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OBERON COUNCIL

*Agenda and Business Papers
Oberon Council Ordinary General Meeting
Tuesday 19 April 2011
5.30pm Council Chambers*

5.30pm	Opening of meeting
8.15pm - 8.45pm	Dinner

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01 Opening of Meeting

The Mayor welcomed members and declared the meeting open at ...

02 Prayer

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 Clive McCarthy
 Cr Bob O’Bernier

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

Apologies Nil

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

04 Questions from the Public

None received.

05 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 15 March 2011



05.01.01_Unconfirme
d_Minutes_15_March_

Recommendation

That the Minutes of the duly convened Ordinary Meeting held on 15 March 2011 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

1. Ordinary Council Meeting – 15 March 2011
2. Meeting with Labour Candidate, Dale Turner – 16 March 2011
3. Meeting with Beechwood Homes regarding Tasman Estate – 17 March 2011
4. Library Planning Day – 18 March 2011
5. Community Briefing Session – 22 March 2011
6. Meeting with the Applicant, General Manager and planning staff regarding an ongoing development application
7. Events Committee Meeting – 5 April 2011
8. Black Springs Progress Association Meeting – 11 April 2011
9. Interviews for Director of Development position – 13 April 2011
10. Burruga and District Community Association Meeting – 14 April 2011

B. Representation

1. Official Opening of the Oberon Arts Council Projects in the Common – 13 March 2011
2. Seniors Week Function at Oberon RSL Club – 22 March 2011
3. Oberon High School Captains Induction – 4 April 2011
4. Opening Ceremony of the Library at St Joseph's Catholic School – 6 April 2011
5. Youth Week Event at the Oberon Showground – 8 April 2011

C. Correspondence

1. Australian Local Government Association outlining the "Cash for Containers" campaign – 23 March 2011
2. The Bluett Awards inviting Council's to submit an entry to the AR Bluett Award for 2011 – 23 March 2011
3. Letter from OPTA regarding the presentation at the Councillor Briefing Session – received 27 March 2011
4. Reliance Credit Union invitation to attend the official relaunch of the Reliance Credit Union to be held on 14 April 2011.
5. Invitation to attend the Opening Ceremony of the Library at St Joseph's Catholic School.
6. Invitation from Oberon Correctional Centre to join the re-launched Oberon Correctional Centre Community Consultative Committee.

D. Other Matters

1. Council will be hosting a visit from the Mayor of Eceabat, Kemal Dokuz who will be attending the 2011 Oberon ANZAC Day services. An official dinner will be held to welcome the Mayor on the evening of 24 April 2011.
2. The Shires Association of New South Wales is seeking nominations for election of the Association's Executive Committee.

Keith Sullivan
Mayor

08 Councillor Reports

Councillors to provide a verbal report to the meeting regarding any attendance at external meetings as Council's elected delegate.

09 Delegates Reports

09.01.01 Library Committee Meeting Minutes

Executive Summary

Minutes of the Library Committee Meeting held on 5 April 2011 along with a copy of the Library Managers report tabled at the meeting are attached for Council's information.

For Council Decision

Recommendation:

That:

1. The minutes of the Library Committee Meeting held on 5 April 2011 be received and noted.
 2. That the report on the Library Planning Day held on 18 March 2011 be received and noted.
 3. That the General Manager be removed as a voting delegate on the Library Committee.
-

Background

Christine Parker gave a verbal report regarding her attendance at the Annual General Meeting for Public Libraries NSW Country on 4 March 2011.

- Name has changed from Public Libraries NSW Country to Public Libraries NSW
- A scholarship in honour of Kath Knowles is being established for young Librarians to develop skills in Local Government Procurement.

Attachments



09.01.01_Attachment 09.01.01_Attachment 09.01.01_Attachment
_A_Minutes_April_5_2_B_Library_Managers_ _C_Minutes_Library_C

Statutory Environment

Local Government Act 1993

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Officers Comment

Nil

Consulted With

Library Committee
General Manager
Library Manager

File No: A2.8
Author: Kathy Beesley
Date: 5 April 2011

09.01.02 Events Committee Meeting Minutes

Executive Summary

Minutes of the Events Committee Meeting held on 5 April 2011 are attached for Council's information.

For Council Decision

Recommendation:

That:

1. The Minutes of the Events Committee Meeting held on 5 April 2011 be received and noted.
 2. That the General Manager be authorised to determine dates for opening weekend of the 2011 Open Gardens in conjunction with the Rotary Club of Oberon and the Anglican Church.
 3. That Council's 2011/2012 budget deliberations include consideration of continued funding to support the Open Gardens Event that will be co-ordinated by Rotary Club of Oberon in 2011/12.
-

Background

The Events Committee Meeting was held on 5 April 2011 and discussions were held as follows:

- Oberon Show – Advertising – Oberon and Villages Summer Festival
- International Women's Day – Forming a Committee for 2012 event
- Kanangra Classic Endurance Ride – 16th October 2011
- Combined Churches Easter Celebrations on Good Friday 22 April 2011.
- 2011/2012 Summer Festival (incorporating 2011 Festival of Spring Gardens)

Attachments



09.01.02_Attachment
_A_Minutes_5_April_;

Statutory Environment

Local Government Act 1993

Policy Implications

Nil

Financial Implications

Provision has been made in the 2011/2012 draft budget for continued funding to support the co-ordination of the Open Gardens Event.

Strategic Implications

Nil

Officers Comment

Nil

Consulted With

File No: A2.5
Author: Kathy Beesley
Date: 7 April 2011

09.01.03 Finance Committee Meeting Minutes

Executive Summary

Minutes of the Finance Committee meeting held on the 5 April 2011 are attached for Council's information.

Further investigations and calculations have been undertaken by staff following questions received and comments made during the committee's consideration of the draft fees and charges for 2011/2012. The results of those investigations are summarised on the attachments to this report.

For Council Decision

Recommendation:

1. That the Minutes of the Finance Committee Meeting held on 5 April 2011 be accepted.
 2. That in relation to the draft fees and charges for 2011-2012:
 - a) The minimum charge for wages on page 23, Private Works and Other Charges be amended to the state award rate plus 55%.
 - b) The dry hire for the grader and loader as shown on page 24 be removed as this service is not provided.
 - c) The annual waste management charge for vacant land per annum be increased to \$30.00 per annum as shown on page 27.
 - d) The Subdivision and/or Strata Certificate (Release of Linen Plan) base fee on Page 4 of the draft fees and charges be increased from \$174 to \$200 and the fee per lot increase from \$25.00 to \$50.00.
 - e) That two new fees be inserted in the miscellaneous section on page 17 of the draft fees as follows:
 - Written confirmation that Development Consent has commenced (inspection required) \$150.00
 - Written confirmation that Development Consent has commenced (no inspection required) \$60.00
 - f) Council endorse a ___% increase in fees and charges for 2011/2012 in lieu of CPI increases (where draft increases related to a percentage increase based on the CPI).
-

Background

Minutes of the Finance Committee meeting held on the 5 April 2011 are attached for Council's information.

Further investigations and calculations have been undertaken by staff following questions received and comments made during the committee's consideration of the draft fees and charges for 2011/2012.

The results of those investigations are summarised on the attachments to this report and include:

- Projection of additional fees and charges income generated for 7%, 10% and 20% increases in lieu of the increases recommended by staff
- Comparison of Section 94 charges with those currently charged by Bathurst, Blayney, Gloucester, Narromine and Upper Lachlan Councils.
- Comparison of relevant development and building fees with those currently charged by Bathurst, Blayney, Narromine, Upper Lachlan and Wellington Councils.

Upon reviewing other fees and charges it is recommended that the Subdivision and/or Strata Certificate (Release of Linen Plan) base fee on Page 4 of the draft fees and charges be increased from \$174 to \$200 and the fee per lot increase from \$25.00 to \$50.00. This increase is recommended to reflect the amount of officer time required to undertake the release of linen plans.

In order to clarify the way in which Council confirms the Commencement of Development Consents it is suggested that two new fees be inserted in the miscellaneous section on page 17 of the draft fees and charges. These fees have previously been collected under professional officer time, however for the purpose of clarity staff recommend the insertion of these fees. The fees are as follows:

- Written confirmation that Development Consent has commenced (inspection required) \$150.00
- Written confirmation that Development Consent has commenced (no inspection required) \$60.00

Attachments



09.01.03_Attachment
_A_Fees_and_Charge:



09.01.03_Attachment
_B_Section_94_Comp:



09.01.03_Attachment
_C_Comparison_of_D/



09.01.03_Attachment
_D_Minutes_Finance_

Statutory Environment

Local Government Act 1993

Local Government (General) Regulation 2007

Policy Implications

Nil

Financial Implications

The adopted fees and charges for 2011/2012 will be reflected in the draft budget to be considered by Council in May 2011.

Strategic Implications

Officers Comment

Nil

Consulted With

Finance Committee
General Manager
Acting Director of Development

File No: A2.14
Author: John Chapman
Date: 11 April 2011

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 March 1 2011 to March 31 2011.

1. Determinations for the Month of March

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

a) Development Applications	6
b) Construction Certificates	8
c) Complying Development Certificates	0
d) Subdivision Certificates	1
e) Section 68 Applications	4
f) Applications Refused	0

A complete list of the determination is as follows:

Determinations for the Month of March 2011 (S.101 E.P. & A . Act.)

