised longer-term lease to be negotiated.

Resolution Number – 27210910 – Library Building Extensions Grant Funding Application

Resolution

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.

Status

Grant application lodged. Matter closed.

Resolution Number – 26210910 – Policy Reviews

Resolution

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. Policy 3123 be deleted once the amendment has been made to the DCP and resolved by Council.
3. Policy 3118 – Development Application Fees for Sporting Club be deleted.

Status

Policy Register updated. Matter closed.

Resolution Number – 27170810 – Policy for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors

Resolution

That the matter be deferred pending a further review of the policy and report to Council.

Status

Referred to October 2010 Ordinary Meeting

Resolution Number – 26170810 – Policy Reviews, Investments Policy

Resolution

That Policy 2211 – Investments be deferred pending a further report to Council.

Status

Referred to November 2010 Ordinary Meeting

Resolution Number – 04170810 – Request for Donation

Resolution

That \$750 be provided from the donations budget for the 2BS Oberon Junior Sports Awards.

Status

Contact made with 2BS to arrange the launch for the awards.

Resolution Number – 23200610 – Fossicking in Oberon

Resolution

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.

Status

Construction will commence in late September 2010.

Resolution Number – 57200410 – Grants Officer Position

Resolution

That the information be received and noted and that Lithgow City Council be requested to provide a full breakdown of the costs and any reimbursement from insurance or any other source.

Status

Letter sent – response received – more information to be requested.

Resolution Number – 16171109 – Annual Financial Reports

Resolution

That staff be requested to seek justification from Council's insurance providers for the increase in the base workers compensation premium for the period 2007 to 2009 and a report be provided to Council.

Status

Report will be provided to November 2010 meeting and will incorporate 2009-10 premium after completion of Financial Reports.

File: A1.2.1
Author: John Chapman
Date: 6 October 2010

11.02 Reports for Decision

11.02.01 Annual Financial Reports

Executive Summary

Council's Annual Financial Reports for the year ended 30 June 2010 have been completed and audited.

A copy of the draft Financial Reports is being distributed as a separate document with this business paper.

The net operating result for the year reveals a profit of \$3,263,000 compared with a budgeted profit of \$3,330,000.

Despite the positive operating result for the year, there has been a significant drop (from \$5.2 million to \$3.6 million) in the balance of cash reserves (restricted assets) during the year. This decrease results partly from budgeted decreases and partly from:

- Considerable investment by Council in acquisition of community assets without a corresponding increase in capital income to offset those investments.
- Unfunded over-expenditure on capital works.
- Increase in amount receivable for rates, charges and interest
- Capital works undertaken in anticipation or receipt of funding

It has therefore been necessary to reduce the balance of some internally restricted assets (cash reserves) intended for other purposes in order to provide the "cash" funding necessary to offset the above items.

It is anticipated that, with future sales of land and with a concerted effort to reduce the current abnormally high balance of monies receivable for rates and charges, the funds utilised from the above reserves will be recouped and reimbursed to those funds. In the meantime, there are sufficient funds held in the Section 94 Contributions Reserves to provide for the 2010/2011 program of capital works on roads.

The current situation regarding limited availability of cash resources for capital works (unless externally funded), while not considered to be at crisis point, does need to be carefully monitored and the previous practice of planning for the funding of acquisition of community assets in anticipation of receipt of funds (e.g. anticipated sales of land) should be discontinued. A conservative position would demand that commitment of Council funds for such works should not be made unless the cash is "in the bank" and available for immediate disbursement on the project.

While the situation is not expected to delay any of the current community capital projects planned, a detailed analysis will be undertaken with a longer term projection so that the potential affect on longer term capital works programs can be determined. A staff report will be submitted to Council in regard to this analysis for consideration at the November 2010 Ordinary Meeting.

For Council decision

Recommendation

That:

1. Council resolve that:
 - a. The Annual Financial Statements for the year ended 30 June 2010 have been drawn up in accordance with:
 - the Local Government Act 1993 (as amended) and the Regulations made thereunder,
 - the Australian Accounting Standards and professional pronouncements, and
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - b. To the best of Council's knowledge and belief, the reports:
 - present fairly the Council's financial position and operating result for the year, and
 - Accord with Council's accounting and other records.
 - c. Council is not aware of any matter that would render the reports false or misleading in any way.
 - d. The special purpose Financial Statements for the year ended 30 June 2010 have been prepared in accordance with the:
 - the NSW Government Policy Statement "*Application of National Competition Policy to Local Government*"
 - The Department of Local Government guidelines "*Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*".
 - the Local Government Code of Accounting Practice and Financial Reporting, and
 - The Department of Energy, Utilities and Sustainability "*Best Practice Management of Water Supply and Sewerage*" guidelines.
 - e. To the best of Council's knowledge and belief, these reports:
 - present fairly the financial position and operating result for each of Council's declared Business Activities for the year, and
 - accord with Council's accounting and other records
 - f. Council is not aware of any matter that would render the reports false or misleading in any way.
 2. Council determine whether it wishes to request the Auditor to attend the meeting at which the financial reports are presented.
 3. The Annual Financial Reports, incorporating the Auditor's Report, be presented to the public at the November 2010 Ordinary Council Meeting
 4. The General Manager be delegated authority to authorize the year end accounts for issue immediately upon receipt of the auditor's report, subject to there being no material audit changes or audit issues, in accordance with AASB 110.
-

Background

Council's Annual Financial Reports for the year ended 30 June 2010 have been completed and audited.

A copy of the draft Financial Reports is being distributed as a separate document with this business paper.

The operating results are summarised as follows:

	<u>Budget</u>	<u>Actual</u>	<u>Variation</u>	
	\$'000	\$'000	\$'000	
Income from Continuing Operations:				
Rates and Annual Charges	3,671	3,573	(98)	(3%)
User Charges and Fees	4,468	4,519	51	1%
Interest and Investment Revenue	148	292	144	97%
Other Revenues	108	167	59	55%
Grants and Contributions	5,674	5,754	80	1%
Gains from Disposal of Assets	460	224	(236)	(51%)
	<hr/>			
Total Income	14,529	14,529	0	0%
Expenses from Continuing Operations:				
Employee Benefits and Oncosts	4,310	4,445	135	3%
Borrowing Costs	39	43	4	10%
Materials and Contracts	3,320	3,278	(42)	(1%)
Depreciation and Amortisation	1,790	1,890	100	6%
Other Expenses	1,740	1,610	(130)	(7%)
	<hr/>			
Total Expenses	11,199	11,266	67	1%
	<hr/>			
Net Operating Result	3,330	3,263	(67)	(2%)

Note 16 (Page 61) of the Financial Report summarises the material variations (greater than 10%) from the original budget in respect of the major categories of operating income and expenditure.

