

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: council@oberon.nsw.gov.au



OBERON COUNCIL

*Agenda and Business Papers
Oberon Council Ordinary General Meeting
Tuesday 14 December 2010
5.30pm Council Chambers*

5.30pm	Opening of meeting
5.30pm – 5.45pm	Presentation from Natural Asset Protection Agency
8.00pm - 8.30pm	Dinner

01	OPENING OF MEETING	3
02	PRAYER	3
03	RECORD OF ATTENDANCE	3
04	QUESTIONS FROM THE PUBLIC	3
05	CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)	4
06	DECLARATIONS OF INTEREST	4
07	MAYORAL MINUTE AND REPORT	5
08	COUNCILLOR REPORTS	7
09	DELEGATES REPORTS	7
09.01.01	TIMBER HERITAGE WALK COMMITTEE	7
09.01.02	TRAFFIC ADVISORY LOCAL COMMITTEE	9
09.01.03	EVENTS COMMITTEE MEETING MINUTES	11
10	DIRECTOR OF DEVELOPMENT REPORTS	13
10.01	REPORTS FOR INFORMATION	13
10.01.01	MONTHLY UPDATE REPORT – DEVELOPMENT DEPARTMENT	13
10.01.02	OBERON COUNCIL SUPPLEMENTARY REPORT STATE OF THE ENVIRONMENT REPORT.....	17
10.01.03	DIRECTOR OF DEVELOPMENT STATUS REPORT.....	19

10.02	REPORTS FOR DECISION	25
10.02.01	DEVELOPMENT APPLICATION: 10.2009.225.1.	25
10.02.02	MUDGEES STONE COMPANY PTY LTD (OBERON WHITE GRANITE QUARRY PROJECT) - EXHIBITION OF ENVIRONMENTAL ASSESSMENT	33
10.02.03	DEVELOPMENT APPLICATION 10.2010.87.1	35
11	DIRECTOR OF CORPORATE SERVICE REPORTS	38
11.01	REPORTS FOR INFORMATION	38
11.01.01	MONTHLY UPDATE REPORT – DEPARTMENT OF CORPORATE SERVICES.....	38
11.01.02	STAFF APPOINTMENTS	40
11.01.03	STATEMENT OF BANK BALANCES AND INVESTMENTS	42
11.01.04	INTERNAL AUDIT COMMITTEE.....	44
11.01.05	DIRECTOR OF CORPORATE SERVICES STATUS REPORT.....	45
11.02	REPORTS FOR DECISION	55
11.02.01	2011 INTERNATIONAL WOMEN’S DAY	55
11.02.02	REQUEST FOR DONATION COUNTRY WOMEN’S ASSOCIATION.....	57
12	DIRECTOR OF ENGINEERING REPORTS.....	59
12.01	REPORTS FOR INFORMATION	59
12.01.01	MONTHLY UPDATE REPORT – ENGINEERING DEPARTMENT	59
12.01.02	DIRECTOR OF ENGINEERING STATUS REPORT	63
12.02	REPORTS FOR DECISION	71
12.02.01	CENTROC WATER ALLIANCE.....	71
12.02.02	HUME STREET TREE	73
12.02.03	SCHUMACHERS ROAD	75
12.02.04	COMMERCIAL WASTE DISPOSAL	77
13	GENERAL MANAGER REPORTS	79
13.01	REPORTS FOR INFORMATION	79
13.01.01	MONTHLY UPDATE REPORT – GENERAL MANAGER	79
13.01.02	GENERAL MANAGER STATUS REPORT.....	83
13.02	REPORTS FOR DECISION	88
13.02.01	BROADBAND SUBMISSION.....	88
13.02.02	UPCOMING MEETINGS.....	90
14	CLOSED SESSION REPORTS.....	92
14.01.01	REQUEST FOR REDUCTION IN TIPPING FEES	92
14.01.02	SHOOTERS HILL FORESTRY ROADS CONSTRUCTION	92
14.01.03	OUTSTANDING RATES, CHARGES AND LEGAL COSTS.....	92
14.01.04	PUBLIC LIABILITY CLAIMS REGISTER.....	92
14.01.05	INVESTMENTS – LEGAL ACTION UPDATE	92
15	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	92
16	CLOSURE OF MEETING	92

01 Opening of Meeting

The Mayor welcomed members and declared the meeting open at

02 Prayer

The Meeting was opened in prayer by

03 Record of Attendance

Members Cr Keith Sullivan, Mayor - Chair
 Cr John McMahon, Deputy Mayor
 Cr Ian Doney
 Cr Don Fitzpatrick
 Cr Neil Francis
 Cr Kerry Gibbons
 Cr Zsuzsanna Handelsmann
 Cr Bob O'Bernier

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

Apologies Cr Clive McCarthy

Recommendation:

That apologies be received and accepted for the non-attendance of Cr Clive McCarthy.

04 Questions from the Public

None received.

05 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 16 November 2010

Attachment



011116 Unconfirmed
Minutes 16 November

Recommendation

That the Minutes of the duly convened Ordinary Meeting held on 16 November 2010 be taken as read and confirmed.

Matters Arising from the Minutes

Nil

06 Declarations of Interest

Pecuniary -

Conflicts -

Staff -

07 Mayoral Minute and Report

A. Meetings

Meetings attended since my last report include:

1. Community Safety Precinct Committee Meeting, Blayney – 15 November 2010
2. Meet with members of RSL Sub-branch regarding the Official Opening of the Ataturk Stone – 16 November 2010
3. Ordinary Council Meeting – 16 November 2010
4. In conjunction with the General Manager met with Minister for Broadband, Communications and the Digital Economy, Senator Conroy and Member for Calare John Cobb – 17 November 2010
5. Meeting with Black Springs Resident – 23 November 2010
6. CENTROC Board Meeting – 25 November 2010
7. Meeting with Office of Water regarding the review of the Fish River Water Scheme – 1 December 2010
8. Timber Heritage Walk Committee Meeting – 6 December 2010
9. Heritage Committee Meeting – 6 December 2010
10. Councillor Confidential Discussion Meeting – 7 December 2010

B. Representation

Council was represented at the following:

1. Remembrance Day Service – Oberon RSL Sub-branch – 11 November 2010
2. Book Launch “For All We Are” by local poet Brian Beesley – 28 November 2010
3. Oberon Christmas Street Party – 3 December 2010
4. St Joseph’s Year 10 Graduation – 3 December 2010
5. Black Springs Public School end of term assembly – 6 December 2010
6. Oberon Business Awards Dinner – 8 December 2010

C. Correspondence

Correspondence received included:

1. Burruga Public School – invitation to attend Annual Presentation Evening on 14 December 2010
2. From Oberon High School – invitation to attend Annual Presentation Evening on 9 December 2010
3. Invitation to attend a Celebration of 10 years of World Heritage for the Greater Blue Mountains
4. Australian Local Government Association regarding the findings of a report into local road funding
5. Parkes Shire Council regarding a Proposed Promote Our Regional Towns and Shires (PORTS) Project

6. Murray River Group of Councils and Greater Shepparton City Councils invitation to attend a meeting of Murray Darling Basin Councils in Canberra on 22 November 2010
7. Invitation to Blue Mountains, Lithgow, Oberon Tourism AGM and Dinner to be held on 29 November 2010
8. Balonne Shire Council regarding responses to the Guide to the Draft Murray Darling Basin Plan
9. Insight Communications seeking Council's participation in 2011 Ovarian Cancer Awareness Month
10. Invitation to the launch of "For All We Are" a book by local poet Brian Beesley
11. Invitation to attend the Friends of Oberon Library Christmas Luncheon to be held on Tuesday 14 December 2010
12. Lord Mayor's Office of Parramatta City Council regarding a "Save Our Suburbs" campaign
13. Bathurst Regional Council regarding the State Government Water Review
14. Life Education Australia Christmas Appeal
15. Mayor of Eceabat regarding the Official Opening of the Ataturk Stone
16. Shires Association of NSW – Special Shires Association 1 Day Conference – One Association to be held on 23 February 2011

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 09.01.03 of the Business Papers be received and noted by Council.

09.01.01 Timber Heritage Walk Committee

Executive Summary

Minutes of the Timber Heritage Walk Committee meeting held on the 11 October 2010 should be received and ratified by Council.

For Council Information

Recommendation:

That the Minutes of the Timber Heritage Walk Committee held on the 11 October 2010 be received for information.

Background

The Minutes of the Timber Heritage Walk Committee Meeting held on 11 October 2010 have now been prepared and should be confirmed by Council.

Attachments



11 Minutes 11
October 2010.docx

Statutory Environment

The Timber Heritage Walk Committee is a Section 355 Committee of Council.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Officers Comment

Nil

Consulted With

Not Applicable

File No: A2.27
Author: Ralph Tambasco
Date: 1 December 2010

09.01.02 Traffic Advisory Local Committee

Executive Summary

Minutes of the Traffic Advisory Local Committee meeting held on the 2 December 2010 are attached for Council's information.

For Council Decision

Recommendation:

1. That the Minutes of the Traffic Advisory Local Committee Meeting held on 2 December 2010 be accepted.
 2. That a 60m section of Dudley Street, north from Oberon Street, be closed on 18th December 2010 between 10:00am and 1:00pm.
-

Background

The Traffic Advisory Local Committee Meeting was held on 2 December 2010 and several matters were discussed.

The Committee has received a request to close a short section of Dudley Street on 18 December 2010 for the Official Unveiling of the Ataturk Stone which will be held at the RSL Park. The committee recommends Council endorse the road closure for this event.

Attachments



12 December 2, 2010
- Minutes TALC.docx

Statutory Environment

Traffic regulation powers are delegated to Council on the condition that matters are first considered by a Traffic Committee which complies with the delegation document.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Officers Comment

Nil

Consulted With

Not Applicable

File No: A2.2
Author: Ian Tucker
Date: 3 December 2010

09.01.03 Events Committee Meeting Minutes

Executive Summary

Minutes of the Events Committee meeting held on the 7 December 2010 are attached for Council's information.

For Council Decision

Recommendation:

That:

1. The Minutes of the Events Committee Meeting held on 7 December 2010 be accepted.
 2. The Photographic Competition be relocated for inclusion in the Oberon and Villages Spring Garden Festival program, to be judged at the conclusion of the festival and the theme for the 2011 competition be Celebrations and Festivals of Oberon, with a junior section.
 3. The Festivals Marketing & Promotional Plan for 2011 as presented and amended be endorsed by Council.
-

Background

The Events Committee Meeting was held on 7 December 2010 and discussion was held regarding the 2010 Oberon and Villages Spring Garden Festival, the 2010 Christmas Street Party and planning for the 2011 Oberon and Villages Summer Festival.

The 2010 Oberon and Villages Spring Garden Festival was coordinated by the Oberon Visitor Information Centre. Discussion was held regarding the potential for the Oberon Garden Club to coordinate future events. It was agreed that it may be more appropriate to conduct the Spring Gardens displays at a later time when gardens are more advanced.

The 2010 Christmas Street Party was held at the Oberon High School due to wet weather. Consideration will be given to revising the format for future events.

A review of the plans for the 2011 Oberon and Villages Summer Festival was also discussed and a marketing plan was tabled at the meeting and is attached for Councils information and endorsement.

Attachments



12 Minutes 7



101214 - 2011

December 2010.docx Festivals Marketing Pl:

Statutory Environment

Traffic regulation powers are delegated to Council on the condition that matters are first considered by a Traffic Committee which complies with the delegation document.