Ref No	Development Type	Street Address	Locality
10.2010.100.1 11.2010.100.1 19.2010.33.1	Dwelling & On Site Waste Water	137 Wilson Drive	Titania Park Estate
10.2010.98.1 11.2010.98.1 19.2010.32.1	Dwelling & On Site Waste Water	386 Ginkin Road	Ginkin
10.2011.3.1 11.2011.3.1 19.2011.3.1	Dwelling & On Site Waste Water	751 Carlwood Road	Tarana
15.2010.83.1	Subdivision Certificate for Boundary Adjustment	3008 Abercrombie Road	Oberon

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commencing at 5.30pm**

11.2010.33.5	Access Construction	60 Burns Road	Wisemans Creek
10.2010.95.1 11.2010.95.1	Installation of a Diesel Fuel Bowser and Associated Awning at BP garage	84 Oberon Street	Oberon
10.2011.6.1 11.2010.6.1 19.2011.5.1	Dwelling & On Site Waste Water	1530 Sewells Creek Road	Wisemans Creek
10.2011.8.1 11.2011.8.1	Awning over Playground	2-4 King Street	Oberon
10.2005.349.2	Modification - Front Fence	79 North Street	Oberon
10.2011.5.1 11.2011.5.1	Additions to Dwelling	2899 Beaconsfield Road	Wisemans Creek

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 March

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 March the following certificates were issued:

- a) 29 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) Nine Section 735A Certificates were issued.

Section 725A Certificates As To Notices – issued under Section 735A of the Local Government Act, 1993.

- c) Seven Section 121ZP Certificates were issued.

Section 121ZP Certificates As To Orders – issued under Section 121ZP of the Environmental Planning and Assessment Act, 1979.

- d) No 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 March. The following details concerning the Animal Pound are for the month of March.

Details	Number of Cats	Number of Dogs
Animals carried over from previous month	0	3
Animals Seized	0	2
Animals Abandoned	2	1
Animals Surrendered	0	1
Animals released to Owner	0	0
Animals Released to CHD (Cats, Dogs and Horses Charity) under Clause 17 of the Companion Animals Regulations 1999 (Exemptions from Registrations Requirement) for re-homing	0	0
Animals Destroyed	1	1
Animals Sold	0	0
Animals died at Council's facility	0	0
Animals Escaped/Stolen	0	0
Animals still in the Pound	1	6

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 March.

a) Building Inspections	30
b) Food Inspections	0
c) Environmental Inspections (Air Pollution/Noise Pollution/Water Pollution)	1
d) Subdivision Certificate Inspections	1
e) Complaints (Includes Animal Control)	7
f) Building Maintenance Inspections	5

5. Attendance at Seminars/Conference/Short Courses

Nil during this period.

10.01.02 New Access to Premises Standards for people with Disabilities.

Executive Summary

From 1 May 2011 certain new buildings, and existing buildings being modified, will have to comply with the Disability (Access to Premises – Buildings) Standards (the Premises Standards) under the Commonwealth *Disability Discrimination Act 1992* (DDA). The Premises Standard will apply to all classes of commercial development.

For Council Information

That the information be received and noted.

Background:

The Australian Government's Disability Discrimination Act 1993 (DDA) has been in effect since March 1993 and it prohibits discrimination against people with a disability or their associates in a range of areas including transport, education, employment, accommodation and premises to which the public is entitled to enter or use.

The DDA is complaints-based (as opposed to compliance-based) legislation. To date, the intent and objectives of the DDA have not been supported by detailed technical requirements, so there is no clear way to ensure that a building complies with the DDA.

The Building Code of Australia on the other hand, is developed and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and the State and Territory Governments of Australia, each of whom have statutory responsibility for building control and regulation within their jurisdiction. The BCA is a comprehensive statement of the performance and technical requirements relevant to the design and construction of buildings and other related structures. The BCA is therefore a national code, administered at a state and territory government level.

The main objectives of the standard are to:

- To eliminate, as far as possible, discrimination against persons on the basis of their disabilities in various areas, and in particular access to premises, work, accommodation and the provision of facilities, services and land;
- To ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- To promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The purpose of the Premises Standards is:

- To ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability, and

- To give certainty to building certifiers, developers and managers that if the Standards are complied with they cannot be subject to a successful complaint under the DDA in relation to those matters covered by the Premises Standards.

The BCA contains specific provisions for access to and within buildings, for people with a disability. The BCA applies to building work on both new and existing buildings.

Accordingly, to ensure the intent and objectives of the DDA are effectively enforced the Premises Standards was introduced to apply to buildings and structures governed by the BCA that require building approval. In NSW, they will apply to applications for:

- A construction certificate
- A complying development certificate.

The Premises Standards will apply to any application lodged on or after 1 May 2011 for:

- The erection of a building
- Alterations and additions to an existing building
- An application for a change in building use where building works are proposed or required to meet fire safety standards.

The affected part of the building must be “upgraded” to comply with the Premises Standards subject to any exceptions or concessions and only applies to any part of an existing building once work requiring building approval is to be undertaken. In most circumstances it will also be necessary to provide an accessible path of travel from the principal public entrance to the new or modified part of an existing building. Attachment a – Buildings to which the premises standards apply, clarifies the above requirements.

While the Premises Standards do not apply at development application stage, best practice will be to show any necessary building works for the affected part upgrade on the development application plans (although technical compliance details are required only for any subsequent construction certificate application). This will avoid unnecessary delays and reduce the need for section 96 modifications of the development consent.

The certifying authority will be responsible for checking compliance with the Premises Standards in the same way compliance with the BCA is currently determined by the certifying authority at construction certificate stage.

Attachments:



10.01.02_New_Access
to_Premise_Standards

Statutory Environment:

Commonwealth Disability Discrimination Act 1992
Building Code of Australia 2011

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Officers Comment:

No Comment

Consulted With:

The Acting Director of Development

File: D50.3
Author: Jaclyn Burns
Date: 04/04/2011

10.01.03 Director of Development Status Report

Resolution Number – 45150311 Mayoral Minute - LEP

That Council pursue the completion of the LEP withholding the provision of Minimum Lot Size for Rural Lands on the basis that it will be resolved at a later date subject to the provision of funds to conduct a Variable Minimum Lot Size Land Use Study.

Status

Closed - Amended by Council meeting on 5 April 2011

Overgrown Vegetation on Town Blocks

Councillor O’Bernier raised an issue in relation to overgrown house blocks in Oberon. There are several blocks in Oberon that are vastly overgrown. Residents have raised the matter with the NSW Fire Brigade and have been advised that they do not consider these blocks to be a fire hazard under one hectare land mass. Councillor O’Bernier asked if Council can take further action in relation to this matter.

The Acting Director of Development advised that several Notices of Intent to Issue an Order have been processed and this matter will be progressed by staff if no action is taken by the landowner.

Status

In progress

Resolution Numbers 09150311 and 10150311 Section 96 (A1) Modification 10.2005.349.2 to Development Consent 349/05

That the Section 96 (A1) Modification 10.2005.349.2 to Development Consent 349/04 for the retrospective approval for a front fence on Lot 43 DP: 1009069 and Lot 7 DP: 2364, 79 – 81 North Street, Oberon be approved.

That the Section 96 (A1) Modification 10.2005.349.2 to Development Consent 349/05 for the retrospective approval for a further reduction of Common Open Area to increase Private Open Space on Lot 43 DP: 1009069 and Lot 7 DP: 2364, 79 – 81 North Street, Oberon, be refused due to non-compliance with the Oberon Development Control Plan, 2001, Common Open Area, in accordance with Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act, 1979.

Status

Closed

Resolution Number – 40150211 Heritage Interpretive Signs

That the General Manager explore options for the construction of the heritage interpretive sign frame structure and proceed on the basis of obtaining new quotes for such work.

Status

Ongoing

Contacting potential builders to gauge interest. Also exploring the option, at the request of the Chair of the Heritage Committee, for volunteers to make the Blacks Spring sign.

Resolution Number 15150211 Development Application 10.2010.86.1

Council endorse the refund of application fees totalling \$519.00 paid on 18/11/2010 in respect to Development Application 10.2010.86.1, Construction Certificate 11.2010.86.1 and On-Site Waste Water (Section 68) Application No 20.2010.16.1 for a proposed meeting room and toilet facilities at Lot 3 in DP: 758805, Ross Street Oberon, as requested by the Oberon Men's Shed in accordance with Councils Policy Number 2209, upon approval of the abovementioned applications.

Status

Completed

Resolution Number – 07150211

- b. That a letter of appreciation be forwarded to Mr MacKenzie for his input and time spent on the Heritage committee.
- c. That a letter of thanks be forwarded to the Coxs Road Committee for their assistance with the Old Coxs Road Heritage signs.
- d. That the section of the Old Coxs Road that passes through the Oberon LGA be recommended for listing on the State Heritage Register.
- e. That a letter be sent to Lithgow City Council requesting that they address the preservation of the Old Coxs Road located in their LGA near Fish River with a view of protecting it for the future.

Status

- b. Completed.
 - c. Completed.
 - d. Ongoing - Heritage Advisor to complete application.
 - e. Ongoing - Letter sent.
-

Resolution Number – 32141210 - Oberon Community Centre Internal Renovations

That:

- a) The floor plan as marked drawing number 0709 TOC/002 and dated 30 July 2009 as presented to the community be endorsed by Council or Council undertake any necessary amendments to the floor plan.
- b) Quotations be called for the internal building works as shown on the final endorsed floor plan.