Attached is a summary of Council's cash reserves (restricted assets) as at 30 June 2010. The summary shows also the movements to and from the reserves, which is included at Note 6c (Pages 39 and 40) of the Financial Reports.

It is noted that, despite the most pleasing operating result for the year, there has been a significant drop (from \$5.2 million to \$3.6 million) in the balance of cash reserves (restricted assets) during the year. This decrease results partly from budgeted decreases and partly from:

- Considerable investment by Council in acquisition of community assets without a corresponding increase in capital income to offset those investments.
- Unfunded over-expenditure on capital works.
- Increase in amount receivable for rates, charges and interest
- Capital works undertaken in anticipation or receipt of funding

Details of the major contributing items are:

Acquisition of Land for Aged Care Facility	369,000
Acquisition of Leagues Club Property	322,000
Increase in Receivables for Rates and Charges	128,000
Increase in Receivable for Water Consumption Charges	126,000
Contributions Due for Works (Kerb and Guttering etc)	69,000
Stormwater Harvesting Project Preliminary Expenses	64,000
Caravan Park Amenities Over-expenditure	45,000
Other Minor Variations	32,000
	\$1,155,000

It has therefore been necessary to reduce the balance of some internally restricted assets intended for other purposes in order to provide the “cash” funding necessary to offset the above items. The internally restricted assets from which funds were transferred are:

Developer Contributions (Quarry Operators)	360,000
Financial Assistance Grant - Roads Component	287,000
Roads Reconstruction Reserve	408,000
Self Care Units	100,000
	\$1,155,000

It is anticipated that, with future sales of land and with a concerted effort to reduce the current abnormally high balance of monies receivable for rates and charges, the funds utilised from the above reserves will be recouped. In the meantime, there are sufficient funds held in the Section 94 Contributions Reserves to provide for the 2010/2011 program of capital works on roads.

Council will recall also that, in 2008/2009, the private residence in Dart Street was purchased with the view that it may have been required to be utilised in conjunction with the potential development of a co-located Library/Community Centre complex. No offsetting income was available to match this expenditure. As this property is not now likely to be required for this purpose, it is considered that it should be sold and the proceeds of the sale be transferred to Financial Assistance Grant (Roads Component) Reserve.

Traditionally, Council has funded substantial community capital works from cash accumulated in the Land Reserve. However, in recent years substantial expenditure has been incurred in the acquisition and development of residential land and the development of industrial land. Sales of land in the short term, on the other hand, have not matched the sums spent on acquisition and development. For example, in the two years ended 30 June 2010, the following summary outlines the expenditure on and income from Council’s land development and sales activities:

Industrial Land Development	419,328
Residential Land Acquisition/Development	943,633
	\$ 1,362,960
Industrial Land Sales	916,232
Residential Land Sales	86,091
	\$ 1,002,323

Additionally, substantial funding had previously been available from the Capital Improvements Reserve. This reserve had been created for the purposes of retaining significant cash “windfalls”, mainly from interest earned from investments - prior to the global financial crisis and Council’s recent investments in community assets - when high returns from investments and considerable surplus cash reserves were enjoyed. Such “windfalls” are no longer evident, due to significant decreases in percentage rates of interest and a decrease in cash available for investment.

The current situation regarding limited availability of cash resources for capital works (unless externally funded), while not considered to be at crisis point, does need to be carefully monitored and the previous practice of planning for the funding of acquisition of community assets in anticipation of receipt of funds (e.g. anticipated sales of land) should be discontinued. Commitment of Council funds for such works should not be made unless the cash is “in the bank” and available for immediate disbursement on the project.

While the situation is not expected to delay any of the current community capital projects planned, a detailed analysis will be undertaken with a longer term projection so that the potential affect on longer term capital works programs can be determined. A staff report will be submitted to Council in regard to this analysis for consideration at the November 2010 Ordinary Meeting.

In accordance with Section 413 (2) (c) of the Local Government Act, 1993, the reports include “... a statement in the approved form by the Council as to its opinion on the general purpose financial report”.

The Local Government (General) Regulation 2005 requires that the statement:

- “(a) be made by resolution of the Council, and*
- (b) be signed by:*
 - (i) the Mayor, and*
 - (ii) at least one other member of the Council, and*
 - (iii) the responsible accounting officer, and*
 - (iv) the General Manager (if not the responsible accounting officer).”*

The statement must indicate:

- “(a) whether or not the Council’s annual financial reports have been drawn up in accordance with:*
 - (i) the Act and the regulations, and*
 - (ii) the Code and the Manual, and*
 - (iii) the Australian Accounting Standards, and*
- (b) whether or not those reports present fairly the Council’s financial position and operating result for the year, and*
- (c) whether or not those reports accord with the Council’s accounting and other records, and*
- (d) whether or not the signatories know of anything that would make those reports false or misleading in any way, and include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in the statement.”*

Following receipt of the Auditor's Report Council will (under Sections 416 and 418 of the Local Government Act 1993) be required to:

- Fix a date for a meeting at which it proposes to present its audited financial reports, together with the auditor's reports, to the public (Section 418(1)(a)).
- Give public notice of the date fixed for the meeting (Section 418(1)(b)).
- Present the reports to the public on the date fixed (Section 419(1)).
- Ensure that any submissions received from the general public in response to presentation of the reports be referred to the auditor (Section 420(3)).
- Section 419(2) of the Act states that "...Council's auditor may, and if so required in writing by the Council, must attend the meeting at which the financial reports are presented".

Attachments



10 Restricted Assets
(Cash Reserves).pdf

Statutory Environment

Local Government Act 1993
Australian Accounting Standards and professional pronouncements.
The Local Government Code of Accounting Practice and Financial Reporting.