Policy Implications

Nil

Financial Implications

Provision is made in the 2010/2011 budget for festival activities.

Strategic Implications

Nil

Officers Comment

Nil

Consulted With

Director of Corporate Services

File No: A2.5
Author: Sharon Swannell
Date: 8 December 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 10.01.03 of the Business Papers be received and noted by Council.

10.01.01 Monthly Update Report – Development Department

The following items are presented for Councillor's information and are reflective of the period November 1 to November 30 2010.

1. Determinations for the Month of November 2010

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

a) Development Applications	9
b) Construction Certificates	5
c) Complying Development Certificates	0
d) Subdivision Certificates	3
e) Section 68 Applications	4
f) Applications Refused	Nil

A complete list of the determinations is included below for Council's information:

Ref No	Development Type	Street Address	Locality
10.2010.73.1 11.2010.73.1	Additions to Dwellings	3 Oberon Street	Oberon
19.2009.18.1	On Site Waste Water	960 Hazelgrove Road	Hazelgrove
10.2010.66.1	Gravel Quarry	50 Sewells Creek Road	Oberon
10.2010.43.1	Engineering Workshop and Associated Office	10 Sirius Street	Oberon
10.2010.61.1 11.2010.61.1	Additions to Oberon Tennis Complex	1-31 Cunynghame Street	Oberon
11.2005.326.1	Construction Certificate for Access	Lots 6,7,8,9 and 10 - 549 Gingkin Road	Gingkin
15.2004.343.1	Subdivision Certificate (4 lot Subdivision)	132 Mayfield Road	Mayfield
15.2010.62.1	Boundary Adjustment	856 and 784 Carlwood Road	O'Connell

10.2008.149.2 19.2010.30.1	New Dwelling and On Site Waste Water	484 Meadows Road	Hazelgrove
10.2010.45.1 11.2010.45.1 19.2010.16.1	New Dwelling and On Site Waste Water	165 Goughs Road	Hazelgrove
15.2009.200.1	Subdivision Certificate	12 Dart Street	Oberon
10.2010.79.1	Home Industry	57 Queen Street	Oberon
10.2010.83.1	Boundary Adjustment	3008 Abercrombie Road	Black Springs
10.2010.78.1	Subdivision for the purpose of Agriculture	1589 Edith Road	Edith
10.2010.82.1 11.2010.82.1 19.2010.28.1	Additions to Dwellings and On Site Waste Water	55 Marks Crescent	Titania Park

Copies of Determinations are available for inspection free of charge during normal business hours from the Council's Office

2. Certificates Issued During the Month of November 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 November the following certificates were issued:

- a) 20 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) Four Section 735A Certificates were issued.
Section 725A Certificates as to Notices – issued under Section 735A of the Local Government Act, 1993.
- c) Two 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 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 November 2010. The following details concerning the Animal Pound are for the month of November 2010.

Details	Number of Cats	Number of Dogs
Animals carried over from previous month	0	1
Animals Seized	0	3
Animals Abandoned	3	3
Animals Surrendered	0	0
Animals released to Owner	0	3
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	2	0
Animals Destroyed	0	0
Animals Sold	0	1
Animals died at Council's facility	0	0
Animals Escaped/Stolen	0	0
Animals still in the Pound	1	3

4. 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 November 2010.

a) Building Inspections	29
b) Food Inspections	0
c) Environmental Inspections (Air Pollution/Noise Pollution/Water Pollution)	0
d) Subdivision Certificate Inspections	3
e) Complaints (Includes Animal Control)	8
f) Building Maintenance Inspections	3

5. Attendance at Seminars/Conferences/Short Courses or Meetings with Stakeholder Groups or Individuals

As part of Continuing Professional Development (CDP), staff are encouraged to attend suitable seminars, conferences, and short courses to keep abreast of changes in legislation and in the industry. In addition staff attend meetings of any relevant Regional Committees, such as Reference Panels as representatives of Oberon Council.

The Manager of Health and Building and the General Manager attended the GIPA Legislation and Impact on Councillor's and Staff Information Session held at Orange on the 26 November 2010.

On the 3 December 2010, the Director of Development attended a free technical information session organised by the Department of Planning in Parramatta on the expansion of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). The Manager of Health and Building attended the same seminar on the 2 December 2010 in Sydney and the Senior Development Control Officer attended the same seminar on the 8 December 2010 in Dubbo.

File No: A1.2.1
Author: Ralph Tambasco
Date: 1 December 2010

10.01.02 Oberon Council Supplementary Report State of the Environment Report

Executive Summary

Under the Local Government Act 1993, a Council must produce a Comprehensive State of the Environment Report (SOE) for the year ending after each election of Councillors. A Supplementary Report is required every other year. Preparation of the Regional Supplementary SOE Report provides the opportunity for smaller, under-resourced Council's to use this method to meet statutory reporting requirements.

In 2008-2009 Oberon Council participated in the preparation of a Comprehensive Regional SOE Report with 16 other participating CENTROC Councils. The Report was funded by the Central West Catchment Authority with contributions from the 17 participating Council's.

The same 17 Council's together with the Central West CMA participated in the preparation and printing of the 2009- 2010 Supplementary Regional SOE Report.

A hard copy of the report is included as a separate document with the Business Paper.

For Council Information

Recommendation:

That the information be received and noted.

Background

Under the Local Government Act 1993, a Council must produce a Comprehensive State of the Environment Report (SOE) for the year ending after each election of Councillors. A Supplementary Report is required in intervening years.

In 2008-2009 Oberon Council participated in the preparation of a Comprehensive Regional SOE Report with 16 other participating CENTROC Councils. The Report was funded by the Central West Catchment Authority with contributions from the 17 participating Council's. The same 17 Council's together with the Central West CMA participated in the preparation and printing of the 2009- 2010 Supplementary Regional SOE Report.

As there is a Supplementary Report, it primarily covers trends in environmental indicators and responses in 2009- 2010 and compares this to the previous Reports.

The NSW Government recommends Regional SOE Reports as they enable a better understanding of the state of the environment in a regional context and to identify future collaborative pathways. The report has been prepared using a common set of environmental indicators to capture data which allows comparison of trends and changes across the Greater Central West Council areas.

Copies of the 2009-2010 Supplementary Regional State of the Environment Report are also available on Council's website www.oberon.nsw.gov.au.

Preparation of Comprehensive and/or Supplementary Regional SOE Reports provides the opportunity for smaller Councils lacking the necessary staffing and financial resources to use it to meet statutory reporting requirements.

Improving the accuracy of data is an ongoing project but unfortunately, owing to a lack of adequate resource, is a task that Council cannot undertake properly. Therefore, participation in a Regional SOE initiative is encouraged and should be continued. As the quality of available data continues to improve, the ability to provide meaningful analysis of trends will also improve.

Attachments

Nil

Statutory Environment

Local Government Act 1993

Policy Implications

Nil

Financial Implications

All 17 CENTROC Councils participating in the Regional SOE Report were required to contribute \$2,750 (including GST), with the Central West Catchment Authority funding the bulk of the cost preparing the Supplementary Regional SOE Report. The allocation was allowed for in Council's budget.

Strategic Implications

As part of Council's Integrated Planning and Reporting Framework to guide its future strategic planning and reporting, Councils are required to develop environmental objectives with their communities in relation to local environmental issues. These environmental objectives form part of Council's overarching Community Strategic Plan and the SOE issued to inform this Plan.

Officers Comment

Participation in any Regional SOE initiative is encouraged and should be continued as this is a huge task that Council cannot undertake on its own for the same budgetary commitment.

Consulted With

Central West Catchment Management Authority

10.01.03 Director of Development Status Report

Resolution Number – 06161110 - Development Application 10.2009.179.1 and Construction Certificate 11.2009.179.1 – Additions to Oberon Community Centre

That the existing roof tiles on the Community Centre building be replaced with new roof tiles to match the new roof tiles on the addition at a cost of \$6,979.00.

Status

New roof tiles for both existing Community Centre building and addition ordered. Will match the colour and profile of existing roof tiles on Library building.

Resolution Number – 48191010 - Enclosure of Oberon Tennis Courts

That subject to funding approval being given, that the Tender for the construction of a steel framed colourbond metal enclosure over Courts Three and Four at the Oberon Tennis Complex be awarded to M and J Certoma and Sons.

Status

Tenderers notified of outcome. Round three grant funding has been successful.

Resolution Number – 08191010 – Heritage Committee Meeting Minutes

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 benefits

be undertaken, subject to an investigation of potential funding and involvement of appropriate community groups.

Status

To be discussed with Heritage Advisor at next planned visit, being 6 December 2010.

Resolution Number – 07191010 – Heritage Committee Meeting Minutes

That no action be taken in relation to the request to protect the area at Golden Gully, Isabella by the provision of appropriate fencing.

Status

To advise Heritage Committee at meeting of 6 December 2010.

Resolution Number – 43161110 - Australian Native Landscapes – Stockpiling of Sawdust in Industrial Area

That:

- a) The five Infringement Notices issued in respect to Lot 28 in DP 877490, 7 Endeavour Street, Oberon, not be revoked.
- b) Three of the five Infringement Notices issued in respect of Lot 28 in DP 877490, 7 Endeavour Street, Oberon be reactivated, with two being held in abeyance until the Department of Environment, Climate Change and Water complete their Environment Protection Licence process and become the Appropriate Regulatory Authority for environmental matters.
- c) That once b) has occurred that Council reconsider the remaining two Infringement Notices and related action.

Status

General Manager and Director of Development met with the Managing Director and Site Supervisor of ANL on 29 November 2010 to discuss the enforcement of three Infringement Notices and the way forward.

Resolution Number – 41210910 – Stockpiling of Sawdust in Industrial Area

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.

November Update – An update to be presented in a Closed Session Report to Council’s 16 November 2010 Ordinary Meeting.

December Update – At meeting of 29 November 2010, Managing Director advised that he was completing his application to be forwarded to DECCW for them to assume the Appropriate Regulatory Authority role. Director of Development has contacted State Debt Recovery Office asking them to enforce three of the PINS as resolved by Council.

Resolution Number – 06210910 – Proposed Development Application

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 5 November 2010.

December Update – Still awaiting submission of new Development Application as at 30 November 2010.

Resolution Number – 32170810 – Heritage Committee Meeting Minutes

In respect to the proposed sign structures at Black Springs, Burruga 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, Burruga 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

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 5 November 2010.

December Update – Olwen Beazley responded by email dated 30 November 2010. She advised that the listing team of the Heritage Branch has put in its work program an assessment of the potential State Significance of the Memorial Avenue for possible inclusion on the State Heritage Register. She further advised that once the assessment is complete, possibly end of February / March 2011, a copy will be provided to Council for use in the LEP.

Resolution Number – 19170810 – Oberon Street Paving

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 at 6th December Heritage Committee Meeting.

Resolution Number - 29200710 - Heritage Committee Meeting Minutes

- 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.

December update – Site inspected by Director of Development with Principal of Oberon High School on 4 December 2010 and details to be given to Heritage Committee Meeting on 6 December 2010.

Resolution Number - 28200710 - Heritage Committee Meeting Minutes

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

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 – 01110210 – Draft Land Use Strategy

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.

December update – Works progressing on updating the Strategy so that it can be endorsed by Council firstly.

Resolution Number – 05150909 – Proposed O’Connell Conservation Area

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 and will be considered in the Draft Land Use Strategy.