Status

Quotations have not to be called yet as still awaiting grant funding documentation.

Resolution Number – 23141210 - Oberon Community Centre

That the Oberon Community Centre be known as the Robert (Bob) Hooper Community Centre in recognition of Councillor Hooper's service to the Oberon Community over many years.

Status

Quotations for signs will be part of the renovations in Resolution 32141210 above which quotations have not yet been called for.

Resolution Number – 10141210 - Development Control Plan 2001

That Council's Development Control Plan 2001 be reviewed with particular reference to the requirement for variations to residential garaging and proposed amendments be reported to Council.

Status

To be undertaken in the future, most likely after the time the new LEP is implemented

Resolution Number – 08141210 - 10.02.02 Mudgee Stone Company Pty Ltd (Oberon White Granite Quarry Project) - Exhibition of Environmental Assessment

That the information be received and noted and Council make a submission in response to such.

Status

Submission made – await outcome.

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

Ongoing

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

See resolution below for the updates.

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.

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.

January Update - Two of the three PINS have been paid. No information to hand as yet from the State regarding the outcome of their action.

March Update – No further news to report. Still awaiting an outcome from the State.

April Update – No further news to report. Still awaiting an outcome from the State.

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.

January Update – Development Application received 14 January 2011.

March Update – Ongoing

April Update – DA has been received, matter closed

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.

January Update - Staff actively pursuing completion of this project.

March update – New contractor being sort – see resolution 40150211 Heritage Interpretive Signs.

April update – New contractor being sort – see resolution 40150211 Heritage Interpretive Signs

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.

January update – Work to commence on drafting wording for the plaque and identification of an appropriate photograph to be included in the plaque.

March Update – Works progressing

April Update – Works progressing

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.

January update – Works progressing on updating the strategy so that it can be endorsed by Council. Awaiting return of revised maps from the consultant.

March update – Department of Planning and Council are both seeking to source updated information from the consultant.

April update – Information has been provided, Council Officers to document Council's changes, Council would then have to endorse the DLUS at a meeting, after which the DLUS is then forward to the DoP for endorsement.

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: Mark Dicker
Date: 8 April 2011

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 – Recreational Motocross Facility and Camping Area
Zone: Rural 1 (a).

Executive Summary

On the 18 November, 2009 Council received Development Application 10.2009.225.1 (attachment A) 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*”.

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 (5) submissions were received representing eight (8) landowners. (attachment B)

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 C).

The application has been deemed to comply with all relevant State and Regional Planning Policies as well as Councils Local Environmental Plan, 1998 and Development Control Plan, 2001.

For Council Decision

Recommendation

That the Staged 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 approved subject to the conditions of Development Consent in attachment D.

Background

Proposal Location:

The proposed development is sited on a 250 hectare property 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 G.

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 original proposal within the Statement of Environmental Effects stated that the hours of operation will be primarily weekends and school and public holidays from 8am to 8pm with "*Possibility may present itself for occasional mid-week training and or special one off events*".

The applicant has since clarified in the Noise Impact Assessment (which would form part of the consent) that the hours of operation will be as follows:

- 8.30am – 4.30pm generally; and
- 8.30am – 5.30pm during daylight saving time

The days of operation will be Weekends, Public Holidays and NSW School Holidays with occasional mid-week training and special on off events.

The proposal is also to be staged in the following manner:

Stage 1: Concept approval – development consent to establish the proposed facility.

Subject to Stage 1 - Stage 2: Seek secondary approvals as may be required by stage one consent for:

- Land Shaping;
- Preliminary earthworks (proposed track layout No.2);
- Preliminary drainage and soil erosion control works;
- Dynamic Noise evaluation/modelling;
- Preliminary buffer plantings.

Subject to Stage 2 – Stage 3: seek additional approvals as may be required by stage 1 and Stage 2 consents for:

- Access construction;
- Signage
- Facility construction;
- Refined earthworks and track construction for proposed tack No's 1 and 3;
- Extended drainage and soil erosion control works;
- Extended buffer plantings.

Subject to Stage 3 – Sage 4: Seek additional approvals as may be required by stage 1 – 3 consents for:

- Track Construction for proposed track No's 1, 3, 4 and beginner;
- Extended drainage and soil erosion control works;
- Extended buffer plantings.

The Environmental Planning and Assessment Act, 1979 (EPA 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 EPA 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:*

Regional Environmental Plans – There are no Regional Environmental Plans relating to the proposed development site.

State Environmental Planning Policies – The only State Environmental Planning Policy (SEPP) relevant to the proposal are:

- SEPP 44 – Koala Habitat Protection. The Statement of Environmental Effects states that there was no indication of koala populations or habitat species;
- SEPP 64 – Advertising and Signage. This SEPP will apply subject to a future Development Application in accordance with the Stage Two (2) development requirements;
- SEPP (Infrastructure) 2007. Not applicable due to estimated traffic volumes, as confirmed by the Statement of Environmental Effects;
- SEPP (Rural Lands) 2008. The proposal appears permissible.

The proposed development has also 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*
 - (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.”

By virtue of ongoing consultation and compliance with the relevant legislation through out the proposed stages of the development, staff believe the development is in keeping with the rural 1(a) zone objectives and general considerations.

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 potential for impact upon the Agricultural use of the land by virtue of the existence of a motor cross track is difficult to quantify. Council staff consider the buffers proposed by the applicant, both acoustically and visually will aid in the protection of agricultural amenity. Again ongoing compliance with the requirements of the Environmental Planning and Assessment Act 1979 and Local Government Act 1993 throughout the various stages of the development will ensure the preservation of rural amenity.

- *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;*

The likely impact associated to the proposed development is noise. To enable Council staff to make a determination as to whether or not the proposed activity will produce ‘Offensive Noise’ as defined under the *Protection of the Environment Operations Act 1997* and to consider the likely impacts of the development a Noise Impact Assessment model was required and subsequently provided on the on the 3 March, 2011 and further peer reviewed on behalf of Council on the 1 April, 2011, as discussed below in further detail.

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

During the determination of the proposed motocross complex, staff obtained an initial Peer Review of the noise impact assessment provided by the applicant (the applicants noise impact assessment is attached - attachment E). 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.

On the 26 November 2010, on behalf of the applicant, a 17 page response was received (attachment F) 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. This was supported by Umwelt on behalf of Council in written advice of the 1 April, 2011, attachment J.

Furthermore Council needs 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 plan by Council staff illustrating the potential future residential development is attached (attachment G) and indicates those properties where original holdings have been established and subdivisions for the purpose of dwellings have been either physically commenced or registered.

On the 3rd March, 2011, Council staff received a noise impact assessment by Renzo Tonin and Associates (attachment H) which has been further reviewed by Umwelt Environmental Consultants (attachment I) which have stated that “*Based on the results of the NIA (Noise Impact Assessment) we believe there is no noise related reason why Oberon Council should not approve the development as long as appropriate conditions are in place to protect the amenity of the surrounding properties*”.

- 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 (attachment C).

The consultant’s responses on behalf of the applicant, to these submissions, are attached (attachment K). It is acknowledged that a number of the concerns raised by the objectors will 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. For example concerns regarding compliance with the camping ground regulations will be addressed via a Section 68 Application under the Local Government Act, 1993 and concerns regarding the impact on Emigrants creek will be assessed in stages one, two and three.

It is important to consider that in the favourable determination of the Development Application by the granting of a staged consent Council is only determining Stage One, the overall concept. Accordingly the grant of such consent does not authorise the carrying out of those proposals and as such whilst such consent is in force, any further development applicable to the site, must be consistent with the staged consent.

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

Council staff considers that the development is within the public interest.

Attachments (copies provided as a separate attachment):

Attachment A Proposed Development



10.02.02a_Attachmen
t_A_Proposed_Develo



10.02.02b_Attachmen
t_A_Proposed_Develo



10.02.02c_Attachmen
t_A_Proposed_Develo

Attachment B Submissions received



10.02.02_Attachment
_B_Submissions_Rece

Attachment C Submissions Matrix



10.02.02_Attachment
_C_Submissions_Matr

Attachment D Proposed Conditions of Development Consent



10.02.02_Attachment
_D_Proposed_Conditic

Attachment E Applicants initial noise assessment and subsequent Peer Review



10.02.02_Attachment
_E_Applicants_Initial_I

Attachment F Abacus Planning's response to the Peer Review



10.02.02_Attachment
_F_Abacus_Planning_I

Attachment G Map indicating future dwelling potential of adjoining lands



10.02.02_Attachment
_G_Map_indicating_ful

Attachment H Final Noise Impact Assessment by Renzo Tonin and Associates – on behalf of the applicant.



10.02.02_Attachment
_H_Final_Noise_Asses

Attachment I Final Peer review by Umwelt - on behalf of Council.



10.02.02_Attachment
_I_Final_Peer_Review

Attachment J Written advice from Umwelt Pty Ltd addressing the Abacus Planning Response letter



10.02.02_Attachment
_J_Written_advice_fro

Attachment K Abacus Planning's response to the submissions



10.02.02_Attachment
_K_Abacus_Plannings_

Statutory Environment:

Environmental Planning and Assessment Act, 1979
Local Government Act, 1993
Oberon Local Environmental Plan 1998
Oberon Development Control Plan, 2001

Policy Implications:

Nil

Financial Implications:

There are no financial implications. However, should the objectors appeal against Council's decision, then Council would have to pay its costs in defending their determination.