Policy Implications

Not applicable

Financial Implications

Despite a positive operating result for the year, there has been a significant drop (from \$5.2 million to \$3.6 million) in the balance of cash reserves (restricted assets) during the year.

It has been necessary to reduce the balance of some internally restricted assets (cash reserves) intended for other purposes.

It is anticipated that, with future sales of land and with a concerted effort to reduce the current abnormally high balance of monies receivable for rates and charges, the funds utilised from the above reserves will be recouped.

The current situation regarding limited availability of cash resources for capital works (unless externally funded), while not considered to be at crisis point, does need to be carefully monitored and the previous practice of planning for the funding of acquisition of community assets in anticipation of receipt of funds (e.g. anticipated sales of land) should be discontinued. Commitment of Council funds for such works should not be made unless the cash is "in the bank" and available for immediate disbursement on the project.

Strategic Implications

Not applicable

Officers Comment

Nil

Consulted With

Finance Manager Director of Engineering
General Manager

File: C15.2
Author: John Chapman
Date: 11 October 2010

11.02.02 Invitation to become a member of the Macquarie Philharmonic Foundation

Executive Summary

By letter, dated 15 September 2010, the Macquarie Philharmonia Foundation has written to invite Council to become a member of the foundation.

The Orchestra draws musicians from Bathurst and surrounding districts and is looking to grow its membership to establish its orchestra in our region as Australia's Inland Symphony.

Benefactors may choose from four levels, these being Platinum (\$20,000), Gold (\$10,000), Silver (\$5,000) or Bronze (\$1,000).

While, in accordance with Council's Financial Assistance Policy, this request for financial assistance does not fall within Council's specific program, Council may determine that the "*project identified for assistance... [provides] services or activities that meet the needs and benefit the residents of the Oberon Council area*". Consequently, Council may consider this request, although it does not fall within the specific program.

A similar request has been received on a number of occasions in the past and, based upon Council's previous decisions to decline the invitation, it will be recommended that the current invitation be declined.

For Council decision

Recommendation

That the invitation to join the Macquarie Philharmonia Foundation be declined.

Background

By letter, dated 15 September 2010, the Macquarie Philharmonia Foundation has written to invite Council to become a member of the foundation.

The Orchestra draws musicians from Bathurst and surrounding districts and is looking to grow its membership to establish its orchestra in our region as Australia's Inland Symphony.

Benefactors may choose from four levels, these being Platinum (\$20,000), Gold (\$10,000), Silver (\$5,000) or Bronze (\$1,000).

Other Local Government Authorities in the region who have accepted the invitation to join include:

- Bathurst Regional Council (Platinum)
- Blayney Shire Council (Double Bronze)
- Cowra Shire Council
- Dubbo City Council (Platinum)
- Lithgow City Council
- Mid Western Regional Council
- Narromine Shire Council
- Wellington Shire Council
- Young Shire Council (Platinum)

A similar request has been received on a number of occasions in the past and, based upon Council's previous decisions to decline the invitation, it will be recommended that the current invitation be declined.

The relevant parts of Council's Financial Assistance Policy are provided for information as follows:

"Applications will initially be assessed within the Corporate Services Division to ensure the body meets these guidelines and the funds sought can be justified from the application. The Director of Corporate Services will submit a report to Council with recommendations to fund priority projects within the Council budget allocated. Depending on funding priorities and the availability of other resources, recommendations may be made to partially or fully fund projects as submitted.

The elected Council makes a final determination on which applications will be approved for funding, and what amount is to be allocated. The decision will be recorded in Council minutes and may be published in the local media...

...Council will also consider applications from local, not for profit, sporting, arts and cultural organisations.

The project identified for assistance must provide services or activities that meet the needs and benefit the residents of the Oberon Council area...

Council will assess each application on its merit...

If the request for financial assistance is for private gain and/or does not fall within Council's specific program the Director of Corporate Services will advise Council of this in the report...

If Council still wishes to provide assistance the following procedures will ensure that the required public notice is given:

- The General Manager will inform the Council that at least 28 days public notice of a proposal to pass a resolution to grant financial assistance is required. In the interest of openness and transparency in Council decision making the public notice must include details of recipient and amount proposed to be financially assisted.*
- The Director of Corporate Services will then arrange appropriate advertising and prepare a report after the public notice period has elapsed which includes any submissions.*
- The elected Council makes a final determination on which applications will be approved for funding, and what amount is to be allocated..."*

Attachments



Macquarie
Philharmonia Letter.p



Donations to 30 Sep
10.pdf

Financial Implications

Council currently has \$9,624 available in its annual donations budget.

11.02.03 Oberon High School – Request For Donation

Executive Summary

In previous years it has been customary for Council to provide a cash contribution towards the Annual Presentation Day for schools in the Local Government Area. In 2009 Council resolved to provide a contribution of \$150 for each school towards prizes for their Annual Presentation Night.

Council currently has \$9,624 available in its annual donations budget.

For Council decision

Recommendation

That a donation of \$150 be allocated for each school in the Local Government Area for their 2010 Annual Presentation night.

Background

In previous years it has been customary for Council to provide a cash contribution towards the Annual Presentation Day for schools in the Local Government Area. In 2009 Council resolved to provide a contribution of \$150 for each school towards prizes for their Annual Presentation Night.

Council currently has \$9,624 available in its annual donations budget.

In the past the Mayor and available Councillors have been invited to attend Annual Presentation Nights and present an award.

This is seen as a way of increasing Council's connection with the schools and younger people in general.

Financial Implications

To be funded from Council's existing Financial Contributions Budget - \$9,624 remaining.

Strategic Implications

N/A

Officers Comment

Nil

Consulted with

Director of Corporate Services

11.02.04 Draft Policy 1103 – Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Other Councillors.

Executive Summary

As a requirement of the Local Government Act 1993, Council is required to review its Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Other Councillors, annually.

For council decision

Recommendation

The adopted Policy, Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Other Councillors be forwarded to the Director General within 28 days.

Background

Policy 1103 – Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Other Councillors was submitted to the 17 August Ordinary Meeting of Council. Council recommended that the fees for travel and accommodation be further reviewed by staff.

Staff have reviewed the fees for Travel and Accommodation and have included a revised Draft Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Other Councillors.

Attachments



Policy 1103 –
Payment of Expenses

Statutory Environment

Local Government Act 1993.