File: A1.2.1
Author: Ralph Tambasco
Date: 3 December 2010

10.02 Reports for Decision

10.02.01 Development Application: 10.2009.225.1.

Applicant: Mr M R Weekes and Mrs T Y Weekes

Location: Lots 73, 50, 51, 66 and 67 in DP: 753027 and Lot 4 in DP: 1079460, 2968 Shooters Hill Road, Shooters Hill.

Proposal: Tourist Facility – Motocross Track and Camping Area

Zone: Rural 1 (a).

Executive Summary

On the 18 November, 2009 Council received Development Application 10.2009.225.1 (attachment 1) for a proposed Tourist Facility consisting of a Motocross Track and associated Camping Area. The amended Statement of Environmental Effects (submitted on 17 September 2010 – substantially the same as the original submission) requests that the application be considered as a staged consent under the provisions of Clause 83B of the Environmental Planning and Assessment Act, 1979. The first stage requests the approval of the concept of the facility with “*stage one providing a general overview of the overall proposal*”. The applicant proposed as part of Stage two (2) to submit dynamic Noise Evaluation/Modelling. The proposal is to consist of four stages.

During the assessment of the Development Application the proposal was notified to the adjoining landowners in accordance with the requirements of Part H3.3 of Development Control Plan (DCP), 2001 and Schedule Three of the Oberon Local Environmental Plan (LEP) 1998. A total of five submissions were received representing 8 landowners. (attachment 2)

In accordance with Part H3.10.1 of the DCP, the Development Application is submitted to Council for determination. The submissions are summarised in the attached matrix (attachment 3).

For Council Decision

Recommendation

That Development Application 10.2009.225.1 for a proposed Tourist Facility consisting of a Motocross Track and associated Camping Area at Lots 73, 50, 51, 66 and 67 in DP: 753027 and Lot 4 in DP: 1079460, 2968 Shooters Hill Road, Shooters Hill be refused for the following reasons:-

1. The proposed development is contrary to the objectives of the Rural 1(a) zone under Oberon Local Environment Plan 1998 as it does not demonstrate that the proposal is satisfactory in terms of:

- a. The proper management, development and conservation of natural and built resources within the Oberon local government area by protecting, enhancing or conserving prime crop and pasture land, and
 - b. Consideration of the effect of the carrying out of the proposed development on the present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and
 - c. The relationship of the development to development on adjoining land and on other land in the locality.
2. The proposed development does not comply with the provisions of the Oberon Development Control Plan 2001 Part A2 (b) where non-agricultural development should be carried out in a way that minimises any adverse effects on adjoining land. (Section 79C 1(a)(iii) of the NSW Environmental Planning and Assessment Act 1979).
 3. The development is considered not to be in the public interest. (Section 79C 1(e) of the NSW Environmental Planning and Assessment Act 1979) and its impact upon the natural environment and amenity of surrounding residents by way of motorbike noise. (Section 79C 1(a)(i) of the NSW Environmental Planning and Assessment Act 1979).
 4. The proposed development is contrary to the provisions of Clause 50 (and Schedule 1) of the NSW Environmental Planning and Assessment Regulations 2000, which requires the applicant to provide all the necessary and requested information to Council to allow a proper assessment of the application. Satisfactory information relating to noise emissions from the motorbikes was not provided with the application. Accordingly a proper assessment of the application could not be conducted.

Background

Proposal Location:

The proposed development is situated within the Rural 1 (a) zone within the locality of Shooters Hill and is situated on Class three prime crop and pasture land. The land to which the development relates has existing legal and practical access from Shooters Hill Road and is surrounded by existing farms and rural lifestyle blocks. Much of the land adjoining the development consists of original holdings with potential for future development and approved existing registered and physically commenced subdivisions for the purpose of dwellings, as demonstrated in attachment 3.

The land to which the development applies is dissected by Emigrants Creek and is also partially bushfire prone. A Bushfire Safety Authority has been issued by the NSW Rural Fire Service with conditions. The Statement of Environmental Effects (SOEE) submitted by the applicant does not indicate the presence of any threatened species, critical habitat or European/Aboriginal archaeology.

The proposal:

The complex is proposed to consist of the following:

- A check in area; and
- Dedicated car parking area; and

- Picnic area; and
- Toilet facilities; and
- Lock up compound; and
- Primitive camping ground; and
- The Motocross track area, consisting of five separate tracks catering for various levels of skills

The SOEE estimates that the complex will cater for an average of 50 motorcycles at any one time, 30-40 associated user vehicles, 20 or so additional spectator vehicles and three operator/employee vehicles on site at any one time.

The hours of operation will be primarily weekends and school and public holidays from 8am to 8pm. However the SOEE states "*Possibility may present itself for occasional mid week training and or special one off events*".

The Environmental Planning and Assessment Act, 1979 - Section 79C considerations:

In determining a development application, a consent authority must take into consideration the following matters as they are relevant to the development the subject of the development application.

The applicant, within the SOEE, states that the issue of noise in particular will be addressed at a later stage once the conceptual plan has been determined, however the EP and A Act 1979, Section 83D "Status of staged development applications and consents," states that "*(1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a staged development application and a development consent granted on the determination of any such application.*"

Note. *Applicable provisions in respect of staged development applications include provisions relating to designated development, integrated development and regulations made under section 105."*

Section 105 of the EPA Act, 1979 enables the consent authority to request information in relation to "*the documents and information required to accompany development applications, including documents that will assist the consent authority in assessing the environmental effects of development ...*"

Section 79C (1) (a) – Environmental Planning Instruments and Development Control Plans:

The proposed development has been assessed against the provisions of the Oberon LEP 1998 and the following objective of the Rural 1(a) zone is applicable:

“(a) to recognise and promote the Oberon local government area as a desirable and viable place to visit and in which to live and to invest, and

(b) to encourage the proper management, development and conservation of natural and built resources within the Oberon local government area by protecting, enhancing or conserving:

(i) prime crop and pasture land, and

(ii) timber, minerals, soil, water and other natural resources, and

- (iii) areas of significance for nature conservation, and*
- (iv) areas of high scenic or recreational value, and*
- (v) places and buildings of heritage significance, including archaeological and Aboriginal relics and places, and*
- (vi) water catchment areas, and*
- (d) to encourage tourism in the Oberon local government area in a manner which is consistent with the aims stated in paragraphs (a) and (b)..”*

Furthermore the Zone No 1 (a) (Rural ‘A’ Zone) Objectives are to promote the proper management and utilisation of resources by:

“(a) protecting, enhancing and conserving:

- (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and*
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and*
- (e) providing land for rural small holdings development and for other non-agricultural uses in accordance with demand for that development and in a manner which has the least adverse impact on prime crop and pasture land..”*

Clause 10 “General considerations for development within rural zones” of the Oberon LEP requires that Council must not consent to development on land within Zone No 1 (a) unless it has taken into consideration the effect of the carrying out of the proposed development on:

- “(1) (a) the present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and*
- (2) As well as the matters referred to in subclause (1), the Council must take into consideration the relationship of the development to development on adjoining land and on other land in the locality.”*

Compliance with the Oberon DCP 2001

The proposal has been assessed against the provisions of Section A.2 “Rural Development Generally” Clause A2.1 “General Policy” of DCP 2001 (Part A2) , where development in the rural zone is to be carried out in a way that protects and promotes agricultural activities, as follows:

- “a) Non-agricultural development, including dwellings, should be located on land that is non prime crop and pasture land, unless there are no alternative suitable sites.”*

The proposed development fails to satisfy objectives and requirements of Oberon’s LEP 1998 and DCP 2001, as it is considered that the application does not demonstrate that the proposal is satisfactory in terms of its impact upon the natural environment and the amenity of surrounding residents by way of motorbike noise.

- (b) Section 79C (1) (b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*

To date the requested information in respect to the potential impacts of noise resulting from the proposed motocross complex has not been submitted. Accordingly a determination cannot be made as to whether or not the proposed activity will produce 'Offensive Noise' as defined under the *Protection of the Environment Operations Act 1997* and the likely impacts of the development.

(c) Section 79C (1) (c) – Suitability of the site for the development

The overall suitability of the site for a motocross complex is questionable in consideration of the objectives of the Oberon LEP 1998 and the possible associated land use conflicts.

During the determination of the proposed motocross complex, staff obtained a Peer Review of the noise assessment provided by the applicant (the applicants noise assessment is attached - attachment 4). In the Peer Review, Umwelt highlighted eight issues which were required to be addressed to enable appropriate consideration of the potential impacts of the proposed development, as follows:

“To ensure that any noise impacts from the proposed development is within the relevant guidelines we recommend that a noise assessment for the proposed development should at least include the following:

- *Discussion of relevant legislation, specifically clause 13 of the NSW Protection of the Environment Operations (Noise Control) Regulation 2008: 'A person must not cause a motor vehicle to be used in a place (other than on a road or road related area) in such a manner that it emits offensive noise'.*
- *Examination of noise offensiveness for the proposed development as defined by the NSW Protection of the Environment Operations Act 1997 and Section 2 of the Noise Guide for Local Government;*
- *Justification of the use of the assessment methodology;*
- *Justification of the use of sound power levels;*
- *Estimation of noise impacts under prevailing weather conditions;*
- *Analysis of the effects of tonality and impulsiveness of the noise sources from the proposed development;*
- *Discussion of all potential noise sources relating to the proposed development and their impact on surrounding receivers; and*
- *Discussion of noise impacts from increased traffic utilising the proposed facility along Shooters Hill Road and the private access road.”*

On the 26 November 2010, a 17 page response was received (attachment 5) by Council from Abacus Planning in response to the abovementioned Peer Review. An assessment by staff concluded that the information provided still did not provide adequate justification of any potential noise impacts from the development and that a dynamic noise model would need to be submitted to support the statements made.

Accordingly, verbal advice from Mr Tim Proctor of Umwelt (Australia) Pty Ltd – Environmental Consultants to Council's Senior Development Control Officer on the 1 November, 2010 indicates that the response by Abacus Planning still does not adequately address the initial questions raised by the Peer Review and the statements made have not been justified or substantiated. As such the applicant is required to carry out a dynamic noise model on site to justify the statements and generalisations made.

Furthermore Council need to consider the potential of a noise problem and ongoing future liability should they favourably determine the Development Application based on the information submitted. A favourable determination of the Development Application may also potentially create the unjustified sterilisation of adjoining properties in respect to future dwelling potential. A plan by Council staff illustrating the potential future residential development is attached (attachment 6) and indicates those properties where original holdings have been established and subdivisions for the purpose of dwellings have been either physically commenced or registered.

A written copy of the abovementioned verbal advice has been received by Council from Umwelt (Australia) Pty Ltd and is included as attachment 7. It is anticipated that this advice will be submitted for consideration at the Council Meeting if not before.

(d) Section 79C (1) (d) – “Any submissions made in accordance with the Act or the Regulations.”

As previously stated the proposal was notified to adjoining and adjacent property owners as well as being advertised in the Oberon Review for a period of 30 days on two separate occasions. Five submissions were received. All the issues raised in the submissions are summarised in the submissions matrix.












The consultant’s responses to these submissions are attached (attachment 8). Whilst it is acknowledged that a number of the concerns raised could be addressed in the future staging of the development, such as details of the plantation buffers, compliance with the Camping Ground regulations, advertising and signage, environmental impact such as dust control, access requirements and bushfire risk, many of the other concerns must be considered prior to the determination of the application. In particular the impact of the development on adjoining conflicting land uses including future dwellings, the extensive operating hours and the potential for noise impacts.

(e) Section 79C (1) (e) – Public Interest.