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.

The submissions raised by the adjoining land owners also reflected staff's initial concerns as to the adequacy of the information submitted with the application. However, ongoing consultation with the applicant and Council Staff has provided a platform to enable appropriate consideration of all the issues relevant to the application.

Consulted With:

Acting Director of Development
General Manager

File: PR17.2968
Authors: Jaclyn Burns
Date: 4th April, 2011

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 – Corporate Services Department

The following items are presented for Councillors information and are reflective of the period March 1 to March 31 2011.

1. Rates Collections Reports

The monthly statistical report on the collection of rates and annual charges for the period to 31 March 2011 is attached for information.

Total collections to date for the year represent 74.15% of the total receivable, compared with 74.65% at the same time last year.

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

Attachment



11.01.01_Attachment
_A_Monthly_Rates_Le

2. Councillor and General Manager Expenses

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

Attachment



11.01.01_Attachment
_B_Expenses_of_Cour

3. Oberon Library

The monthly report for the Oberon Library is attached for information. A summary of the statistics for the year to 31 March compared with the period to March 2010 is provided as follows:

	Visits		Issues/Internet		New Borrowers	
	2010	2011	2010	2011	2010	2011
January	1,256	1,328	2,136	1,841	26	22
February	1,439	1,417	2,296	1,693	28	32
March	1,618	1,693	2,276	2,126	28	26
To Date	4,313	4,438	6,708	5,660	82	80

Activities during the month of March included:

- Annual Playgroup Fun Day
- Library Committee planning session
- Visit to Black Springs Public School
- Regular weekly story time sessions for children

Attachment



11.01.01_Attachment
_C_Library_Report.pdf

File: A1.2.1
Author: John Chapman
Date: 7 April 2011

11.01.02 Government Information (Public Access) Act 2009 – Publication Guide

Executive Summary

As of the 1 July 2010, the Government Information (Public Access) Act 2009 replaced the Freedom of Information Act 1989 (NSW). The aim of the new legislation is to encourage government agencies to proactively release information. It is a requirement of this legislation that Council produces a publications guide and submits it for approval to the Office of the Information Commissioner (OIC).

Oberon Council submitted their Draft Publication Guide to the Office of the Commissioner for Information on 23 December 2010. This draft has been approved and registered with the OIC and placed on Council's website.

For Council Information

Recommendation:

That the information be received and noted.

Background

As of the 1 July 2010, the Government Information (Public Access) Act 2009 replaced the Freedom of Information Act 1989 (NSW). The aim of the new legislation is to encourage government agencies to:

- Proactively release information
- Give members of the public enforceable right to access government information
- Only restrict the release of information when there is an overriding public interest against disclosure.

In accordance with this legislation, Council is required to produce and adopt a Publications Guide. This guide must provide the public with information on the roles and duties of Council and how these are undertaken, what types of information Council maintains and how members of the public can access this information.

A draft Publications Guide was submitted to the Office of the Information Commission prior to 1 January 2011 and was approved and registered. Council is required to review the Publication Guide and adopt the Publication Guide annually.

A copy of the Publication Guide is available on Council's website www.oberon.nsw.gov.au.

Attachments



11.01.02_GIPA_Publication_Guide_2011.pdf



11.01.02_Attachment_B_GIPA_Good_Practic

Statutory Environment

Local Government Act, 1993
Government Information (Public Access) Act 2009
Freedom on Information Acts (other States)
Privacy Act 1988
Copyright Act 1968

Policy Implications

Policy 1115 – Communications

Financial Implications

No financial implications

Strategic Implications

No strategic implications

Officers Comment

No additional comments.

Consulted With

Director Corporate Services

File: A2.1
Author: Joanne Barton
Date: 1 April 2011

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 31 March 2011, together with a graphical summary for the period from May 2007, are 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 the following figures, compared with those reported at 31 March 2010, are presented for information.

	<u>2010</u>	<u>2011</u>
Face Value of all Investments Held	\$4,257,886	\$4,522,811
Face Value of Grange/Lehman Bros Investments	\$2,500,000	\$2,000,000
Market Value of Grange/Lehman Bros Investments	\$1,074,660	\$813,288
Market Value of Grange as % of Face Value	43%	41%
Cheque Account Cash Book Balance	(\$483,540)	(\$117,464)
Total Cash and Investments (Market Value)	\$2,349,007	\$3,218,635
Interest Received Year to Date	\$131,981	\$184,022
Call A/c Interest Rate	3.95%	4.70%

Oberon Council - Agenda and Business Papers – Ordinary Meeting – 19 April 2011, commencing at 5.30pm

The total sum held in investments and cash is \$869,628 greater than at the same period last year, due mainly to a delay in receipt of amounts due to Council at 31 March 2010 for major works.

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

A summary of the net amounts of principal written off in relation to Lehman Brothers and LGFS CDO's is provided as follows:

Written Off 30 June 2008	(2,682,780)	
Written Back 30 June 2009	540,585	(includes Federation CDO \$500,000 recovered)
Written Back 30 June 2010	<u>55,040</u>	
Net Written off to 30 June 2010	(2,087,155)	
Anticipated Write-Back 30 June 2011	<u>176,735</u>	(based on current valuations)
Anticipated Net Written off to 30 June 2011	<u>(\$1,910,420)</u>	

Attachments



11.01.03_Attachment
_A_Investments_and_



11.01.03 -
Attachment B Investm

File: C17.1
Author: John Chapman
Date: 7 April 2011

11.01.04 Shires Association of New South Wales Election Notice

Executive Summary

The Shires Association of New South Wales is seeking nominations for election of the Association's Executive Committee.

Council has traditionally not sought to nominate candidates for positions with the Shires Association.

For Council Decision

Recommendation:

That the information be received and noted.

Background

The Shires Association of New South Wales is seeking nominations for election of the Association's Executive Committee. Nominations are being called for the positions of:

- President
- Vice President General
- Nine Executive Committee Members, one from each Electoral Division

Nominations must be received by the Returning Officer by 12 noon on Thursday 21 April 2011.

Attachments



11.01.04_Shires_Association_Elections.pdf

Statutory Environment

Local Government Act 1993

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Officers Comment

Nil

Consulted With

General Manager

File: A1.4.1
Author: John Chapman
Date: 4 April 2011

11.01.05 Director of Corporate Services Status Report

Resolution Number – 53150311 – Outstanding Rates, Charges and Legal Costs

That Council proceeds with the action recommended by its solicitor in relation to the outstanding Land and Environment Cost Order.

Status

Judgment now entered – see closed session staff report to April 2011 meeting.

Resolution Number – 49150311 Wastewater Refund – Account 12365098

That no action be taken in relation to this request until the March quarter reading is taken and a further report be provided in relation to the matter.

Status

Staff report to be prepared for May 2011 meeting.

Resolution Number – 19150311 Upper Macquarie County Council Funding

That Council refer the provision of \$86,749 to the 2011/2012 budget in relation to the Upper Macquarie County Council contribution.

Status

Provision made in 2011-2012 draft budget – matter now completed.

Resolution Number – 18150311 Council Traineeships

That Council refer provision for one Local Government Administration School-Based traineeship for consideration in the 2011/2012 budget deliberations.

Status

Provision made in 2011-2012 draft budget – matter now completed.

Resolution Number – 17150311 Requests for Donations

That a contribution of \$200 be provided to St Joseph's Central School from the 2010/11 Donations Budget.

Status

Payment to be processed.

Resolution Number – 16150311 Conduct Review Committee

That the following be confirmed as members of the Central Tablelands Strategic Alliance Conduct Review Committee:

- Mr Pat Bird, Solicitor, Oberon LGA
- Mr Stephen Blackadder, Solicitor, Mid-Western LGA
- Mr David Clarke, Solicitor, Mid-Western LGA
- Mr Steve Flynn, Solicitor, Mid-Western LGA
- Mr Tim Le Fevre, Solicitor, Lithgow LGA
- Mr Russel Sear, Solicitor, Mid-Western LGA
- Mr Ian Woodward, Solicitor, Lithgow LGA

Status

Letter to be forwarded to Central Tablelands Alliance Councils.

Resolution Number – 26150211 Finance Committee Meeting Minutes

That:

1. That the minutes from the February 7 2011 Finance Committee Meeting be received for information.
2. That a sale price be set for the residential property at 70 Dart Street Oberon as advised to the General Manager
3. That the property be listed with both of the local agents, Ray White Rural and First National Real Estate; and
4. That authority be delegated to the General Manager to negotiate a figure to a minimum value as advised to the General Manager should a counter-offer be received.
5. That the Quarter 2 Budget Review Statements for 2010/2011 be received and noted and the revised budgeted income and expenditure items be voted including provision for a reduction in the budgeted capital works on Beaconsfield Road by \$200,000 to be reviewed following completion of the major RTA works on The Mount.
6. That the information relating to New South Wales rate pegging limits be noted and that the draft budget for 2011/2012 include provision for a 2.8% increase in costs of materials and contracts, and an increase of 2.8% in ordinary rates levied.