Policy Implications

Updating of Policy 1103 - Payment of Expenses and Provision of Facilities for Mayor and Councillors.

Financial Implications

Travel and Accommodation for elected Councillors will be adjusted in First Quarter Budget Review.

Strategic Implications

Nil.

Officers Comment

Nil.

Consulted With

Director of Corporate Services

File: A1.2.7
Author: Joanne Barton
Date: 12 October 2010

12 Director Engineering Services Reports

12.01 Reports for Information

Recommendation

That the Director of Development Reports for Information as presented in Report 12.01.01 to 12.01.02 of the Business Papers be received and noted by Council.

12.01.01 Monthly Update Report – Engineering Department

The following items are presented for Councillors information and are reflective of the period September 1 to September 30 2010.

1. General Fund

- **Shooters Hill Road**

Clearing and earthworks on the next stage of Shooters Hill Road have resumed with the arrival of better weather conditions.

- **Carlwood Road**

The raising of the headwalls on a culvert on Carlwood Road is complete.

2. RTA Works

- **Abercrombie Road**

Earthworks on the next stage of Abercrombie Road near Grady's Lane are in progress.

The previous stage near Willow Springs Road has been trimmed and sealed.

- **Heavy Patching**

Heavy Patching is in progress on O'Connell Road. This is using additional, urgent funding provided by the RTA to rectify failures which developed during the recent wet weather.

3. Town Improvement Fund

- **Tasman Street Culvert**

The road over the new culverts in Tasman Street has been sealed.

- **Stormwater Extensions**

Extensions of the stormwater pipes in North Street, near Springfield Street is complete.

4. Sewer Fund

Extension of the laboratory at the Sewerage Treatment Works is in progress.

Installation of a screen extractor is in progress.

5. Roads Maintenance

A large amount of bitumen patching has been carried out in an effort to rectify the potholes and other failures caused by the wet weather.

This crew has been working on RDO's and weekends to catch up with the backlog. This work is still continuing.

Several major failures have been repaired on Sloggetts Road, Gingkin Road and Kanangra Walls Road.

6. Disposal of Plant

Subaru Forrester will be auctioned in the week of October 18 through an auction house in Sydney.

7. Ataturk Stone Memorial

Carving to be finished by mid October, transported to depot to await installation. Conduits for the lighting will be in place by October 18 2010.

Invitations have been issued to the Mayor of Eceabat, State and Federal RSL Sub-branch representatives and Federal Ministers for Veteran's Affairs. Further invitations will be sent to local dignitary's week ending 22 October 2010.

8. Storm Water Harvesting Proposal

Under negotiation with State and Federal governments, agreements expected to be progressed over the next two months.

9. Staff Training

None to report.

10. Road Safety Grant Pilot Program

Council received a report regarding the RTA's proposed Road Safety Grant Pilot Program at its 15 June Ordinary Meeting and resolved to take part in the program, selecting O'Connell Road to be the focus for the project.

The RTA has developed a proposal to meet the RTA Criteria based on a safe systems approach. A copy of the RTA's documents are provided for Council's information.



101013 - Road Safety
Grant Summary of Pro

File:A1.2.1
Author: Leigh Robins
Date: 11 October 2010

12.01.02 Director of Engineering Status Report

Resolution Number – 29210910 – Traffic Advisory Local Committee Meeting Minutes

Resolution

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
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 3rd December 2010 between 3.00pm and 8.00pm.

Status

1. Referred to Roads and Traffic Authority and Police – gazettal being arranged - closed.
2. Applicant advised – closed.
3. Applicant advised – closed.
4. Applicant advised – closed
5. Gazettal notice done – closed.
6. Gazettal notice done – closed.
7. Applicant advised – closed.
8. Applicant advised – closed.
9. Street will be closed by Works Staff – closed.

Resolution Number – 25210910 – Water Restrictions

Resolution

That the current Water Restriction level remains at Level 3 until the report regarding Water Allocations from the Oberon Dam is received.

Status

Awaiting receipt of Oberon Dam allocations review.

Resolution Number – 24210910 – Road Realignment – Road Closure and First Title Creation, Part Lot 1, Lots 2 – 11 in DP 753036, Hinton's Road, Isabella

Resolution

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

Status

Commenced.

Resolution Number – 23210910 – Road Closure and Sale, Proposed Lot 1 in DP 757068, Cnr Queen and Earl Streets, Oberon

Resolution

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

Status

Commenced.

Resolution Number – 22210910 – O'Connell/Oberon Road – Road Closure and Transfer, Lot 15 in DP 1142567

Resolution

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

Status

Commenced.

Resolution Number – 21210910 – Burruga and Black Springs Tips

Resolution

That the matter be deferred pending receipt of a further report to Council.

Status

See report to October 2010 Meeting.

Resolution Number – 18210910 – Sewells Creek Road

Resolution

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.

Status

For consideration in 2011-12 budget.

Resolution Number - 51170810 – Land Sale

Resolution

That a notice to complete the contract for purchase of land in accordance with the confidential staff report be served with the nominated settlement date of 31 December 2010.

Status

No further advice from purchasers solicitors.

Resolution Number – 43170810 – B-Double Routes

Resolution

That Councillor McCarthy and the Works Manager meet with representatives of Forests NSW regarding the utilisation of local roads for B-Double access.

Status

Meeting declined by Forests NSW. They are not using Mt David Road for 25m B-Doubles.

Resolution Number – 41170810 – Rural Fire Service

Resolution

That a letter be sent to the Minister and Local Member stating that as the Oberon Office is the Headquarters of the Chifley Zone, why does the Rural Fire Service continue to make appointments of senior staff based in Bathurst, particularly when Council contributes 40% to the running of the zone.

Status

Letter sent, awaiting response.

Resolution Number – 18170810 – Oberon Street Paving

Resolution

That the replacement of the damaged pavers in Oberon Street proceed using asphalt with a coloured and imprinted surface coat.

Status

Ongoing – planned for late October.

Resolution Number – 16170810 – Naming of Road running west off Gingkin Road

Resolution

That an advertisement be placed in the Oberon Review advising proposed new name “Mackie Road” and requesting any objections to be forwarded to Council within 30 days.

Status

No objections received, relevant authorities being advised.