Is the development within the public interest? Staff cannot determine if the application is within the public interest in the format as submitted without the submission of dynamic noise modelling. Staff are not satisfied that the pivotal issue of noise has been addressed satisfactorily, and therefore the recommendation as stated has been made.

Attachments (copies provided as a separate attachment):

Attachment 1	Proposed Development
Attachment 2	Submissions received
Attachment 3	Submissions Matrix
Attachment 4	Applicants initial noise assessment and subsequent Peer Review
Attachment 5	Abacus Planning’s response to the Peer Review
Attachment 6	Map indicating future dwelling potential of adjoining lands
Attachment 7	Written advice from Umwelt Pty Ltd addressing the Abacus Planning Response letter
Attachment 8	Abacus Planning’s response to the submissions
Attachment 9	Chronological list of events.

-  1a - SOE for Proposed Development
 1b - SOE for Proposed Development
 1c - SOE for Proposed Development
 2 - Submissions Received.pdf
 3 - Submissions Matrix.pdf
-  4 - Applicants Initial Noise Assessment.pdf
 5 - Abacus Plannings response to the Peer
 6 - Map indicating future dwelling potent
 7 - Written advice from Amwelt.pdf
 8 - Abacus Plannings response to submissio
-  9 - Chronological list of events.pdf

Statutory Environment:

Environmental Planning and Assessment Act, 1979

Oberon Local Environmental Plan 1998

Oberon Development Control Plan, 2001

Policy Implications:

Nil

Financial Implications:

There are no financial implications. However, should the Developer/Proponent appeal against Council's decision, then Council would have to pay its costs in defending the action.

Strategic Implications:

There are no strategic implications.

Officers Comment:

Since the submission of Development Application 10.2009.225.1 the application has been subject to ongoing consultation and discussion with the applicant, the consultant Town Planner and various State Government Authorities regarding the consideration of all the issues relevant to the application. This process has been generally demonstrated in attachment i – a chronological list of events associated to the application.

The submissions raised by the adjoining land owners also reflect staff's concerns as to the adequacy of the information submitted with the application.

The application has been further complicated by the applicant's request of the 17 September, 2010 to amend the SOEE to enable the staging of the Development Application.

Due to the complexities involved in the assessment and understanding of the potential impacts of noise resulting from the development an external consultant was engaged to advise staff as to the potential implications and the level of information required to enable a favourable determination.

Consulted with:

Director of Development
General Manager

File: PR17.2968
Authors: Jaclyn Burns and Ralph Tambasco
Date: 1 December 2010

10.02.02 Mudgee Stone Company Pty Ltd (Oberon White Granite Quarry Project) - Exhibition of Environmental Assessment

Executive Summary

Mudgee Stone Company Pty Limited have submitted an application pursuant to Part 3A of the Environmental Planning and Assessment Act, 1979 to the NSW Minister for Planning to extend its existing extraction operations and to increase production at the Oberon White Granite Quarry located at Lot 2 DP 1089826, Ferndale Road, Oberon.

The Project is classified as a Major Project in accordance with the State Environmental Planning Policy (Major Development) 2005.

The Project involves the extension of the existing operations resulting in five million tonnes of granite over a period of up to 30 years. Extraction rates would progressively increase over 5 years, to a maximum of 250,000 tonnes per annum with an average of approximately 200,000 tonnes per annum. Hard copies and CD's of the Environmental Assessment have been submitted to Council and have been placed on public exhibition. The public exhibition period is from 25 November 2010 until the 17 January 2011. Attachments showing the proposed site layout (Attachment 1) and the local setting (Attachment 2) are provided.

For Council Information

Recommendation:

That the information be received and noted.

Background

As Councillors would be aware, Mudgee Stone Company Pty Ltd, the operators of the Oberon White Granite Quarry, are proposing to extend their existing extraction operations and increase production at their quarry.

The Project is classified as a Major Project in accordance with the State Environmental Planning Policy (Major Development) 2005 and, consequently the Minister for Planning is the approval authority, pursuant to Part 3A of the Environmental Planning and Assessment Act 1979.

By letter dated 17 November 2010 (Attachment 3) the NSW Department of Planning have advised Council that they will be exhibiting the Environmental Assessment (EA) for the proposed quarry expansion from Thursday 25 November 2010 until Monday 17 January 2011. Six hard copies of the EA and ten CD copies have been forwarded to Council. One hard copy of the EA and accompanying Specialist Consultant Studies Compendium have been placed on public exhibition at the Administration Office front counter, the Oberon Library and the Oberon Visitor Information Centre.

The Director of Engineering and Director of Development have had a brief discussion concerning the proposal particularly as it relates to transportation issues.

It is proposed that the project will be discussed at an Executive Management Team meeting and then considered in more detail by staff.

The Consultant has also forwarded CD's of the Project to the 13 surrounding landholders from updated ownership details provided by the Development Department to the Consultant and the Department of Planning.

If Councillors would like a hard copy of the EA and the Specialist Consultant Studies Compendium or a CD of the project, please see the Director of Development.

Attachments



101130- Proposed
Layout Mudgee Stone



101130-NSW
Department of Planning



101130- Local
Setting Mudgee Stone

Statutory Environment

Part 3A Environmental Planning and Assessment Act, 1979
State Environmental Planning Policy (Major Development) 2005

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Officers Comment

In 1994, the Minister for Planning issued a Direction under Section 117(2) of the Environmental Planning and Assessment Act identifying the Oberon alaskite resource as a significant mineral deposit.

The Development Application will be assessed and determined by the NSW Department of Planning. Council is able to make a submission, as well as recommend what conditions it would like the Department of Planning to consider attaching to the consent if it is approved.

Consulted With

Director of Engineering

10.02.03 Development Application 10.2010.87.1

Applicant: Mr D Dansie
Location: Lot 2 DP 758805, 18 Dart Street Oberon
Proposal: New Garage.
Zone: Village 2 (v)

Executive Summary

A Development Application for a proposed garage was received requesting a variation to the following clauses of the Oberon Development Control Plan 2001 (DCP);

- **C.5.5 – Building Height Planes**
Building Height Plane is “the plane projected at an angle of 45^o from a distance of 1.5m above natural ground level at the boundary of the site”. The attached drawing (see attachment 1) shows the garage is not in compliance with this clause particularly the Northern end of the garage.
 - **C.6.4 – Carports and Garages**
The DCP states that the maximum total floor area of garages and or carports is to be 60m². The garage proposed is approximately 110m².
-

For Council Decision

Recommendation

That subject to Council receiving no submissions from the neighbour notification;

- Part C.5.5 “*Building Height Planes*” of the Development Control Plan 2001 be varied to allow the construction of a new garage 1.5m off the Northern boundary at Lot 2 in DP 758805, 18 Dart Street Oberon.
 - That Part C.6.4 “*Carports and Garages*” of the Development Control Plan 2001 be varied to allow the construction of a new garage approximately 110m² at Lot 2 in DP 758805, 18 Dart Street Oberon.
-

Background

A Development Application for a proposed garage was received on 22 November 2010. At the site inspection undertaken on Tuesday 7 December it was noted that the application would be required to be reported to Council for two DCP variations. The next available meeting to report to is Tuesday 15 February (sum 64 days away) of which it is felt to be unreasonable to delay a garage for this amount of time.

A copy of the applicant’s site plan and elevations are attached (see attachment 2).

Although the applicant has not presented a letter to justify the proposed variations to the DCP, verbally the applicant has provided justification onsite to Council's Manager of Health and Building during the site inspection. Justification stated for the proposed garage is;

- The height is required for a four wheel drive vehicle and caravan,
- Existing established trees on the neighbouring property to the South will negate any perceived impact on the South and South Western properties,
- There will be no perceived impact on the property to the West, only a garden exists behind their existing colorbond garage.

The application has been neighbour notified to three adjoining neighbours to the South, South West and Western sides of the allotment, submissions will close on 24 December 2010. Should any submissions be received from the neighbour notification then a further report shall be put to Council's Ordinary Meeting on Tuesday 15 February 2011.

Attachments



101214 - Attachment 101214 - Attachment 101214 - Attachment
1 Building Height Plan 2 Site Plan and Elevati 3 Photo of adjoining tr

Statutory Environment

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Oberon Development Control Plan 2001, as revised

Policy Implications

There are no policy implications.

Financial Implications

There are no financial implications.

Strategic Implications

There are no strategic implications.

Officers Comment

This application is a unique situation as Council will not hold its Ordinary Meeting in January 2011. To delay the application to Council's Ordinary Meeting in February 2011 would delay the approval of the garage by 64 days. This is felt to be an onerous amount of time to delay the approval for which Council's professional officers perceive at this stage as having minimal impact on adjoining neighbours.

Having considered the merits of the proposal the following points are considered important;

- Awaiting closure of neighbour notification submissions would delay the approval of the garage to 64 days, which is unreasonable considering the application is for a garage.
- Should any submissions be received then a further report will be put to the 15 February 2011 Ordinary Meeting,
- Council's professional officers perceive at this stage the proposed garage as having minimal impact on adjoining properties,
- Attachment 1 shows that on the Western elevation the proposed garage complies with the DCP Height Plane requirements in regards to the Southern boundary and that it is only the roof of the proposed garage that is not in compliance to the Western boundary of the property.
- Only the roof being some 1.4m of the garage wall will be outside the DCP Height Plane requirements. The natural ground will have to be excavated approximately 500mm to level the site on the Western side. This essentially lowers the proposed garage below natural ground level, thus reducing the height of the garage above natural ground level. Fill of approximately 500mm will be required on the Eastern side of the garage however with the garage proposed to be located on the western side of the allotment no impact will be incurred.
- The height of the garage is considered justified and appropriate,
- 110m² is considered an appropriate size garage for residential purposes. Two bays can house vehicles and one bay is for a workshop.
- Existing established trees on the property to the South will negate any perceived impact on the South and South Western properties,
- There will be no perceived impact on the property to the West, only a garden exists behind their existing colorbond garage.

Consulted With

Director of Development
General Manager

File: PO16.18
Author: Mark Dicker
Date: 8 December 2010

11 Director of Corporate Service Reports

11.01 Reports for Information

Recommendation

That the Director of Corporate Services reports for information as presented in Report 11.01.01 to 11.01.05 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 November 1 to November 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.

Oberon's visitor numbers continue to increase with the total for the year to 31 November showing a 6% increase on the same period last year. Comments for information:

- November proved to be a successful month for Oberon at the Tourism NSW Awards held at Rosehill Gardens. Jenolan Caves received three awards - gold for Tourist Attraction (The Magic of Jenolan), silver for Ecotourism (The Ancient Underworld) and silver for Heritage and Cultural Tourism (Written in Stone); Jenolan Caravan Park received a silver award in the Tourist and Caravan Parks category.
- Mayfield Gardens and the Rotary Club's Chatham Valley Open Gardens proved to be very popular with large numbers attending due to the sunny weather.
- Large numbers of motor cycles and car clubs visited during the month when weather conditions permitted.
- The number of visits to Oberon has continued to increase despite all of the wet weather hitting the region late in the month.

Attachments



OIC Stats Nov
2010.pdf



OIC Stats Graph Nov
2010.pdf

2. Rates Collections Report

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

Total collections to date for the year represent 52.38% of the total receivable, compared with 53.16% at the same time last year.

Recovery action is continuing in an attempt to reduce the total outstanding.

Attachments



Rates Nov 10.pdf

3. Councillor and General Manager Expenses

The monthly summary of Councillor and General Manager Expenses is attached for information.

Attachments



101214 -
GM-Councillors Exp No

4. Oberon Library Statistics

The monthly statistical report for the Oberon Library is attached for information.