Status

- Agreements signed with both agents for sale of 70 Dart Street.
 - Beaconsfield Road sealing deleted from current works program pending review following completion of the major RTA works on The Mount.
 - Draft 2011/2012 budget being prepared on the basis of an increase of 2.8% in ordinary rates levied.
-

Resolution Number – 23150211 Assets Management Plan

That:

1. The first draft of Council's Assets Management Plan as presented be received for information.
2. The draft plan be reviewed by the Executive Management Team.
3. Following the review by the Executive Management Team, a workshop for Councillors be arranged to facilitate their input to the plan.

Status

Draft Assets Management Plan to be reviewed by EMT for proposed workshop with Council planned, at this stage, for late April 2011.

Resolution Number – 21150211 Jenolan Caravan Park Lease

That a review be undertaken regarding the lease arrangements in relation to Jenolan Caravan Park and that the review take into consideration Council's capital investment in the facility, the process of the Department of Land's involvement in the light of the potential sale of the lease and the terms of the lease.

Status

General Manager report to March 2011 Council Meeting.

Resolution Number – 08150211 Events Committee Meeting Minutes

1. The Rotary Club of Oberon be invited to facilitate the Open Gardens component of the 2011 Oberon Spring Gardens Festival.
2. It be noted that the Rotary Club will endeavour to engage the Oberon Garden Club's assistance to conduct the Open Gardens event.
3. Council support, in principle, the proposed endurance mountain bike ride on 16 October 2011 subject to further clarification of the proposed event.

Status

Letters to be sent.

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 May 2011 Council meeting.

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 Number – 26170810 – Policy Reviews, Investments Policy

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

Status

Referred to 2011 Finance Committee Meeting

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 2011 Finance Committee meeting.

File: A1.2.1
Author: John Chapman
Date: 8 April 2011

11.02.01 Management Manual - Section 355 Committees and Volunteers

Executive Summary

At its ordinary meeting of 15 December 2009, Item B13, Council adopted the “Oberon Council Management Manual for Section 355 Committees and Volunteers”. This manual is regularly updated to reflect various changes to Council’s Section 355 committees.

The proposed changes to this document are as follows:

1. **Membership:** Replace the names of individual staff members elected as Committee representatives, to the relevant position title within Council’s organisational structure, and
 2. **Meeting Schedule:** Change designated meeting times to “*Committee meetings shall be held every quarter or on an as needs basis as determined by the General Manager or by resolution of Council.*”
-

For Council Decision

Recommendation:

That the revised Management Manual for Section 355 Committee’s and Volunteers be adopted.

Background

Council is required to effectively manage its Section 355 Committees and Volunteers in accordance with the requirements of the Local Government Act 1993. To assist the elected Council, Council staff and volunteers understand and adhere to their rights and responsibilities as Committee members, the Oberon Council Management Manual – Section 355 Committees and Volunteers was adopted at Council’s Ordinary Meeting held on 15 December 2009, Item B13.

Council regularly reviews and adopts required changes to this manual from time to time.

The following changes are recommended to the manual:

1. **Membership:**
Individual staff names currently noted as committee members are replaced with the corresponding position title. The appointment of a staff member to the committee should lie with the position, not the current incumbent.
 2. **Meeting Schedule:**
The Meeting Schedule listed for each Committee has been updated to read, “*Committee meetings shall be held every quarter or on an as needs basis as*
-

determined by the General Manager or by resolution of Council.” This will allow for greater flexibility for Committee members to meet as and when required.

Attachments



11.02.01 - § 355
Volunteers Manageme

Draft Oberon Council Management Plan – Section 355 Committees and Volunteers. (Existing statements to be removed, have been marked with a strikethrough, while the recommended changes have been highlighted yellow).

Statutory Environment

Local Government Act, 1993

Policy Implications

No Policy Implications.

Financial Implications

Not applicable

Strategic Implications

Not Applicable

Officers Comment

No additional comments.

Consulted With

Director Corporate Services

File: A2.1
Author: Joanne Barton
Date: 4 April 2011

11.02.02 2011 International Women's Day – Event Debrief

Executive Summary

Council received \$1000 from The Premier and Cabinet Office for Women's Policy to facilitate International Women's Day (IWD) 2011.

The 2011 event was held on at the Oberon Common on Tuesday 8 March and was facilitated by The Oberon Arts Council. Invitations were extended to all residents to come together and celebrate 100 years for Women in our community.

The event was attended by 107 people.

There has been a suggestion from a community member that a committee be formed to implement the 2012 International Women's Day event.

For Council Decision

Recommendation

That the information be received and noted regarding the 2011 International Women's Day event.

Further that Council seek nominations from the public to form an International Women's Day Working Group to facilitate the 2012 International Women's Day event. That the decision regarding membership of the working group be delegated to the General Manager, along with implementation of the working group to achieve the end result of an event to celebrate International Women's Day 2012 in line with provisions made in the 2011-12 budget.

Background

Council received \$1000 from The Premier and Cabinet Office for Women's Policy to facilitate International Women's Day 2011.

The 2011 event was held on at the Oberon Common on Tuesday 8 March and was facilitated by The Oberon Arts Council. Invitations were extended to all residents to come together and celebrate 100 years for Women in our community.

A light afternoon tea was served by students from St Joseph's Schools.

Entertainment by Mary Long and Nancy Dennis was enjoyed by all. Nancy Dennis also spoke about her life in Oberon and the struggles for women in the early days. Joyce Thurgood recited a poem written by Leith Johnston.

Raffles raised \$104.00 which will be forwarded to UNIFEM International.

The event was attended by 107 people.

In 2009 and 2010 the event was facilitated by The Friends of the Oberon Library.

In 2011 Council invited Oberon groups via the Oberon Review and direct correspondence to community groups to submit a proposal to host 2011 IWD. Council received two proposals, being one each from The Friends of Oberon Library and The Oberon Arts council. At a later date The Friends of Oberon Library withdrew their proposal due to other commitments. Thus at the time of decision making there was only one expression on interest remaining and the decision was made to award the event to The Oberon Arts Council.

During this time a letter was received from an Oberon community member suggesting that a committee be formed to implement the 2012 International Women's Day event. This was suggested as a way of:

- Involving more than one organisation in the format of the event
- To spread the work load
- To gain greater involvement from numerous groups and attract greater participation on the day

Attachment

Nil

Statutory Environment

Nil

Financial Implications

Provision was made for the event in the 2010-2011 budget. It was fully funded with a NSW Government Grant.

Strategic Implications

Nil

Officers Comment

Consulted with

Director of Corporate Services

File: A3.2
Author: Kathy Beesley
Date: 28 March 2011

11.02.03 Upgrade to Records Management Computer Software

Executive Summary

Council's records management computer software (Infovision) was purchased in 1998 at a cost of \$27,000 and, after 13 years use, has become out-dated and inefficient.

In addition to the fact that the system has become out-dated and inefficient, the age, inefficiencies and potential risk of continued use of the existing software were highlighted in the recent audit undertaken by consultants IAB Services on behalf of the Internal Audit Committee.

The estimated cost to upgrade the existing system is \$40,000.

A recent review of the current practice of replacing all PC's has indicated that savings can be made by adopting a more practical and cost-efficient approach to the programmed regular replacement. Savings achieved by this review, together with funding from the office equipment reserve will provide the funds necessary to upgrade the records management software in the current financial year.

For Council Decision

Recommendation:

The General Manager be authorised to proceed with the replacement of Council's records management software (Infovision), funded from anticipated savings in computer replacement costs and from the office equipment reserve as follows:

<u>Description</u>	<u>Original Budget</u>	<u>Budget Saving</u>
Store/Depot	4,300	4,000
Engineering Services	4,910	2,300
CTC	11,000	10,000
Roads & Bridges	1,500	1,500
Water Treatment Plant	6,000	3,000
Sewerage Treatment Works	6,400	2,000
Library	13,740	10,000
Swimming Pool	1,400	1,200
Development Control	1,400	1,400
		35,400
Office Equipment Reserve		4,600
		<u>\$40,000</u>

Background

Council's records management computer software (Infovision) was purchased in 1998 at a cost of \$27,000 and, after 13 years use, has become out-dated and inefficient. Initially provision was made for replacement of the system in the draft 2010/11 budget. However, during the process of review and adoption of the budget, it was removed in order to ensure that current levels of service in other areas are maintained.

In addition to the fact that the system has become out-dated and inefficient, the age, inefficiencies and potential risk of continued use of the existing software were highlighted in the recent internal audit undertaken by consultants IAB Services on behalf of the Internal Audit Committee.

The estimated cost to upgrade the existing system is \$40,000.

A recent review of the current practice of replacing all PC's throughout Council's operational areas each four years (provision for which is made in the annual budget) has indicated that savings can be made by adopting a less regimented and more practical and cost-efficient approach to the programmed regular replacement of PC's. Savings achieved by this review, together with funding from the office equipment reserve will provide the funds necessary to upgrade or replace the existing records management computer software in the current financial year.

Attachments

Nil

Statutory Environment

Local Government Act 1993

Policy Implications

Nil

Financial Implications

Savings achieved by a review of the programmed replacement of PC's, together with funding from the office equipment reserve, will provide the funds necessary to upgrade or replace the existing records management computer software in the current financial year.

Strategic Implications

The review of the practice of replacing all PC's each four years has resulted in the adoption of a less regimented and more practical and cost-efficient approach to the programmed regular replacement.