Resolution Number – 05030810 – Proposed New Fire Control Centre Bathurst

Resolution

That the Team Manager, Chifley/Lithgow Rural Fire Service be advised that:

1. It is understood that the Oberon Fire Control Centre are the Headquarters for the Chifley Zone and Council would not support duplication of this facility at another location
2. Any allocation towards the construction of a new fire control centre will not be provided by Oberon Council
3. Council requests the RFS to investigate the costs and implications of dissolving the zone.
4. That the RFS be requested to justify why they are not using the headquarters at Oberon which are provided free of charge and paying market rent in Bathurst.
5. That the alternative to building a new Fire Control Centre in Bathurst be the evaluation of costs of expanding existing facilities in Oberon.

Status

Additional report to the September 2010 meeting – awaiting response from Superintendent Tom Shirt regarding financial details of the Zone/Team structure. When this information is received, Council will be further advised.

Resolution Number – 27200610 – Road Safety Grant Pilot Program

Resolution

That Council participate in the Road Safety Grant Pilot Program.

Status

Program commenced.

Resolution Number – 19200610 – Stormwater Harvesting Project

Resolution

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

Status

Draft funding agreement prepared.

Resolution Number – 05200610 – Golf Club Assistance

Resolution

1. \$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.

Status

Design commenced.

Resolution Number – 32180510 – Mayfield Bridge and Road Sealing

Resolution

That an invitation be extended to the Premier and the Minister for Tourism via the Member for Bathurst, Gerard Martin, inviting them to visit the Mayfield Garden facility following consultation with the owners of the facility with a view to obtain funding assistance for the Mayfield Road and Bridge.

Status

Report made to the September 2010 meeting advising Council's letters have been acknowledged. The Hon Jodi McKay MP, Minister for Tourism will be happy to meet with Oberon Council in relation to tourism issues in the LGA on any upcoming visit to the electorate. The Minister's office will contact Council when such a visit is arranged.

Resolution Number – 16180510 – Sloggetts Road Intersection

Resolution

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

Status

Application submitted. Await response.

Resolution Number – 46200410 – Traffic Education Park

Resolution

That staff be requested to evaluate possible sites for the location of a traffic education park for children and pursue grant funding opportunities with the RTA.

Status

Letter sent to RTA – awaiting response

Resolution Number – 12200410 – Bidly Bush

Resolution

1. Action be taken to continue to pursue having Bidly Bush declared a noxious weed and highlight the position in Cabonne Shire to the Upper Macquarie County Council, and
2. The Upper Macquarie County Council and the Livestock, Health and Pest Authority be requested to carry out an assessment of the economic impact of Bidly Bush in the area.

Status

1. Response received from the Upper Macquarie County Council declining to declare Bidly Bush a noxious weed. Discussed at the September 2010 meeting. The letter suggested an alternative spray is to be used to continue to endeavour to control the spread of Bidly Bush in the Oberon LGA. This has been actioned and new spraying methods are now in place. Matter Closed.
2. Has the request been made, actioned, done ?The request was made but no response to date.

Resolution Number – 36160310 – Kerbside Recycling

Resolution

That the recommendation be deferred until further investigation into the viability of introducing a kerbside recycling service can be undertaken.

Status

Ongoing

Resolution Number – 25171109 – Drought Management

Resolution

That the Minister for Water be requested to intervene and apply the measures for operation of the Oberon Dam in accordance with the confidential staff report.

Status

Commissioner for Water has commenced review and preliminary advice anticipated by October 20, 2010.

Resolution Number – 07171109 – Road Transfer

Resolution

1. All costs associated with the conversion and closure be met by the owner of Lot 7, DP 838411.
2. The owner of Lot 7, DP 838411 agree to purchase the closed road at the equivalent market value of adjoining subdivided lots and adjoining owners be offered the same arrangement.

Status

1. Survey complete.
 2. Owners agreement received and survey complete. Road closure process now in progress.
-

Resolution Number – 09201009 – Classification of Land

Resolution

That the following land be classified as Operational Land:

Lot 1 in DP 1126275
Lot 1 in DP 248152 and Lot C in DP 158146
Lot 44 in DP 846942

Status

Process commenced.

Resolution Number – 35210709 – Traffic Advisory Local Committee Meeting Minutes

Resolution

A median splitter island be constructed at the western end of Brien Rd at its intersection with Harris Rd.

Status

Raised pavement markers installed. Matter closed.

File: A1.2.1
Author: Leigh Robins
Date: 6 October 2010

12.02 Reports for Decision

12.02.01 Great Western Highway Reconstruction

Executive Summary

Councillor McCarthy has requested that the matter of the proposed intersection of Jenolan Caves Road with Great Western Highway be further discussed.

For Council decision

Recommendation

That transport companies utilising this section of the Great Western Highway be encouraged to make representations to the Roads and Traffic Authority to support an intersection upgrade which facilitates the construction of an underpass entry from the Jenolan Caves Road onto the Great Western Highway

Background

Senior Project Manager, Mr Chris Barnett from the Roads and Traffic Authority provided a briefing to Council at its July 20, 2010 meeting on the Roads and Traffic Authority's preferred route for the upgrade of the Great Western Highway from Mount Victoria to Lithgow.

Council resolved that the Roads and Traffic Authority be requested to consider the construction of a suitable underpass and slip lane at the intersection of the Great Western Highway and Jenolan Caves Road.

Statutory Environment

N/A

Policy Implications

N/A

Financial Implications

N/A

Strategic Implications

N/A

Officers Comment

Nil

Consulted With

General Manager

File: E31.1
Author: Leigh Robins
Date: 11 October 2010

12.02.02 Land and Property Management Authority proposal to close various Crown Roads

Executive Summary

The Land and Property Management Authority (LPMA) propose to close a number of un-used Crown Roads located in the Oberon Local Government Area.

This proposal has come about as these roads appear to the LPMA to be no longer required.

For Council decision

Recommendation

1. That Council opposes the closure of 40 Campbells River Road, Black Springs.
 2. That Council make no objection to the closure of the other six roads listed.
-

Background

The Land and Property Management Authority have written to Council advising their intentions to close a number of Crown Roads.