Attachments



Library Report Nov
10.pdf

Consulted With

General Manager, Visitor Information Centre Manager, Library Manager, Revenue (Rates) Officer

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

14.01.02 Staff Appointments

Executive Summary

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.”

In keeping with this resolution Mr Ryan Cunynghame was appointed to the position of Apprentice Mechanic to commence Monday 17 January 2011.

For Council Decision

Recommendation:

That the information be received and noted.

Background

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.”

Council appoints an Apprentice Mechanic every four years within the adopted Organisational Structure. The previous incumbent, Mr Cory Nash successfully applied for an early release of his Apprenticeship in October 2010 and has since gained fulltime employment with a local company as a Diesel Mechanic.

Mr Ryan Cunynghame has been appointed to the position of Apprentice Mechanic and will commence his four year apprenticeship with Council commencing the 17 January 2011.

Attachments

No Attachments

Statutory Environment

Local Government Act, 1993

Policy Implications

Not applicable

Financial Implications

Provisions made in the 2010-2011 Budget.

Strategic Implications

Not applicable.

Officers Comment

Consulted With

Acting Director of Corporate Services

File: C19.1
Author: Joanne Barton
Date: 29 November 2010

11.01.03 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 November 2010 is attached for Council’s information.

For Council Information

Recommendation:

That the information be received and noted.

Background

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

	<u>2009</u>	<u>2010</u>
Face Value of all Investments Held	\$5,203,366	\$4,867,327
Face Value of Grange/Lehman Bros Investments	\$2,500,000	\$2,000,000
Market Value of Grange/Lehman Bros Investments	\$1,068,547	\$709,955
Market Value of Grange as % of Face Value	43%	35%
Face Value of Westpac Investec (matured 3/12/09)	\$1,000,000	\$0
Market Value of Westpac Investec	\$988,810	\$0

Cheque Account Cash Book Balance	\$783,708	\$178,112
Total Cash and Investments (Market Value)	\$4,544,431	\$3,755,394
Interest Received Year to Date	\$66,044	\$54,690
Call A/c Interest Rate	3.45%	4.70%

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 comparable to the same period last year.

Attachments



Investments 30 Nov
2010.pdf



Investments Graph
30 Nov 2010.pdf

File: C17.1
Author: John Chapman
Date: 6 December 2010

11.01.04 Internal Audit Committee

Executive Summary

The inaugural meeting of the Central Tablelands Alliance Internal Audit Committee was held at Lithgow City Council on Thursday 4 November 2010. The Mayor, General Manager and Director of Corporate Services attended.

Councillor Sullivan was elected as Chairperson of the committee for the ensuing twelve months, with the intention that the position (and the secretariat) be rotated annually between each Council.

During the course of the meeting, the committee reviewed:

- the Internal Audit Charter
 - the Audit Committee Charter
 - the Strategic Internal Audit Plans
 - the Scope of the Scheduled Reviews
-

For Council Information

Recommendation:

That the information be received and noted.

Attachments



Internal Audit
Committee Minutes 4



CTA Internal Audit



CTA Audit Committee
Charter _4 Nov 10.doc

File: A1.9
Author: John Chapman
Date: 3 December 2010

11.01.05 Director of Corporate Services Status Report

Rental Payments for RFS Fire Sheds on Private Land

Councillor McMahon also advised that a landholder at Native Dog has requested information regarding what is happening with rental payments for RFS Fire Sheds on private land.

The Director of Corporate Services will investigate the matter and provide feedback.

Status

Affected properties, agreement dates, lease terms and rent amounts identified. Details of payments made are being investigated. Report to be prepared for February 2011 Council meeting.

Resolution - 23161110 - Quarterly Budget Review as at 30 September 2010

That:

1. Provision made in this quarterly review for the sale of the residential property in Dart Street with the proceeds to be transferred to the Roads Reserve be endorsed;
2. A detailed analysis to be undertaken by staff with a longer term projection of capital works funding for consideration at Council's December 2010 Ordinary Meeting.
3. The Quarter 1 Budget Review Statements for 2010/2011 be received and noted and the revised budgeted income and expenditure items be voted.

Status

1. Dart Street residential property to be placed with agents for sale.
 2. Report on capital works funding projections to be prepared for Finance Committee meeting proposed for February 2011.
 3. Revised budgeted figures noted. Matter closed.
-

Resolution – 21161110 - Annual Report – Year Ended 30 June 2010

That the Annual Report for the year ended 30 June 2010 be received for information and the report be included on the Council's website and forwarded to the Minister.

Status

Copy of annual report forwarded to the Minister and included on website. Matter closed.

Resolution - 20161110 - Annual Financial Reports

That the Annual Financial Reports, incorporating the Auditor's Report, for the year ended 30 June 2010, be presented to the public.

Status

No submissions received. Matter closed.

Resolution – 19161110 - Requests for Financial Assistance – 2011 Highlands Steam and Vintage Fair

That the request for assistance by underwriting the inaugural 'Oberon Music Muster' be referred to the Events Committee for consideration in conjunction with consideration of the proposed program of events for the 2011 Oberon and Villages Summer Festival.

Status

To be considered by the Events Committee on 7 December 2010. Matter closed.

Resolution – 18161110 - Requests for Donations

That a donation of \$1,500, funded from the donations budget, be made to the Oberon Show Society Inc for sponsorship of the 2011 Oberon Showgirl competition.

Status

Payment to be processed.

Resolution – 16161110 - Swimming Pool Fees and Charges

The draft Fees and Charges Schedule for the Oberon Swimming Pool for 2010-11 be adopted as determined by Council at the Special Meeting held on 12 October 2010.

Status

New charges in use. Matter closed.

Resolution – 15161110 - Delegates to External Organisations

That:

1. The General Manager be appointed as Council's delegate to Blue Mountains, Lithgow and Oberon Tourism Association and Councillor Sullivan remain as alternate delegate.
2. That the Mayor and General Manager be appointed as Council's delegates for CENTROC.
3. Delegates to other external organisations for the ensuing twelve months be appointed as follows:
 - a. Arts OutWest
 - Oberon Arts Council – Mrs Fran Charge (Council resolved at the September 2010 Ordinary Meeting that Mrs Charge “... *remains as Council's delegate to Arts Out West*”).
 - b. Ben Chifley Catchment Management Steering Committee
 - Councillor McCarthy
 - c. Blue Mountains, Lithgow and Oberon Tourism Association
 - General Manager
 - Councillor Sullivan (alternate delegate)

It was noted that Council wish to extend their thanks to Wayne Cooper for his hard work during the time that he acted as Council's Delegate to the Blue Mountains, Lithgow and Oberon Tourism Association.

- d. Catchment Management Committees (Lachlan, Macquarie and Sydney Water Catchment Management Authorities)
 - No Councillor delegate currently appointed
 - Director of Development
 - e. Central Tablelands Strategic Alliance Internal Audit Committee
 - Councillor Sullivan – Chair as appointed by the audit committee on November 4 2010.
 - f. CENTROC
 - Mayor
 - General Manager
 - g. Hawkesbury/Nepean Catchment Management Authority
 - No delegate currently appointed
 - h. Joint Regional Planning Panel
 - Councillor Doney
 - Councillor McCarthy
 - Councillor McMahon (alternate delegate)
 - i. Lachlan Regional Transport Committee Incorporated
 - No delegate currently appointed

- j. Oberon Arts Council
 - No delegate currently appointed.

It was noted that Councillor Handelsmann withdrew as delegate to this committee owing to a conflict with Council meeting dates.

- k. Oberon Business Association
 - Councillor Handelsmann
- l. Oberon Liquor Accord
 - Councillor O’Bernier
- m. Oberon Plateau Tourism Association
 - Councillor Handelsmann
 - Councillor Sullivan (alternate delegate)
- n. Rural Fire Service Chifley Zone Liaison Committee
 - Councillors McCarthy and Francis (also to represent Council on Brigade Captains’ Meetings)
 - Officers being the Director of Engineering and the Finance Manager
- o. Upper Macquarie County Council
 - Councillors McMahon and Francis

Status

Letters to be sent where new delegates have been appointed.

Resolution - 14161110 - Delegates to Section 355 and Council Committees

That:

1. The Finance Committee and the Works Committee meet separately to the Ordinary Council Meeting.
2. The Oberon Hazelgrove Rail Corridor Development Committee be dissolved.
3. Delegates to Section 355 and other Council Committees be appointed as follows:

Section 355 Committees

- Care Car Committee
 - Councillor Sullivan
- Cemetery Headstone Maintenance Committee
 - Councillor McMahon
- Events Committee
 - Councillor O’Bernier
- Hazelgrove Public School Reserve Committee
 - Councillor Fitzpatrick

- Heritage Committee
 - Councillor McCarthy
 - Councillor Doney
- Library Committee
 - Councillor O’Bernier
- Oberon Promotions Committee
 - Councillor Sullivan
- Oberon Sports Complex Committee
 - Councillor Sullivan
 - Councillor O’Bernier
 - Councillor Fitzpatrick
 - Councillor Gibbons
- Timber Heritage Walk Committee
 - Councillor Sullivan

Other Committees

- Finance Committee
 - The whole Council
- Works Committee
 - The whole Council
- Land Committee
 - Councillor Sullivan
 - Councillor O’Bernier
 - Councillor Fitzpatrick
 - Councillor McCarthy
- Oberon Business Development Committee
 - The whole Council
- Performance Review Committee
 - The whole Council
- Self Care Units Tenants Panel
 - Councillor O’Bernier
 - Councillor McCarthy (alternate delegate)
- Senior Citizens Liaison Committee
 - Councillor Sullivan
 - Councillor Gibbons
 - Councillor McMahon
 - Councillor O’Bernier
- Traffic Advisory Local Committee
 - Councillor McCarthy
 - Councillor Handelsmann (alternate delegate)
 - Works Manager (Chairman)

Status

Section 355 Committees and Volunteers Manual to be updated.

Resolution – 13161110 - Oberon Liquor Accord

That Councillor O’Bernier be nominated as Councils delegate to the Oberon Liquor Accord.

Status

Liquor Accord secretary to be advised.

Resolution – 12161110 - 2011 International Women’s Day

That Council apply for the \$1000.00 grant to conduct an event for International Women’s Day in March 2011.

Status

Grant application lodged. Report to December 2010 Council Meeting on proposed program. Matter closed.

Resolution Number – 24191010 - Draft Policy 1103 – Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Other Councillors.

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.

Status

Policy amendment advertised. Report to November 2010 Ordinary Meeting. Matter Closed.

Resolution Number – 21191010 - Annual Financial Reports

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 does not wish 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 16 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.

Status

Financial Reports, including Auditors Reports, presented to the public at Council's November 2010 Ordinary Meeting. Matter closed.

Resolution Number - 03121010 - Pool Matters

The draft Fees and Charges Schedule for the Oberon Swimming Pool for 2010-11 be adopted as presented and advertised for a period of 28 days for the receipt of public submissions, before adoption at the next Ordinary Meeting of Council.

Status

Fees and Charges proposal advertised. Report to November 2010 Ordinary Meeting. Matter closed.

Resolution Number – 47210910 – Oberon Dental Surgery

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. Report to be prepared for February 2011 Council Meeting.

Resolution Number – 26170810 – Policy Reviews, Investments Policy

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

Status

Referred to February 2011 Finance Committee Meeting

Resolution Number – 04170810 – Request for Donation

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. Function planned for December 15.

Resolution Number – 23200610 – Fossicking in Oberon

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 commenced in late October 2010 and in progress.