Officers Comment

Nil

Consulted With

General Manager and IT Manager

File: C18.2.1
Author: John Chapman
Date: 8 April 2011

11.02.04 Delegations of Authority – Financial Delegations

Executive Summary

Following comments made by the consultants conducting the internal audit on purchasing and procurement policies and procedures it has been determined, upon review of the current delegations of authority for the purchase of goods and services by staff on behalf of Council, those delegations are in need of review.

For Council Decision

Recommendation:

That the following delegations of authority to staff for the purchase of goods and services on behalf of Council is endorsed and in effect replace all previous delegations, effective immediately.

Position	Maximum	Criteria
General Manager	\$150,000	Within Budgeted Provision
Director of Engineering	\$100,000	Within Engineering Department Budgeted Provision
Director of Corporate Services	\$100,000	Within Corporate Services Department Budgeted Provision
Director of Development	\$100,000	Within Development Department Budgeted Provision
Works Manager	\$10,000	Within Engineering Department Budgeted Provision
Finance Manager	\$10,000	Within Corporate Services Department Budgeted Provision
Storeman	\$5,000	Within Works and Depot Budgeted Provision
Relief Storeman	\$5,000	Within Works and Depot Budgeted Provision
Plant Foreman	\$5,000	Within Workshop Budgeted Provision
Sewer and Water Operator	\$2,000	Within Water and Sewer Treatment Plants Budgeted Provision
OHS/Risk Manager	\$1,000	Within Engineering Department Budgeted Provision
Rural Fire Service Zone Manager	\$10,000	Within Rural Fire Service Budgeted Provision
Rural Fire Service Business Officer	\$1,000	Within Rural Fire Service Budgeted Provision
Manager Health and Building	\$2,000	Within Development Department Budgeted Provision
Information Technology Manager	\$2,000	Within Information Technology Budgeted Provision
Library Manager	\$2,000	Within Library Budgeted Provision
Visitor Information Centre Manager	\$2,000	Within Corporate Services Department Budgeted Provision
Swimming Pool Superintendent	\$1,000	Within Swimming Pool Budgeted Provision

Background

Following comments made by the consultants conducting the internal audit on purchasing and procurement policies and procedures it has been determined to review the current delegations of authority for the purchase of goods and services by staff on behalf of Council,

It should be noted that, in accordance with the Local Government Act and Regulations, any purchase in excess of \$150,000 requires the calling of tenders, which can be accepted only by Council. The current delegations are as summarised below:

Position	Current Maximum	Criteria
General Manager	n/a	Within Budgeted Figures
Director of Engineering	No Limit	Within Engineering Department Budgeted Figures
Director of Corporate Services	No Limit	Within Corporate Services Department Budgeted Figures
Director of Development	No Limit	Within Development Department Budgeted Figures
Works Manager	\$10,000	Within Engineering Department Budgeted Figures
Finance Manager	No Limit	Within Corporate Services Department Budgeted Figures
Storeman	\$5,000	Works and Depot Budgeted Figures
Relief Storeman	\$5,000	Works and Depot Budgeted Figures
Plant Foreman	\$5,000	Within Workshop Budgeted Figures
Sewer & Water Operator	\$1,000	Within Water & Sewer Treatment Plants Budgeted Figures
Rural Fire Service Zone Manager	\$10,000	Within Rural Fire Service Budgeted Figures
Information Technology Manager	No Limit	Within Information Technology Budgeted Figures
Library Manager - books & resources purchase	\$2,500	Within Library Budgeted Figures
Library Manager - other purchases	\$250	Within Library Budgeted Figures
Manager Health & Building	\$3,000	Within Development Department Budgeted Figures
Swimming Pool Superintendent	\$2,000	Within Swimming Pool Budgeted Figures
Rural Fire Service Business Officer	\$1,000	Within Rural Fire Service Budgeted Figures
Finance Officer	No Limit	
Corporate Planner	\$5,000	
Plant Mechanic	\$5,000	
Library Officer - books & resources purchase	\$1,000	
Library Officer - other purchases	\$250	
OHS/Risk Manager	\$1,000	
Visitor Information Centre Manager - Contractors	\$1,500	
Visitor Information Centre Manager - Other	\$1,000	
Senior Development Control Officer	\$3,000	
Relief Storeman/Roads Inspector	\$5,000	

**Oberon Council - Agenda and Business Papers – Ordinary Meeting – 19 April 2011,
commencing at 5.30pm**

The proposed new delegations with changes highlighted are as follows:

Position	Maximum	Change
General Manager	\$150,000	Previously no maximum limit had been determined
Director of Engineering	\$100,000	Previously no maximum limit had been determined
Director of Corporate Services	\$100,000	Previously no maximum limit had been determined
Director of Development	\$100,000	Previously no maximum limit had been determined
Works Manager	\$10,000	No change
Finance Manager	\$10,000	Previously no maximum limit had been determined
Storeman	\$5,000	No change
Relief Storeman	\$5,000	No change
Plant Foreman	\$5,000	No change
Sewer and Water Operator	\$2,000	Was \$1000, increase reflects increases in purchase price of items
Rural Fire Service Zone Manager	\$10,000	No Change
Information Technology Manager	\$2,000	Previously no maximum limit had been determined
Library Manager	\$2,000	Was \$2500 for books and resources and \$250 for other purchases, two delegation points is unnecessary
Manager Health and Building	\$2,000	Was \$3000, reduced given past purchasing history
Swimming Pool Superintendent	\$1,000	Was \$2000, reduced given past purchasing history
Rural Fire Service Business Officer	\$1,000	No change
Finance Officer	No Limit	No longer required
Corporate Planner	\$5,000	No longer required
Plant Mechanic	\$5,000	No longer required
OHS/Risk Manager	\$1,000	No change
Visitor Information Centre Manager	\$2,000	Was \$1, 500 for contractors and \$1000 for other, increase reflects increases in purchase price of items, no need for two delegation points.
Senior Development Control Officer	\$3,000	No longer required
Relief Storeman/Roads Inspector	\$5,000	No longer required

Attachments

Nil

Statutory Environment

Local Government Act 1993

Central Tablelands Strategic Alliance Internal Audit Committee

Policy Implications

Nil.

Financial Implications

Revised delegations are now aligned more meaningfully with purchase history and the actual delegated responsibility of individual positions. Removing 'no limit' delegations is a positive step towards improving accountability.

Strategic Implications

Not applicable.

Officers Comment

Nil

Consulted With

General Manager
Director of Engineering
Acting Director of Development
Finance Manager

File: C19.8.5
Author: John Chapman
Date: 11 April 2011

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 12.01.03 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 March 2011 – 31 March 2011.

1. General Fund

Isabella Road

The reconstruction of Isabella Road to the start of the Blue Road is in progress. Clearing, drainage and earthworks are largely complete. Ripping of the old seal in is progress. This project is substantially funded by Forests NSW.

Gravel Resheeting

Some gravel resheeting has commenced on Schumachers Road, Dog Rocks Road and Swallows Nest Road.

Tennis Courts

Alterations to services and laying of the gravel base for the extension of a tennis court are in progress. Extension of the building can then commence.

2. RTA Works

The Mount

Widening of the curves at the top and bottom of The Mount is complete. Concrete median barriers will soon be installed.

Abercrombie Road

Gravelling on the current stage of Abercrombie Road near Murrays Lane and Gradys Lane is in progress.

Duckmaloi Road Curve Widening

This project is currently on hold.

Reseals

Resealing of a number of segments on O'Connell Road and Duckmaloi Road has been largely completed. Two segments remain to be done when conditions are suitable.

3. Town Improvement Fund

The Common

Laying of pavers for the Arts Council is complete. Refurbishment of the timber pedestrian bridge is complete except for the asphalt overlay on the deck.

4. Sewer Fund

Nil

5. Water Fund

Replacement of a section of water main in Albion Street is complete. This section of Albion Street will be reshaped and resealed during this financial year.

6. External Meetings

a. Fish River Water Supply Customer Council Meeting

A verbal report will be provided as the Meeting date is 12 April 2011.

b. Preliminary Water Review

The Water Review recommendations were adopted by the Minister for Water and have been implemented.

7. Stormwater Harvesting Project

The design and specifications are being reviewed.

8. Oberon Waste Depot Licence

Negotiations have commenced.

9. Disposal of Plant

Nil

10. Staff Training

- RTA Yellow Ticket (10)
- First Aid for appointed officer (1)
- Workcover new Legislation (2)

11. Road Safety Pilot Program Grant

Activities during March include:

- Variable message signs at Oberon and O'Connell were in place for a month, ending in mid-March.
- Banners are in place near Sheps Hill, Doneys Pit and O'Connell Park.
- A survey has commenced to gauge public perceptions of the program. One respondents name will be drawn out to win a \$150 fuel voucher.
- An information session was held for parents of learner drivers (although this was funded by the RTA separately from the pilot program).
- Data is being collected to prepare the final report on the pilot program.

File: A1.2.1
Author: Leigh Robins
Date: 29 March 2011

12.01.02 Glyndwr Avenue Park

Executive Summary

The Glyndwr Avenue Park can be converted from community land to operational land via the new Local Environmental Plan.

For Council Decision

Recommendation:

That the information be received and noted.

Background

Council at the March 2011 meeting requested an investigation of the process of converting the parkland at the northern end of Glyndwr Avenue from community to operational land.

The land is identified as Lot 10, DP 245689.

The Division of Local government have advised that a conversion of land classification from community land to operational land must be facilitated through Local Environmental Plan following public consultation.