There are seven Crown Roads in total, listed below; (Road maps attached)

1. Acqualoria, 380 Campbells River Road, BLACK SPRINGS NSW 2787
Applicant – G and M Mazzotti and LML Turner
2. Forest Home, 2684 Abercrombie Road, BLACK SPRINGS NSW 2787
Applicant – LJ and DW Grady
3. 104 Golden Valley Road, DUCKMALOI NSW 2787
Applicant – Birketu Pty Ltd
4. 40 Campbells River Road, BLACK SPRINGS NSW 2787
Applicant – A and JM Giovannetti
5. 165 Goughs Road, HAZELGROVE NSW 2787
Applicant – WE and KA Sales
6. 692 Nunans Hill Road, HAZELGROVE NSW 2787
Applicant – Apaezu Pty Ltd
7. 476 Nunans Hill Road, HAZELGROVE NSW 2787
Applicant – RW Weber and S Woodhouse

An advertisement was placed in the Oberon Review on the 23rd September advising of the LPMA's intentions to close the roads and inviting submissions from relevant authorities and adjoining land owners concerning the proposals.

Attachments



101011 - Maps -
Crown Road closures.



101011 - Email -
Crown Road closures.

Statutory Environment

The LPMA is taking this action under the Crown Lands Act 1989.

Policy Implications

There are no relevant Council policies.

Financial Implications

Nil Cost to Council

Strategic Implications

Nil Identified.

Officers Comment

Mrs Christine Healey contacted the Engineering Department via phone and email to voice her concern about the closure of one of the Crown Roads.

The Road in Question being the below;

4. 40 Campbells River Road, BLACK SPRINGS NSW 2787
Applicant – A and JM Giovannetti

Mrs Healey has identified that this road provides access to the historic Old Black Springs Cemetery, which is acknowledged in various tourist brochures. The cemetery houses the gravesites of residents from the area dating back to the mid-1800s.

Mrs Healey feels that closing this road would prevent visitors from being able to access the cemetery.

She stated that she has spoken to a representative from State Forests who noted that the roads currently being used to access the cemetery are forestry roads, which are not official roads and could be closed at any time. If this were to happen there would be no legal access to the cemetery.

Mrs Healey also suggested that if the closure did not go ahead, that the surface of the road be upgraded in the future to improve access for visitors.

Mrs Healey has also been advised to send her objection to the LPMA in writing as advised in their advertisement.

There appears to be no reason for the other six closures not to proceed.

Consulted With

Leigh Robins – Director of Engineering
Ian Tucker – Works Manager
Christine Healey - Landowner

File: E31.6.2
Author: Matilda Dwyer
Date: 6 October 2010

12.02.03 Black Springs and Burruga Tips

Executive Summary

Further costing information is now provided for several options for operating the tips at Burruga and Black Springs.

For Council decision

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.

Background

A report was submitted to Council's June meeting about the high cost of operating the transfer stations at Burruga and Black Springs, for the small volumes of waste deposited. A copy of this report is provided at Attachment A.

A further report to the September meeting set out the cost of savings if the hours are reduced (Attachment B). Council deferred a decision pending further detailed information.

Letters from the Burruga Progress Association and Burruga Mill are also attached (Attachment C and D). The Black Springs Progress Association prefers a weekend opening.

Attachments



101013 Report



101013 Report



101013 - Letter



101013 - Letter

15.06.10 Black Spring:21.09.10 Black Spring:Burruga and District CAustralian United Timt

Statutory Environment

Both tips are small and operate as transfer stations, so there are no legal implications. Operating hours are entirely a matter for Council.

Policy Implications

There are no policies relating to waste disposal.

Financial Implications

The costs and revenue relating to the various opening hours options are as follows:

Opening Hours at Each Tip	Operated By	Annual Cost to Council	Annual Revenue to Council
2 hours twice weekly (current)	Contractor	\$33,200	\$0 (fees are retained by the contractor)
2 hours twice weekly	Council	\$64,400	\$5,000
1 hour once weekly, weekday	Council	\$22,900	\$5,000
1 hour once weekly, weekend	Council	\$30,200	\$5,000

Note there are some additional costs, e.g. for removal of scrap metal, but these remain the same regardless of which option is chosen.

Strategic Implications

Nil identified. The Management Plan mentions the provision of transfer stations at Burruga and Black Springs, but does not specify opening days or hours.

Reducing the opening hours could save approximately \$8,000 per annum depending on the option chosen.

Officers Comment

If Council decides to reduce the opening hours, a revised price will be obtained from the contractor. If this is cheaper than Council providing the service in-house, the contract arrangement will continue.

If the contractor continues to provide the service, even with the hours unaltered, the price will be renegotiated so the fees are returned to Council. This is for probity reasons.

Consulted With

Director of Engineering
Burruga Mill
Current Tip Contractor

Burruga Progress Association
Black Springs Progress Association

File: E35.1
Author: Ian Tucker
Date: 7 October 2010

12.02.04 Proposal to Establish an Alcohol Free Zone

Executive Summary

At its 18 May 2010 Ordinary Meeting, Council considered a report about the current Alcohol-Free Zones which exist in Oberon Street from North Street to Duckmaloi Road and in The Common.

The consultation process has now been completed, and an extension of the zones for a further four years is recommended.

For Council decision

Recommendation

That:

1. An advertisement be placed in the Oberon Review advising that Oberon Street from North Street to Duckmaloi Road and in The Common from 10pm to 6.00am will be alcohol free zones, from 1 March 2011 for four years until 28 February 2015.
 2. Signs be placed at the outer limits of the zones, at the site of specific trouble spots (as indicated by the police) and at other suitable intervals within the zones.
 4. The zones be reviewed in 2015, or as the need arises.
-

Background

At its 18 May 2010 Ordinary Meeting, Council considered a report about the current Alcohol-Free Zones which exist in Oberon Street from North Street to Duckmaloi Road and in The Common during the hours 10.00pm to 6.00am. The existing zones will expire on 28 February 2011.

Council resolved as follows:

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

As required by legislation, a public notice was placed in the Oberon Review and a letter was sent to The Oberon Police Station, the Pejar Aboriginal Land Council, the Mingaan Aboriginal Corporation, the Anti-Discrimination Board of NSW and licensees in the affected areas inviting submissions on the proposal.