Resolution Number – 57200410 – Grants Officer Position

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

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 – 16171109 – Annual Financial Reports

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 February 2011 Finance Committee meeting.

File: A1.2.1
Author: John Chapman
Date: 3 December 2010

11.02 Reports for Decision

11.02.01 2011 International Women's Day

Executive Summary

It was resolved at the November Ordinary Meeting that Council would apply for a \$1000. Grant from the Premier and Cabinet Office for Women's Policy to host an International Women's Day event.

An application was lodged on 25 November 2010.

The Friends of the Oberon Library have lodged a proposal to facilitate the event.

The theme for International Women's Day in 2011 is *Celebrating 100 Years*.

For Council Decision

Recommendation

That Council endorse the proposal from The Friends of the Oberon Library to host International Women's Day in March 2011.

Background

2009 was hosted by the Friends of the Oberon Library. There is an outstanding deliverable from this funding still being completed by the Friends of the Oberon Library, being a book, that it is planned to be presented as part of the 2011 event.

2010 was hosted by The Friends of the Oberon Library.

2011 The Friends of the Oberon Library have put forward a format with the following proposal:

The event will be held on Sunday March 6 2011 at the Oberon Community Centre and entry will be free to all women in the community. A luncheon will be served and catered for by a local business. There will be two speakers one being Nancy Dennis and the other to be advised. The event will be advertised in the Oberon Review and posters will be displayed in shops, library, Arts OutWest and community notice boards.

This will be a benefit to the community as it will offer the opportunity to bring the female community together to celebrate their achievements and contribution to society over the last 100 years.

Attachment



INTERNATIONAL
WOMENS DAY - KATH

Statutory Environment

N/A

Financial Implications

There is no financial implication on Oberon Council. Provision has been made in the 2010-2011 budget for expenditure of \$1000 offset by grant income.

Strategic Implications

N/A

Officers Comment

Consulted with

Director of Corporate Services

File: A3.1
Author: Kathy Beesley
Date: 30 November 2010

11.02.02 Request for Donation Country Women’s Association

Executive Summary

By letter, dated 20 November 2010, the Country Women’s Association of NSW has written seeking a donation towards the Public Speaking Contest for Schools.

Council has traditionally acceded to the request by providing a donation of \$100.

For Council Decision

Recommendation:

That a donation of \$100, funded from the donations budget, be made to the Country Women’s Association of NSW for the 2011 Public Speaking Contest for Schools.

Background

By letter, dated 20 November 2010, the Country Women’s Association of NSW has written seeking a donation towards the Public Speaking Contest for Schools.

The Central Western Group of the Country Women’s Association of NSW have been conducting the contest since 1988 and Council has, in recent years, donated \$100 annually.

The competition involves around sixty schools from throughout the Central West with over 250 students, from Year 3 to Year 12, entering.

Attachments



101124 CWA
Letter.pdf



101130 Donations
Summary.pdf

Statutory Environment

Local Government Act 1993
Oberon Council Management Plan 2010-2015

Policy Implications

The request complies with Council’s Financial Assistance Policy

Financial Implications

Council currently has \$8,724 available in its annual donations budget.

Strategic Implications

Not applicable

Officers Comment

Not applicable

Consulted With

Not applicable

File: A3.3
Author: John Chapman
Date: 3 December 2010

12 Director of Engineering Reports

12.01 Reports for Information

Recommendation

That the Director of Engineering 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 1 November to 30 November.

1. General Fund

Shooters Hill Road

Earthworks and gravelling on the next stage of Shooters Hill Road are continuing. This work continues to suffer disruptions due to wet weather. The power poles have been moved.

Wet Weather Maintenance

The prolonged wet weather not only causes delays on construction projects, but causes a range of maintenance problems.

Many gravel roads need grading, and also gravel resheeting. This is difficult to do during wet periods, but it is also difficult to divert resources to these works during dry periods. Some gravel resheeting is being carried out on Junction Road and Nunans Hill Road. Some heavy patching is being carried out on Jerrong Road and Cosgrove Road.

Many sealed roads develop potholes, shoves, and other failures. The patching crew finds it hard to keep up with the demand, despite working on some RDO's and weekends. Additionally the emulsion and aggregate do not stick as well during wet conditions.

With so much rain, and warmer conditions, the parks and gardens crew is finding it difficult to keep up with the demand for mowing and slashing. When areas are too wet and soft, machinery cannot gain access. The demand for hand mowing and whipper snipping has been reduced by carrying out more spraying when conditions permit.

2. RTA Works

Abercrombie Road

Gravelling on one of the two sections of Abercrombie Road to be upgraded during 2010/2011 is in progress. It is tentatively scheduled to be sealed prior to Christmas, subject to the weather. An application has been submitted to the RTA for REPAIR Program funding to upgrade a further two sections during 2011/2012.

Heavy Patching

This year's heavy patching programs on O'Connell Road and Duckmaloi Road have been completed.

Duckmaloi Road Curve Widening

The RTA has now issued a work order for curve widening and guardrail works to be carried out on several curves on Duckmaloi Road. The funding has been provided as part of a road safety program. Works are about to commence.

The Mount

Discussions with the RTA are continuing over the proposed safety upgrade at The Mount. It is intended to widen it in some areas, and then construct a concrete median barrier around the sharp curves at the top and bottom of The Mount. It is proving difficult to get firm decisions from the RTA, and the delays are frustrating. The project will now commence in the New Year.

3. Town Improvement Fund

Oberon Street Footpath

The damaged pavers at the eastern end of Oberon Street have been replaced with asphalt. The coloured and patterned coating is scheduled for January.

The Common

The installation of solar power at The Common is continuing. The small jetty on the first pond is being replaced with a larger structure.

4. Sewer Fund

Extension of the laboratory at the Sewerage Treatment Works is continuing when resources permit.

5. Water Fund

Replacement of the water main in a section of Tarana Crescent is complete.

6. External Meetings

a. Fish River Water Supply Customer Council Meeting

No meetings during the reporting period.

b. Preliminary Water Review

Two meetings have been attended by the Mayor and the Director of Engineering regarding the Review of the Fish River Water Supply Scheme. A report signed off by the Minister for Water is anticipated before the end of the month.

c. Rural Fire Service Local Government Forum

A Local Government Forum was organised by the Rural Fire Service on 19 November 2010 at Dubbo. The meeting was attended by the RFS Commissioner, Directors and a number of Zone and Council representatives.

Additional and ongoing funding is being provided for fire mitigation works and Council has submitted a request for funding for spraying and slashing/burning of road shoulders.

The conditions of engagement of Council plant for assistance during Section 44 Emergencies was discussed. The Rural Fire Service will soon be required to have a 21 day turnaround on Development Applications.

From 1 July 2011 insurance of the “red fleet” will be covered by the RFS with Council contributing 11.7%.

70% of radios in the system are older than 10 years and the upcoming budget period has an \$11.2 Million allocation for radios/pager networks.

7. Stormwater Harvesting Project

A Review of Environmental Factors has been completed for the Stormwater Harvesting Scheme.

A review of the documentation it is believed reinforces the project to be a viable alternative scheme to provide an alternative water supply and save on the potable supply from the Oberon Dam.

8. Disposal of Plant

Nil

9. Staff Training

Roller safety and Safe Work Method Statements for roller operation were reviewed by 12 staff.

10. Road Safety Pilot Program Grant

Activities during November include:-

- Installation of variable message signs at Oberon and O'Connell.
- Installation of banners near Sheps Hill, Doneys Pit, and O'Connell Park.
- Advertisements and media release.
- Conclusion of road safety survey, winner to be drawn shortly.
- Training session for inexperienced drivers has been organised at OTC for February 2011.

11. Update – MR253 – O'Connell Road

Councillor McCarthy requested an explanation for road failure on MR253 near the intersection of Faugha Ballaugha Road at the 16 November 2010 Ordinary Meeting. Investigation has revealed that the pavement was widened on either side of the previously existing road to provide for the intersection upgrade.

No work was undertaken on the original pavement. A reseal was applied to the new widening roadworks. The failure that developed at the joint of the new and old work was a result of the widening work not being extended into the existing pavement diff line.

The RTA were advised of this matter when the problem occurred and the repair work was funded by the RTA.

File: A1.2.1
Author: Leigh Robins
Date: 2 December 2010

12.01.02 Director of Engineering Status Report

Resolution Number – 40161110

That a seat be installed in the Oberon Common overlooking the Edith Road with a stone and a plaque next to it as a memorial to Councillor Hooper.

Status

Underway

Resolution Number – 37161110 - Oberon Sports Complex Committee Meeting

1. The following priorities be set for work to be carried out at the Oberon Sports Complex, subject to available funding:
 - a. Major Senior League (front) Playing field, Small Soccer Field (next to SES Shed) and Recreation Ground are first priority for top dressing, seeding, aeration and eliminating the tufts of grass on the playing fields.
 - b. Junior League (rear) Playing field, Hockey field priority two.

And that costing, funding sources and a timeline for works be prepared for consideration by Council.

2. Covering of outdoor Netball Courts, improvements/provision of change facilities at Leagues Club, Netball Courts and Recreation Ground should be considered as part of an overall Oberon Sports Complex improvement project. Funding sources including possible grant funding for a major project are to be evaluated
3. Investigation be undertaken into a design and costing to modify the goals on the recreation ground, small soccer field and league fields to make the grounds fit for multi-purpose use.
4. That the works required to be carried out to address the lighting issues at the Major Senior League Playing field be determined and an estimate of costs be obtained for the works and bought back to Council for consideration.
5. That investigation be undertaken regarding the opportunity to utilise water from the Stormwater Harvesting Project for watering sporting facilities in the future.
6. That the cost of core testing on the Junior League rear field be ascertained to establish the stability of the surface prior to spending significant time and money resurfacing the field.

Status

To be considered for 2011/12 budget inclusion.

Gravel Trucks on Edith Road

Councillor McMahon raised an issue regarding the noise from gravel trucks using the Edith Road which is contrary to the agreement with the Quarry.

The Director of Engineering undertook to follow up the matter with the proprietor.

Status

The owner of the quarry has been advised that trucks using Edith Road to travel through Oberon is a breach of the Development Approval.

Vandalism at The Common

Councillor McMahon also raised the issue of damage at the Common including substantial vandalism at the new toilet block and asked is Council taking any action to address the issue.

There is a security camera at the Common that will be modified. The soft rendering on the toilet block building has been extensively damaged and it is intended to approach the High School to install a mural on the toilets in the hope of reducing the graffiti.

Status

Security camera has been modified.

Resolution Number – 29161110 - Infrastructure Projects

That the following projects be submitted at the CENTROC Regional Infrastructure Meeting for consideration of inclusion in a regional submission being prepared by CENTROC:

- Seal Mayfield Road including construction of a new bridge
- Seal the link from Black Springs to CTLX (Carcoar saleyards) through Oberon, Bathurst and Blayney Council areas
- Complete the link between Oberon and Tarana on Hazelgrove Road through Oberon and Lithgow Council areas
- Carry out improvements on Lowes Mount Road
- Mobile and Broadband Telecommunications Issues

Status

Projects identified as general examples of a need for increased funding for Regional Roads and Financial Assistance Grant (roads component) funding.

Resolution Number – 28161110 - Classification of Lots - Dudley Street

That the following Land be classified as Operational Land.