Council resolved on September 15, 2009 that this action be undertaken when the new Local Environmental Plan is prepared.

Attachments

Nil

Statutory Environment

Local Government Act 1993
Environment Planning and Assessment Act 1979

Policy Implications

There are no policy implications

Financial Implications

There are no financial implications

Strategic Implications

Nil

Officers Comment

Nil

Consulted With

File No: E34.2
Author: Leigh Robins
Date: 28 March 2011

12.01.03 Director of Engineering Status Report

Glyndwr Avenue Park

Staff are requested to investigate the process of converting the block of land at the southern end of Glyndwr Avenue from community to operational land.

Status

See report to April meeting.

Oberon Sports Complex

Councillor McCarthy requested that the use of the parcel of land which accesses the Oberon Sports Complex from Albion Street be evaluated and that a report be provided to the April Ordinary Meeting in relation to this matter.

Status

See report to April meeting.

Resolution Number – 46150311 Garbage Collection Options for Burruga and Black Springs

That a kerbside collection for Burruga and Black Springs be endorsed for inclusion in the 2011/12 budget process.

Status

Letters sent to Black Springs Progress Association and Burruga and District Community Association. The Mayor will attend the next meetings of both associations.

Burruga School

Councillor Francis asked on behalf of the Burruga School P and C if speed humps could be installed on the street at the front of the Burruga School.

The Director of Engineering advised that Council has received correspondence from the Burruga P and C in relation to this matter and undertook to investigate the options.

Status

Installation complete – matter closed.

Schumachers Road

Councillor McMahon asked if suitable gravel appropriate for Schumachers Road has been identified.

The Director of Engineering advised that a source of gravel has been identified and that preliminary grading and resheeting will be undertaken as soon as possible on the most affected areas.

Status

Grading and re-sheeting completed – matter closed.

Resolution Number – 42150311 Kerbside Recycling

That the Director of Engineering be requested to investigate the cost of a kerbside recycling program.

Status

Commenced

Parking at the Common

Councillor Gibbons raised the matter of vehicles being parked along the Edith Road roadside adjacent to the Common and asked if it is possible to move the fence line along Edith Road to allow cars to park nose in rather than parking along the side of the road.

Discussion was held regarding this matter and staff are requested to investigate.

Status

See report to April 2010 Ordinary Meeting.

Resolution Number – 29150311 Local Emergency Management Committee

That the following organisations be represented on the Local Emergency Management Committee:

- NSW Police
- Fire and Rescue NSW
- SES
- RFS
- Ambulance Service
- Forests NSW
- NPWS
- Jenolan Caves Reserve Trust

- Livestock Health and Pest Authority
- Oberon Hospital
- Country Energy
- Department of Community Services
- Department of Corrective Services
- State Water

Status

Letters sent – matter closed

Resolution Number – 28150311 Oberon Sports Complex Works Program

That an application be submitted under the Communities NSW Sport and Community Facilities Program for funding to the value of \$41,000 for sporting field enhancements. Further that a provision of matching funds of \$41,000 from the 2011-12 budget be allocated to this project.

Status

Grant submission prepared.

Resolution Number – 25150311 Fish River Water Supply Review

That the Minister for Water and staff involved with the review be congratulated on the progression of the Review of the Fish River Water Supply water sharing arrangements, notwithstanding this Council remains concerned regarding the access by Delta and SCA from Duckmaloi Water supply with regards to the wording and intent being preferential rather than mandatory.

Status

Actioned

Resolution Number – 33150211 Speed Limit on Edith Road

That the Traffic Local Advisory Committee be requested to evaluate moving the speed limit signs on Edith Road to the eastern side of the bridge.

Status

Referred to next Traffic Advisory Local Committee for consideration.

Resolution Number – 32150211 Minutes of Works Committee Meeting

That the Director of Engineering inspect and commence appropriate negotiations with surrounding landholders from Jeremy Road with a view to realign access onto Arkstone Road.

Status

Written to the receiver and awaiting response.

Resolution Number – 30150211 Naming of Council Road – Golden Valley Road, Duckmaloi

That the name “Golden Valley Road” be accepted by Council and a notification to the public be placed in the Oberon Review advising of Council’s intention to formally name the road and objections be received within the required timeframe of 28 days. Relevant authorities will then be notified in writing of Council’s decision.

Note: Mr Lee Cook raised the matter of Golden Valley Road from the gallery and advised that he believes there are two roads with the same name within the LGA. The Director of Engineering noted the comments will investigate the matter.

Status

Road name advertised for 28 days seeking public comment.

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

Site selected with family, seat to be installed by our staff with plaque being arranged by family.

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.

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

Service adjustments commenced and sub base completed.

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 – 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

Agreement on an alternate shorter route has been reached.

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, awaiting 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 – 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: 31 March 2011

12.02.01 Liquid Trade Waste Regulation Policy

Executive Summary

The adoption of the revised policy for liquid trade waste regulation aligns Council with best practice guidelines.

For Council Decision

Recommendation:

That the draft Policy for liquid trade waste regulation be adopted.

Background

Council adopted a trade waste policy in 2005 which is due to be updated with the current guidelines which are issued by the NSW Office of Water.

The model policy is required to be adopted by June 2011.

Attachments



12.02.01_Attachment
_A_Liquid_Trade_Was

Statutory Environment

Local Government Act 1993 and Local Government (General) Regulation 2005

Policy Implications

Current policy will be brought into line with best practice guidelines.

Financial Implications

The cost of treatment of trade waste which is stronger than domestic sewage is borne by the discharger.

Strategic Implications

Officers Comment

Nil

Consulted With

NSW Office of Water

File No: E33.1
Author: Leigh Robins
Date: 10 March 2011

12.02.02 Car Parking at the Common

Executive Summary

The provision of additional car parking spaces at the Common has been suggested.

For Council Decision

Recommendation:

That no action be taken to provide additional car parking spaces at the Common.

Background

At the March Council Meeting the suggestion of providing additional parking off the shoulder of Edith Road was discussed.

If the car parking was parallel to the road centreline up to 24 vehicles could be provided by gravelling and sealing the area beneath the tree avenue.

The estimated cost for this work is \$19,000.

Attachments

Nil

Statutory Environment

N/A

Policy Implications

Nil

Financial Implications

There is no provision for this work in the current budget.

Strategic Implications

Car parking is provided at the two existing car parks and these facilities are under-utilised.

Officers Comment

There is also a consideration of the visual amenity being eroded by a car park being created under the established trees.

Consulted With

File No: E34.9
Author: Leigh Robins
Date: 28 March 2011

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 March 1 to 31 2011.

1. Staff Matters

a) Executive Management

Regular meeting continue with the executive management team.

b) General Staff

One on one meetings with staff underway

2. Workplace Health and Safety Matters

a) General

Nil to report.

b) Incidents

No incidents in the month of March.

3. Attendance at External Stakeholder Meetings and Conferences

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

- a. Meeting with the Department of Planning with the Mayor and Acting Director of Development.
- b. Local Government Tourism Conference with the Visitor Information Centre Manager
- c. Meeting with a resident regarding the Oberon Museum
- d. Meeting with the volunteers entering the Visitor Information Centre Volunteer program

- e. Library Planning Day with members of the 355 Library Committee and staff
- f. Senior Week lunch with the Mayor and Councillors
- g. Community Briefing Session with Councillors and Directors
- h. Meeting with a resident regarding drainage issues
- i. Civica presentation regarding managed services options
- j. Represented the Mayor at the Oberon High School Scholarship selections
- k. Meeting with the Regional Director – Western – Department of Planning with the Acting Director of Development regarding the Oberon Land Use Strategy
- l. Meeting with Local Government Procurement with the Directors
- m. Meeting with residents representing the group concerned with the use of the new extension at the community centre
- n. Meeting with the Applicant, Mayor and planning staff regarding an ongoing development application
- o. Blue Mountains, Lithgow and Oberon Tourism Board Meeting

4. Committee Meetings

I have not attended any Committee meetings this month.

5. Other Meetings of Note

- a. Part of the interview panel for the Information and Communication Officer recruitment

6. Events Calender



13.01.01_Attachment 13.01.01_Attachment
_A_Calendar_April_20 _B_Calendar_May_201

7. Grants

None to report

8. Use of Reportable Delegations

None to report

9. Economic Development

- a) General

There have been two new enquires regarding business opportunities in March:

- Enquiry on the Albion Street Tomato business, which goes up for Auction on the 28th May 2011, onsite.
- A small business enquiry

b) Tourism

i. Oberon Visitor Information Centre

The Oberon Visitor Information Centre has experienced a busy March again this year, with all activities increasing with popularity for the same period as this time last year. The busiest day was March 13 with 97 visitors walking through the door.

We have been fortunate with cooler moist climate conditions that favours the mushroom season, for the month of March we had 513 mushroom enquiries which is a 35% increase for the same period as this time last year.

Visitation at the Centre rose by 35% for domestic visitors compared to March 2010, and 63% for International tourist. Overall visitation rose by 36% on this time last year. The Centre serviced 174 CTC users and 35 employment enquiries.

ii. Tourism Events

Planning is underway for the Kanangra Classic MTB (mountain bikes) to be held on Sunday October 16 (weekend after Bathurst Races and weekend before Mayfield Garden).

Meetings have been held between MTB and National Parks as well as Oberon Council and National Parks. The organiser from Kanangra Classic MTB has already started promotion of this event to include the family day via email distribution list and on Kanangra Classic web site.