Two submissions have been received during the consultation period, and both submissions supported the proposal. A copy of the submissions is provided for Council's information.

Attachments



101011 Submissions re Alcohol Free Zones



101009 Staff Report to 18 May 2010 Ordinance

Statutory Environment

Section 644 and 646 of the Local Government Act (LGA) 1993. Council is now able to approve the extension of the zones.

Policy Implications

There are no relevant policies.

Financial Implications

Total cost to supply and erect new signs is approximately \$2,000. This can be funded from existing budgets.

Strategic Implications

This is not covered in Council's Management Plan.

Officers Comment

The consultation process has now been completed, with no objections received. A formal decision is required to extend the zones for a further four years. The new signs will be larger than the existing signs.

Consulted With

Oberon Police
NSW Anti-Discrimination Board
Pejar Aboriginal Council
Mingaan Aboriginal Corporation
Affected Licensed Premises

File: E31.1
Author: Ian Tucker
Date: 8 October 2010

13 General Manager Reports

13.01 Reports for Information

Recommendation

That the General Manager Reports for Information as presented in Report 13.01.01 to 13.01.02 of the Business Papers be received and noted by Council.

13.01.01 Monthly Update

The following items are presented for Councillors information and are reflective of the period September 1 to the date the report was written, being October 13 2010. This report will develop over time to be more inclusive and reflective of tasks I have undertaken and matters that have been progressed.

If a matter has been commented on by a Director, for example an update on a planning matter by the Director of Development, it won't be repeated here.

1. Staff Matters

a) Executive Management

The Executive Management Team (EMT) consists of the three Directors and the General Manager. The EMT replaces the old MANEX structure.

EMT meets on a weekly basis to discuss and progress matters of significance to Council as a whole, or matters that involve input and action from two or more divisions.

EMT reviews the minutes from each Council meeting and Directors take sole responsibility for items that require action from the resolutions made by Council. Directors then delegate these matters to their teams of staff as is appropriate.

Additionally the General Manager and each Director meet once a week for 'one on one meetings'. These meetings progress any matters that are the sole responsibility of that Director.

These weekly meetings will continue for the foreseeable future until I feel that I am across the current operating environment that is Council.

b) General Staff

I am commencing a series of meetings with individual staff to better understand our employees, their strengths, motivations and aspirations. I am expecting to discover some hidden talents and some 'diamonds in the rough' through this process.

Each Monday I will meet individually with three staff members for 20 minutes each and discuss how they see their role with Council, what motivates them to keep working with Council and where they see themselves in future years.

c) Union Meeting

On October 8 2010 the United Services Union (USU) requested to hold a mass meeting of indoor and outdoor members to vote on the new Local Government State 2010 as negotiations have concluded. The Local Government Shires Association had given approval for one (1) hour paid meeting to access members for the vote.

The USU mass meeting is to be held on the afternoon of Thursday October 14 as a joint Oberon USU members meeting for outdoor/indoor. It is being coordinated by Shane Reece from the Bathurst office of the USU.

2. Work Place Health and Safety Matters

a) General

The Work Place Health and Safety meeting planned for October 14 has been postponed due to a clash with afore mentioned union meeting.

b) Incidents

Employee One

Incident	Covering rock with tarp when the wind caught the tarp and the employee was pushed over.
Time Lost	no time off work.
Remedial Action	None required, matter closed.

Employee Two

Incident	Sustained pain in both hands, suspected carpal tunnel.
Time Lost	Use of accrued leave, sent for StateCover assessment, injury deemed not work related by the assessor.
Remedial Action	Work duties have been modified to allow for a substantial return to duties. Continuation of this action for the next week.

3. Attendance at External Meetings and Conferences

In my capacity as General Manager for Oberon Council I have attended the following meeting:

- A number of meetings with Electoral Commission officers to facilitate and coordinate the upcoming by-election.
- PBM Caprime meeting to discuss a number of matters.
- Bathurst Information and Neighbourhood Centre (BINC) meeting to discuss the application for funding to provide an Oberon Neighbourhood Hub in partnership with Council.
- Veolia Mulwaree Trust meeting to discuss funding opportunities with their organisation.
- Burruga School meeting with the Mayor and Councillor Handelsmann.

- Meeting with Brett Moore, the Mayor, Councillor McCarthy and the Director of Development regarding the construction of the Community Centre extension.
- Oberon High School students during Local Government Week, with the Mayor and Council officers.
- Meeting with Chase McPhail (Country Energy) and the Mayor.
- Meeting with the Mayor and the Member for Bathurst, Gerard Martin.
- Meeting with the Mayor and Federal Member for Calare, John Cobb.
- Meeting with Christine Parker and Jill Evans regarding the removal of the tree at the Community Centre.
- Meeting with the Mayor and the Oberon RSL Sub-branch regarding the Ataturk Stone installation.
- Meeting with the Mayor and Mark Boffa with regards the aged care facility development.
- The Oberon and Tarana Heritage Rail meeting.
- The Men's Shed meeting.
- Jardine Lloyd Thompson, Council's insurance broker, with the Director of Corporate Services and Council's Corporate Planner.
- Meeting with an ex-Council employee to discuss matters of concern.
- The remaining members of what was the Swimming Pool Advisory Committee to consult with them with regards the disposal of the surplus to requirement gym equipment.
- Inspection of the Borg Industries MDF facility.

4. Committee Meetings

I have attended the following committee meetings to better understand the role of these committees as they relate to Council. Given my current status of not really knowing a great deal I made little contribution to these meetings, but I found them informative and useful.

- The Library Committee
- The Heritage Committee
- The Events Committee
- The Promotions Committee
- The Heritage Timber Walk Committee

5. Calender



Calendar October
2010.doc



Calendar November
2010.doc

6. Grants

None to report

7. Use of Reportable Delegations

None to report

8. Economic Development

I have had an initial briefing with Council's economic development officer.

9. Regional Matters

None to report

10. Other Matters

None to report

File: A1.2.1
Author: Leanne Mash
Date: 13 October 2010

13.01.02 General Manager Status Report

Resolution Number – 46210910 – Legal Advice from Marsden’s Law Group – Proposed Class 4 Proceedings

Resolution

That the General Manager be requested to deal with the matter and report back to Council.

Status

No progress to date.