Lot 1 DP 1074906
Lot 3 DP 1126275
Lot 9 DP 758805
Lot 10 DP 48069

Status

Matter closed

Resolution Number – 27161110 - Six Foot Track Grids

That the application to install grids on Council roads at the following locations be approved:

- a) Six Foot Track, 22m south of intersection with Glen Chee Road
- b) Six Foot Track, 337m south of intersection with Glen Chee Road
- c) Six Foot Tack, 784m south of intersection with Glen Chee Road
- d) Six Foot Track, 1.3km south of intersection with Glen Chee Road

Status

Matter closed

Resolution Number – 33191010 - Black Springs and Burruga Tips

That staff be requested to carry out a review of the charges applied for the disposal of commercial waste.

Status

Report to December Council Meeting

Resolution Number – 25210910 – Water Restrictions

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

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

Status

Matter closed.

Resolution Number – 18210910 – Sewells Creek Road

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

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 purchaser's solicitors – matter closed.

Resolution Number – 41170810 – Rural Fire Service

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

The Minister for Emergency Services has advised that a response will be provided after the matters raised have been investigated.

Resolution Number – 18170810 – Oberon Street Paving

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

Status

Ongoing – programmed to commence 3/11/10

Resolution Number – 05030810 – Proposed New Fire Control Centre Bathurst

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

The RFS have acknowledged and accepted that Oberon Council will not be contributing to a Zone Fire Control Centre at Bathurst.

Additional information has been requested on items 3,4 and 5.

Resolution Number – 27200610 – Road Safety Grant Pilot Program

That Council participate in the Road Safety Grant Pilot Program.

Status

Program commenced.

See Director of Engineering Monthly Update Report.

Resolution Number – 19200610 – Stormwater Harvesting Project

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

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 and soil assessment continuing.

Resolution Number – 32180510 – Mayfield Bridge and Road Sealing

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

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

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 – 36160310 – Kerbside Recycling

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

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

Draft Review released late December, 2010.

Resolution Number – 07171109 – Road Transfer

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

Awaiting plan registration by the Department of Lands.

Resolution Number – 09201009 – Classification of Land

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.

File No: A1.2.1
Author: Leigh Robins
Date: 3 December 2010

12.02 Reports for Decision

12.02.01 CENTROC Water Alliance

Executive Summary

CENTROC Water Alliance has been established as a way of sharing resources across the region and to strengthen an individual Councils position in a non binding alliance.

For Council Decision

Recommendation

That an allocation of \$49,000 be provided from Section 94 reserves for the completion of best practice management compliance as part of the CENTROC Water Alliance.

Background

The Gellatley report previously commissioned by the State Government identified deficiencies across the state amongst local water authorities in achieving 100% compliance with Best Practice Management of Water Supply and Sewerage Guidelines.

Councils Strategic Business Plan is out of date and should be revised.

A Demand Management Plan and an Integrated Water Cycle Management Plan are also required to be completed to satisfy the 100% compliance target.

The budget to complete this work with other Councils as a collective is \$49,000.

Attachments

Nil

Statutory Environment

An IWCM plan and current Strategic Business plan are a prerequisite for funding of major grant works in the sewer or water fund.

Policy Implications

Nil

Financial Implications

The funding can be provided from the current reserve fund. For Council to pursue this course of action alone would be a more expensive proposition as economies of scale are coming into play here by doing a joint purchase of services.

Strategic Implications

Satisfaction of the State Government's preference to see local authorities aligned in strategic alliances to address these kinds of matters.

Officers Comment

It is strongly recommended that these funds be allocated in this way to address outstanding compliance issues in a cost effective manner.

Consulted With

General Manager

File: E32.2
Author: Leigh Robins
Date: 30 November 2010

12.02.02 Hume Street Tree

Executive Summary

A further request has been received from a resident to remove or prune a tree in Hume Street.

A report has been obtained indicating that the tree is healthy, and that removing limbs could be detrimental.

For Council Decision

Recommendation:

That no action be taken to remove or prune the eucalypt tree in Hume Street.

Background

On several occasions the same resident in Bligh Street has expressed concern about a large eucalypt growing behind their property in Hume Street. They are worried about the potential for the tree to fall or drop limbs on their property. They have also complained about leaves and twigs falling into their pool.

Council previously considered a report on this tree. An arborist advised that the tree was healthy and unlikely to fall. Consequently Council resolved not to remove the tree, however some pruning of dead wood was carried out.

The resident has again complained, and the tree has been inspected again. The report is attached. It advises that removal of the braches overhanging the property could be done, but this may be detrimental to the health of the tree.

Attachments



101214 - Arborist
Report Hume Street T

Statutory Environment

No statutory implications identified.

Policy Implications

Council has no relevant policies.

Financial Implications

The estimated cost to prune or remove the tree would be in the range of \$3,000 - \$6,000. This would come from town streets maintenance, which while currently within budget would therefore be reduced by this amount for usual maintenance activities.

Alternatively the resident who holds the concerns could be approached to fund the works, especially as the expert opinion is that the tree poses no significant danger in it's current configuration. This would then have minimal effect on budgets as Council involvement would be limited to a facilitation and co-ordination role only.

Strategic Implications

Nil identified.

Officers Comment

Given the advice that the tree is sound, if Council chooses to permit the removal of the overhanging braches, it may wish to do so on the condition that the complainant bears the cost.

However the advice that removing these branches would be detrimental to the overall stability of the tree should be borne in mind as it then increases the risk of future branch falls.

Consulted With

Mr Van Emmerick, Agile Arbor P/L
Mrs K Gibbs, Bligh Street

File No: E34.10
Author: Ian Tucker
Date: 1 December 2010

12.02.03 Schumachers Road

Executive Summary

Following the recent wet weather, Schumachers Road is in poor condition. Extensive gravel resheeting is required. There is inadequate provision in the budget to complete these works.

For Council Decision

Recommendation:

That gravel sheeting be carried out on Schumachers Road over a number of years and within the allocated budget, as resources and funding permit.

Background
















There have been regular complaints in the past about the conditions of Schumachers Road, particularly during wet weather, and particularly when it was used as a school bus route.

These problems date back many years, from long before this area became part of the Oberon Local Government Area. It is believed there has never been much, if any, gravel placed on many sections of the road.

An inspection was carried out during wet weather on 29 November 2010. The Overseer reported that he barely got through in his 4WD vehicle.

Extensive gravel sheeting will be necessary over the entire 12km length of road. However finding the necessary funds will be difficult given that many other roads also needing gravel. There are no suitable gravel sources close to this road, so gravel will need to be hauled a long distance, adding to the cost.

Attachments

- | | | | | |
|--|--|--|--|--|
| 
101202 Schumacker
Road 001.JPG | 
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Road 002.JPG | 
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Road 013.JPG | 
101202 Schumacker
Road 014.JPG | 
101202 Schumacker
Road 015.JPG |

Statutory Environment

Schumachers Road is a dedicated road under Council control. However it remains under Council's discretion as to the standard to which it is maintained.

Policy Implications

Nil identified.

Financial Implications

The estimated cost to gravel sheet the full length of Schumachers Road is \$250,000. This may be reduced if any suitable gravel sources can be found closer to the road.

The allocation for gravel sheeting in 2010/2011 is \$335,157, of which approximately \$140,000 has been spent, and further works are currently in progress.

To gravel sheet the full length of Schumachers Road would require a further allocation, or staging the works over a number of years.

Strategic Implications

Council has selected a list of roads for upgrading over a number of years. A major funding allocation to Schumachers Road would cause some of the currently selected projects to be deferred.

Officers Comment

Schumachers Road is one of many roads needing gravel sheeting, particularly around the Burruga area.

The only options are to substantially increase the budget allocation for gravel sheeting, possibly at the expense of reconstruction projects, or to continue the current practice of resheeting the most urgent areas each year within the funds available.

Consulted With

Director of Engineering

File No: R231
Author: Ian Tucker
Date: 2 December 2010

12.02.04 Commercial Waste Disposal

Executive Summary

The cost of current and future tipping fees is considered for future budget deliberations.

For Council Decision

Recommendation:

That an increase for tipping fees of 25% be considered when the 2011/12 budget is being prepared.

Background

Council requested a report on the charges applied for commercial waste disposal at the Ordinary meeting of October 19, 2010.

General waste disposal cost for the current financial year is \$9/m³ whilst bulk timber waste disposal fee is \$20/m³.

The waste budget for the 2009/10 year which includes kerbside collection, depot operation and the transfer stations operation was \$408,000 with an income from rates and charges of \$430,000 resulting in a surplus of \$22,000.

It is anticipated that there will be a deficit of \$11,000 this year as a result of the reduced timber waste being disposed at the site.

As advised previously it is likely that the facility will need to be licensed in the near future and the worst case scenario is that a weighbridge would need to be installed as well as air and groundwater monitoring equipment.

If timber waste were diverted the landfill would not need to be licensed.

In discussions with Tumut Shire Council staff they advised that no timber waste is received at the Tumut waste depot as the material is used as fuel in a cogeneration plant for the timber industry.

In light of the anticipated rising cost of disposal of waste it is suggested that tipping fees be increased by 25% for the 2011/12 financial year.

Attachments

Nil

Statutory Environment

No statutory implications identified.

Policy Implications

Nil identified.

Financial Implications

An increase in tipping fees would enable the waste budget to be self funding.

Strategic Implications

Full cost recovery for waste disposal is being targeted.

Officers Comment

Not applicable

Consulted With

Director of Corporate Services

File No: E35.3
Author: Leigh Robins
Date: 3 December 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 Report – General Manager

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

1. Staff Matters

- a) Executive Management
Meeting weekly as planned.
- b) General Staff
Continuing one on one meetings.

2. Workplace Health and Safety Matters

- a) General
The Workplace Health and Safety was held in November. Minutes to be considered by EMT
- b) Incidents
No incidents in November.

3. Attendance at External Meetings and Conferences

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

- a. Telstra Meeting with the Mayor to discuss mobile and broadband coverage – November 1 2010
- b. Meeting with David McMurray and Jim Hawkes from the Highland Steam and Vintage Fair.

- c. Meeting with Friends of Oberon Library.
- d. Internal Audit and Alliance meeting.
- e. Met with representatives from Jenolan Caves and Mayfield Gardens with regards regional tourism activities.
- f. The Mayor and I attended the Future of Local Government Focus Group in Dubbo.
- g. Met with Brian Dellow - Oberon Business Association (OBA) President.
- h. Met with Damian Drew - Blue Mountains City Council – with regards regional tourism.
- i. The Mayor, Director of Engineering, Executive Assistant and I met with representatives from the RSL regarding the Atatürk Stone installation and opening ceremony.
- j. The Mayor and I meet with MP John Cobb and Senator Stephen Conroy regarding telecommunications matters.
- k. Met with Brian Harman – OPTA President regarding OPTA activities.
- l. Met with the Finance Manager and Council's Auditor regarding the 2009-10 year.
- m. Met with the Mayor, Director of Development and a resident with regards a proposed development concept.
- n. Attended the CENROC Board Meeting with the Mayor.
- o. Attended GIPA training with Councillor Handelsmann
- p. Attended a site meeting with the Director of Development and ANL's Managing Director.
- q. Attended the Blue Mountains, Lithgow and Oberon Tourism AGM

4. Committee Meetings

I have not attended any committee meetings during this time.