Resolution Number – 40210910 – Upper Macquarie County Council

Resolution

That the General Manager be requested to contact Forests NSW with a view to discussing options for the control of Bidy Bush in the Local Government Area.

Status

Mayor raised the matter in a phone call with Forest NSW. Await response.

Resolution Number – 16210910 – Delegates to External Committees

Resolution

That:

- a) Councillor Handelsmann be appointed as Council’s delegate to Arts Out West.
- b) Councillor Handelsmann be appointed as the alternate delegate to the Oberon Plateau Tourism Association.
- c) Councillor Handelsmann withdraws as the delegate for the Lachlan Regional Transport Committee Incorporated
- d) Delegates to remaining committees and external organisations be deferred until the November Ordinary Meeting following the by-election.

Status

- a) Letter advising of appointment to be written.
 - b) Letter advising of appointment to be written.
 - c) Letter advising of appointment to be written.
 - d) Action required for the November 2010 meeting.
-

Resolution Number – 57170810 – Life Education Van

Resolution

That a letter of appreciation be forwarded to Graham Burke of Burkes Transport, Bathurst for his community contribution by transporting the Life Education Van to Oberon and Black Springs.

Status

Letter sent – matter closed.

Resolution Number – 18200610 – Motor Vehicle Policy

Resolution

That the information be received and noted and referred to the new General Manager for review and comment.

Status

Review planned.

Resolution Number – 02160210 – Ataturk Stone

Resolution

That a committee be established comprising the Mayor, Councillor Hooper and Senior Staff to liaise with the RSL Sub-branch to develop a program to support the installation of the Ataturk Stone, a monument commemorating our relationship with Eceabat.

Status

Meeting at the RSL with the Mayor and General Manager held September 29 2010.
Matter closed – see the Monthly Update from the Director of Engineering for further details.

Initial meeting held.
Grant application successful.

Resolution Number – 59151209 – Lease to MJBA Pty Limited – Jenolan Caravan Park

Resolution

A new rental agreement be entered into with MJBA Pty Limited, commencing on 16 December 2009 in accordance with the document provided by the Minister for Lands and the term of the period be 20 years with no options to renew.

- a) The assessed annual rental increase be phased in over the next two years to \$19,635.00 with CPI increases being made in accordance with the current standard formula.
- b) Authority be given to execute the lease document under the Common Seal of the Council.
- c) The General Manager be requested to ascertain the differential costs between \$10 million and \$20 million Public Liability Cover with a view of having a \$20 million policy established.

Status

Agreement reached – awaiting Department of Lands authority on behalf of Minister.

Resolution Number – 17201009 – Living Treasures

Resolution

That staff be requested to investigate the cost and funding of the next round of Living Treasures and that the Oberon Arts Council and Rotary be consulted with regard to the project.

Status

Letters sent – awaiting response.

Resolution Number – 35161208 – Oberon – Hazelgrove Walking Track

Resolution

That upon securing a lease over the walking track corridor between Oberon and Hazelgrove Stations, a sublease to provide access to Lot 3 DP 1080555 be granted.

Status

Awaiting lease document approval.
Alternative access off walking track now approved for construction.

Resolution Number – 07120808 – Proposed Lease of Oberon Railway Station Precinct

Resolution

That:

- a) The Australian Railtrack Corp be requested to transfer the existing lease of the Oberon Railway Station from the Oberon District Museum Society to Council.
- b) Once the lease has been transferred a new S355 Committee be formed.
- c) The Museum Society, OTHR and representatives of the Walking/Riding groups be advised of Council's decision.

Status

Museum lease has been signed. Lease for License for Walking Track is awaiting a risk assessment concerning the interface between the proposed operational track and walk/cycle track.

File: A1.2.1
Author: Leanne Mash
Date: 6 October 2010

13.02 Reports for Decision

13.02.01 Upcoming Meetings

Executive Summary

A summary of meeting and conference opportunities for the coming months is provided. These include:

- LGMA 2010 Year of Women in Local Government - Lifting the Lid Forum - Dubbo
 - Invitation Focus Group – “Modernising Local Government” - Dubbo
 - CENTROC Board Meeting – Harden
-

For Council decision

Recommendation

1. That no Councillor attend the LGMA 2010 Year of Women in Local Government - Lifting the Lid Forum.
 2. That the Mayor and General Manager attend the Focus Group – “Modernising Local Government”.
 3. That the Mayor and General Manager attend the CENTROC Board Meeting in Harden.
-

Background

1. **LGMA 2010 Year of Women in Local Government - Lifting the Lid** hosted by Regional Development Australia - Orana NSW "Lifting the Lid" is a rural, regional and remote Australia national forum to celebrate the 2010 Year of Women in Local Government. Being held on Wednesday 20 October 2010 and Thursday 21 October 2010 at the Dubbo Regional Theatre and Convention Centre.

Cost \$165 per person (includes Twilight Reception and Full Day Forum) plus travel and accommodation expense.

2. **Invitation Focus Group – “Modernising Local Government”** will be held at the Dubbo City Council on Tuesday 9th November from 10am to 2pm. The Mayor and General Manager have registered to attend this meeting.

Morning Tea and Lunch is provided and there is no charge to attend the meeting, however travel costs would be incurred to attend.

3. **CENTROC Board Meeting – Harden.** The CENTROC Board meets on a bi-monthly basis and rotates between the member Councils. The next meeting will be held in Harden on 3 December 2010. It is customary for the Mayor and General Manager to attend this meeting.

There is no cost to attend the meeting, however due to the distances involved travel, accommodation and related costs would be incurred.

Attachments



101012 - YOWLG
forum flyer_RDA Oran

Statutory Environment

Policy Implications

Financial Implications

There is an allocation in the 2010-11 budget for meeting attendance.

Strategic Implications

Officers Comment

Consulted With

File: A1.2.1
Author: Leanne Mash
Date: 12 October 2010

14 Closed session reports

- 14.01.01 Tasman Estate
- 14.01.02 Investments – Legal Action Update
- 14.01.03 Potential Public Liability Claims Register
- 14.01.04 Draft Land Use Strategy (Version Three)

15 New business of an urgent nature admitted by Council

Recommendation

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

16 Closure of meeting

The next Ordinary Meeting of Oberon Council is 16 November 2010, commencing at 5.30pm.