5. Events Calender



Calendar December
2010.doc



Calendar - January
2011.docx

6. Grants

The following is an update on the status of current grants

Purpose	Submitted	Grant Name/Lodged With	Expected Approval Date	Status
International Women's Day to be held on 8 March 2011	Yes	Premier and Cabinet Office for Women's Policy	Early 2011	See report to December Council Meeting
Youth Week proposed to be held on 26 February 2011	25 October 2010	NSW Community for Children and Young People	Approved – 6 October 2010	Grant for \$1,230.00 approved to be matched \$ for \$ by Council.
Seniors Week 20 to 27 March 2011	26 October 2010	Human Services Grant	1 December 2010	Awaiting approval
Community Centre Extension	2009	Community Building Partnership Project	Approved	Works commenced – first progress report lodged 11.10.10
Community Centre Internal Renovations	November 2009	Community Halls Renewal Fund	March/April 2011	Unsuccessful in first round of funding, application rolls over to next round of funding
Library Extension	24 September 2010	State Library	Feb/March 2011	
Tennis Centre Enclosure	Dec 2009 29 July 2010 6 August 2010 1 November 2010	RLCIP Round 2 RLCIP Round 3 Community Building Partnership Viola Mulwaree Trust	Approved Approved Approved	Application for extension lodged. Awaiting Approval for Community Building Partnership

7. Use of Reportable Delegations

None to report

8. Economic Development

As of November 30 Council's Economic Development Officer resigned. Given extenuating circumstances there is no report for this period. There are no immediate plans to replace this role as the original contractual obligations have been fulfilled to the funding agency.

Further consideration is yet to be given to the future direction of this role.

9. Regional Matters

None to report

10. Other Matters

10.1 The Shires Association of NSW

The Shires Association of NSW is registered as an Employer Association under the Federal Fairwork (Registered Organisations) Act 2009 and the NSW Industrial Relations Act 1996.

In order to fulfil its obligations under both Acts (Part 8 Division 3 and Sec 517(1) respectively) the Association has to provide a copy of the Annual Financial Statements, the Audit report and the Operating Report to all members within six months of the end of the financial year.

Accordingly find attached the three reports:

- The Annual Financial Statements for the year ended 30th June 2010
- Audit Report for the year ended 30th June 2010
- The Operating Report for the year ended 30th June 2010

If Councillors have any questions please contact Mounie Abraham on 9242 4191.



SA Financial Report
30 June 2010.pdf



SA Audit Report 30
June 2010.pdf



SA Operating Report
30 June 2010.pdf

10.2 Email Filtering

Councillors should be aware that all Councillor emails are now placed on the White List. This means that the only filtering that applies to emails coming from Councillor email addresses is a virus and spam check.

This will alleviate any potential issue with blocked emails in the majority of cases. Should an email be blocked as suspected spam or identified as having a virus attached you will receive a blocked email notification. The email itself will have been deleted from the Council system. In this instance you are best of contacting the director involved or myself to progress the matter.

File: A1.2.1
Author: Leanne Mash
Date: 03 December 2010

13.01.02 General Manager Status Report

Resolution Number – 44161110 - Citizen of the Year Awards

That:

1. Australia Day Awards be made in the following categories:
 - a. Citizen of the Year – Nancy Dennis
 - b. Young Citizen of the Year - Emma Swannell
 - c. Sportsperson of the Year - No nominations received
 - d. Junior Sportsperson of the Year - Connor Sherlock
 - e. Sports Team of the Year - Oberon High School/St Joseph's Combined Rugby League Team
 - f. Community Event of the Year - Heritage Steam and Vintage Fair
 - g. Local Legend of the Year - Ian Browne

2. That the Citizen of the Year and partner, Young Citizen of the Year and parents, Sportsperson of the Year and partner, Junior Sportsperson of the Year and parents, Team members of the Sports Teams of the Year and coaches, A Committee Representative and partner of the Community Event of the Year and Local Legend of the Year and partner be invited to a cocktail function the evening before Australia Day to meet with Councillors and the Australia Day Ambassador and partner.

Status

The Mayor has personally contacted the Citizen of the Year to advise Mrs Dennis of her award. Letters have been sent to the remaining recipients.

The event itself is in planning.

Police Response to Vandalism

Councillor McMahon also commented that a resident in the area has contacted the police during a time that vandalism was occurring at the Common and was advised that the matter was not considered a high priority.

Staff are requested to raise the concerns over the police response with the Chifley Area Commander.

Status

Letter to be written

Resolution Number – 39161110 – 2011 Country and Regional Living Expo

That no action be taken to attend the 2011 Country and Regional Living Expo.

Status

Organiser advised Council will not be attending – matter closed.

Resolution Number – 38161110 – Natural Asset Protection Agency Briefing

That Mr Rob and Hugh Webb of the Natural Asset Protection Agency be invited to present to Council at an Information Briefing Session to elaborate on this concept and potential benefits to Council and the community.

Status

Invitation accepted, presenting to the meeting on December 14 2010.

Resolution Number – 34161110 - Upcoming Meetings

1. That the Mayor, General Manager and Councillor Handelsmann nominate to attend the GIPA Legislation and Impact on Councillors Information Session
2. That the General Manager and Councillors attend the Division of Local Government Councillor Information Seminars – Series II
3. That the General Manager and Mayor attend the Blue Mountains, Lithgow and Oberon Tourism Annual General Meeting and Dinner
4. That no Councillor or officer attend the Regional City Development Conference.
5. That all Councillors who are able to attend the Oberon Business Association Awards Dinner on 8 December 2010 do so.

Status

1. Councillor Handelsmann and the General Manager attended the GIPA Legislation and Impact on Councillors Information Session
 2. Councillors Sullivan and Gibbons and the General Manager are registered to attend the Division of Local Government Councillor Information Seminars – Series II
 3. General Manager attended Blue Mountains, Lithgow and Oberon Tourism Annual General Meeting and Dinner
 4. Councillors Sullivan and Doney and the General Manager are booked to attend the Oberon Business Association Awards Dinner on 8 December 2010.
-

Resolution Number – 33161110 - January Ordinary Council Meeting

That the Ordinary Council Meeting scheduled to be held in January 2011 not be held.

Status

Advertisement printed in the Oberon Review. Matter closed.

Friends of Oberon Library Grant

Councillor Handelsmann also attended the Friends Of the Oberon Library Meeting (FOOL's) held on 16 November 2010 and advised that the FOOL's have been successful in securing a grant to purchase five navigators which are electronic devices for visually impaired people to access e-books.

The Council wish to extend their congratulations to the FOOL's for their work.

Status

Letter to written.

Resolution Number – 44191010 - Tasman Estate

That the General Manager be authorised to negotiate with the Agent with regards a counter offer for the purchase of Lot 18 in the Tasman Estate.

Status

Counter offer presented to the agent for consideration by the client – awaiting an outcome.

Resolution Number – 41191010 - Second Track at Mount Panorama Meeting

That Councillor McCarthy attends the Second Track at Mt Panorama, Bathurst meeting to be held in Bathurst on Thursday 21 October 2010 as Council's representative.

Status

Report from Councillor McCarthy to the November meeting. Matter closed.

Resolution Number – 40191010 - Absence of Journalist

That a letter be forwarded to Rural Press to express disappointment that a replacement journalist was not provided for the Council's Ordinary Meeting held on 19 October 2010.

Status

Letter sent, await response.

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

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

Status

No additional progress to date.

Resolution Number – 40210910 – Upper Macquarie County Council

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.

November Update: Forestry has agreed to meet with Councillors Francis and McMahon. The Executive Assistant is to confirm a date for this meeting to occur.

Resolution Number – 18200610 – Motor Vehicle Policy

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

Status

November Update: expect a revised policy to the February 2011 meeting

Resolution Number – 35161208 – Oberon – Hazelgrove Walking Track

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.

November Update: Lease for the walking track is awaiting a risk assessment concerning the interface between the proposed operational track and walk/cycle track.

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

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: 3 December 2010

13.02 Reports for Decision

13.02.01 Broadband Submission

Executive Summary

On November 17 2010 the Mayor and General Manager made representation to Senator Stephen Conroy, Minister for Broadband, Communications and the Digital Economy, accompanied by MP John Cobb, with regards access to reliable and affordable broadband services and the mobile phone network for the Oberon Local Government Area (LGA).

While there was no suggestion with regards the mobile phone network, Senator Conroy was able to suggest a course of action with regards broadband. His suggestion was that Council makes a submission to be the pilot site for the tower installations that would support the National Broadband Network (NBN) wireless internet access solution for those communities that are unable to be serviced by the optic fibre network.

For Council Information

Recommendation:

That Council makes a submission to the National Broadband Network to be a pilot site for the wireless broadband network to cover areas of the Oberon LGA not able to access the fibre optic network.

Background

As Councillors are aware the Oberon LGA experiences problems with inadequate broadband and mobile phone coverage. This lack of coverage is inhibiting current and future growth of the area.

The utilization of the current broadband network is primarily restricted to the Oberon township with broadband connection to the rural areas being restricted to satellite connection. The users of this service have indicated that it is costly, slow, unreliable and lacking in capacity.

Through the National Broadband Network rollout 93% of the population should expect to receive broadband via optic fibre. The remaining 7% will use wireless (4%) and satellite (3%) to access broadband internet.

While pilot sites have been established for the optic fibre rollout, no such sites have been established for the wireless network.

At the meeting with the Senator it was his suggestion that Council apply to become a pilot site for the wireless network installation.

Attached are the briefing papers presented to the Senator and fact sheets from the NBN regarding fibre optic and wireless broadband networks.

Attachments



Briefing Note for Meeting with Senator Oberon



Demographics of the Oberon Local Govern



Summary of Points.docx



101206 National-Broadband-I



101206 National-Broadband-I

Statutory Environment

Not Applicable

Policy Implications

Not Applicable

Financial Implications

None at this point with regards the making of a submission.

Officers Comment

Consulted With

Staff from Senator Conroy's office

File: A3.4
Author: Leanne Mash
Date: 6 December 2010

13.02.02 Upcoming Meetings

Executive Summary

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

These include:

- Special Shires Association One Day Conference to address the issue of One Association to be held on 23 February 2011.
-

For Council Decision

Recommendation

That the Mayor be nominated to attend the Special Shires Association One Day Conference to address the issue of One Association and be nominated as Council's voting delegate at the Conference.

Background

The Shires Association and the Local Government Association held a Convention on 16 August 2010 to discuss the issue of forming One Association to represent Local Government in NSW. The convention debated the discussion paper which had been prepared by the One Association Taskforce. The deliberations from the Convention resulted in the agreement of 27 foundation principles.

The principles were presented to the Local Government Association 2010 Conference held in late October and resolved as follows:

“That this Conference, having considered the principles recommended by the One Association Convention, direct the Executive to take these principles into account when progressing the One Association.”

The one day conference to be held on 23 February 2011 will be the Shires Association members opportunity to consider the outcomes of the convention and provide direction to the Executive so that the matter can be progressed to the next stage. An update on the issue of Modernising Local Government and an update on industrial matters, including the new award will also be included in the agenda for the conference if time permits.

The cost of attending the conference is \$88 per attendee. Each member Council is entitled to one voting delegate and Council's may send as many observers as required. Accommodation has also been arranged at the Travelodge, Wynyard at a rate of \$150 per night.

Attachments



101214 - Special
Shires Association 1 D

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

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

Strategic Implications

Not applicable

Officers Comment

Consulted With

File: A1.2.1
Author: Leanne Mash
Date: 3 December 2010

14 Closed Session Reports

- 14.01.01 Request for Reduction in Tipping Fees
 - 14.01.02 Shooters Hill Forestry Roads Construction
 - 14.01.03 Outstanding Rates, Charges and Legal Costs
 - 14.01.04 Public Liability Claims Register
 - 14.01.05 Investments – Legal Action Update
-

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 will be held on 15 February 2011, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.