Planning has taken into account number stalls, rides, activities, volunteers with starting time on Saturday 12 noon to encourage families attending the Sunday event to enjoy a full weekend of biking activities.

iii. Marketing – Publications

The combined Lithgow, Oberon and Bathurst DL brochure “Making Tracks” has progressed to final design stage, with Making Tracks going to print by the end of the 1st week of April.

Tourism mud map for Oberon is currently underway to include Mayfield Garden and other major tourist destination. On the first Mayfield Garden open weekend for autumn over 150 maps were handed out for directions to the garden.

iv. Marketing – Media

During this month a program researcher for TV show Mercurio’s Menu visited Oberon for possible filming locations for mushrooming. Location has been selected and filming will commence on the week of April 11 2011 for Mercurio’s Menu.

Four media correspondence from the Australian Society of Travel Writers (ASTW) enjoyed a full day of foraging for forest mushrooms. The Australian Society of Travel Writers is a non-profit organisation, dedicated to reporting on

the travel industry and serving the interests of the travelling public; promoting international understanding and good will; and promoting unbiased reporting of information on travel topics.

Blue Mountains Lithgow and Oberon Tourism facilitated all media activity.



13.01.01_Attachment



13.01.01_Attachment

_C_Council_Tourism_I _D_VIC_Report_Marct

10. Regional Matters

Nothing to report.

11. Other Matters

a) Recruitment – Director of Planning and Development

In total there were four applicants. Short listing has occurred, along with referee checks. Three applicants have been selected to attend the final interview scheduled for April 13 2011. As previously mentioned the interview panel will consist of Councillors Sullivan and O’Bernier, the Director of Engineering and the General Manager. The recruitment consultant will facilitate the process on the day.

Personality and work style profiling is being undertaken in advance of the final interviews to give additional insights into the suitability of each candidate.

File: A1.2.1
Author: Leanne Mash
Date: 04 April 2011

13.01.02 General Manager Status Report

Resolution Number – 24150311 Headquarters for Chifley Zone

That the matter of the Headquarters of the Chifley Zone being at Oberon be raised again following the outcome of the State Government election.

Status

Political matter to be progressed by the Mayor.

Resolution Number – 35150311 Telecommunications

That the Mayor, on behalf of Council begin discussions with alternative telecommunications providers with the aim being to address mobile phone coverage throughout the Oberon LGA.

Status

Political matter to be progressed by the Mayor.

Resolution Number's – 36150311 and 37150311 Seniors Welfare Committee

That Council establish a 355 Committee, known as the Seniors Welfare Committee, with the charter of offering Council input, feedback and recommendations on matters pertinent to the resident over 55 years population of the Oberon Local Government Area.

That Councillors Sullivan, O'Bernier and Gibbons be the nominated Council representative on the Seniors Welfare Committee.

Further that the Expressions of Interest for membership of the Seniors Welfare Committee be considered by the nominated Councillors and suitable persons be invited to a preliminary meeting of the proposed committee to establish current issues.

Status

Expressions of Interest received, now closed. See separate report to the April meeting.

Resolution Number – 38150311 Kanangra Classic MTB

That Council facilitate and coordinate the Family Fun and Learning Day in conjunction with the MTB October 2011 event.

Status

Underway – updates to be provided in the Monthly Update Report under Economic Development.

Resolution Number – 39150311 Sale of Dart Street Property

That the matter be deferred to the April 2011 Ordinary Meeting.

Status

See report to April Ordinary Meeting.

Resolution Number – 40150311 Upcoming Meetings

That the Mayor, Councillor Fitzpatrick and the General Manager be nominated to attend the Shires Association of NSW Annual Conference 2011.

Status

Noted, will be actioned.

Resolution Number – 48150311 Blue Mountains, Lithgow and Oberon Tourism (BMLOT)

That the General Manager be requested to hold discussions with representatives from Lithgow and Blue Mountains Councils regarding the BMLOT with the view of organising a meeting between the three Councils and the BMLOT Board to discuss shared concerns.

Status

Request made for a meeting in April to progress these matters.

Resolution Number – 52150311 Jenolan Caravan Park Oberon

That Council proceed with the establishment of a five year x 4 lease arrangement with the current lessee of the Jenolan Caravan Park, based substantially on the negotiations from December 2009.

Status

Underway

Resolution Number – 54150311 – Civic Function for Gerard Martin

That Council arrange a Civic Function for Gerard Martin to extend the Oberon communities appreciation and that staff be asked to review venues and costs and liaise with the Mayor.

Status

Underway

Minutes from Committee Meetings

Councillor McCarthy raised the issue of Minutes from Committee Meetings not being presented to Council in a timely fashion. The General Manager will review the meeting schedule to enable the minutes to be presented in a more timely fashion.

Status

The policy will be reviewed and submitted for the resolution of Council in due course.

Resolution Number – 30141210 - Broadband Submission

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.

Status

Letter sent to the CEO of the NBN Co on December 20 2011. No response to date.

February Update : New contact name established – letter resent – await response.

March Update: Contacted officer requesting timeline for response.

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

January Update: Purchase price agreed – legal documentation to be completed.

February Update: Additional questions from the purchaser addressed by officers, sale moving forward.

March Update: Contracts drawn up.

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.

February Update: Inspection confirmed for Friday March 25 2011 with Councillor McMahon, Councillor Francis and Forests NSW representative Mike McLean.

March Update: Inspection undertaken – await report to the meeting from the Councillors.

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

January Update: Discussion underway with LGSA, awaiting additional information with regards contract packaging for senior employees.

March Update: Implemented a new arrangement for recruitment of Director of Development to minimise/negate FBT liability for Council.

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.

January Update: Alternative access off walking track now constructed. Draft risk assessment completed.

13.02.01 Sale of Dart Street Property

Executive Summary

Councillor McCarthy has requested that the sale of the Dart Street property be placed on the agenda for discussion. This matter was listed for discussion during the March Ordinary Meeting and was deferred to the April 2011 Ordinary Meeting and is now re-presented for Council's consideration.

Councillors will recall that the property is now considered surplus to needs and is seen as a source of funds to restore reserves accessed in 2009-10. In the last quarterly review report tabled to Council at the November 2010 meeting the resolution in part read:

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;*

Since that time officers have acted on that resolution and a subsequent discussion from the February 2011 meeting and listed the house for sale with the two Oberon based residential real estate agents.

For Council Decision

Recommendation

Submitted for discussion.

Background

The report from the November 2010 meeting and subsequent resolution are included for the information of Council.

This matter was deferred at the 15 March 2011 Ordinary Meeting and is now presented for Council's consideration.

Attachments



13.02.01_Attachment
_A_Staff_Report_from



13.02.01_Attachment
_B_Minutes_from_16_

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Funds from the sale of this property are intended to replenish reserves exhausted at the end of the 2009-10 budget year.

Strategic Implications

Varied

Officers Comment

Consulted With

File: PO16.70
Author: Leanne Mash
Date: April 5 2011

13.02.02 The Tablelands Way

Executive Summary

Since The Tablelands Way touring route was first developed, enquiry numbers for driving to Oberon along the Abercrombie Road have increased each year.

Original funding, received through a federal grant program has now been expended and as such the project coordinator has handed over all material to Oberon Council. Oberon, Upper Lachlan and Goulburn applied for the grant, which was approved provided the drive tourism route was extended to the Hunter Region. Lithgow and Mudgee then joined the project.

Marketing activities have continued from the official opening in March 2009 through to the current year. There has been some coordinated approach to this between Councils, but in more recent times this has somewhat diminished.

Oberon Council continues to facilitate and coordinate The Tablelands Way marketing efforts. To re-invigorate the concept it is felt that Council should approach the Councils involved to re-engage and support the ongoing marketing and future development of the tourism drive route.

For Council Decision

Recommendation:

That in 2011/12 Council continues to facilitate and coordinate the marketing of The Tablelands Way drive tourism route and further that Council approach the Councils of Upper Lachlan, Goulburn, Lithgow and Mudgee to re-engage and support the ongoing marketing and future development of the tourism drive route in a coordinated and equitable manner.

Background

The Tablelands Ways concept came from the planned final sealing of the Abercrombie and Taralga Roads. A Consortium of Oberon, Upper Lachlan and Goulburn applied for an Australian Tourism Development Program (ATDP) Grant, which was approved provided the tourism route was extended to the Hunter Region. Lithgow and Mudgee then joined the project.

The opening of The Tablelands Way was on March 28 2009. Marketing activities have continued from the official opening through to the current budget. In recent months Oberon Council has continued marketing The Tablelands Way by advertising in the third edition of The Tablelands Way Magazine due out in the next two months and attending the 2010 The Canberra Times Home Leisure Caravan 4WD Camping Show.

With The Tablelands Way magazine edition one and two, 30 000 copies were printed, these have since all been fully distributed with many visitors information centre requesting more of these magazines. The Tablelands Way website is another avenue that has been used for marketing, however over time input into this website has diminished from all Councils. Billboards have been put up in front of the Oberon Visitors Information Centre, Bummaroo located on Abercrombie River on the Abercrombie Road, and within the next couple of

weeks the Lithgow Council will be putting their Tablelands Way signs up at Hampton and at the Lithgow Visitors Information Centre.

In the 2008-2009 March to February period 1031 enquiries were made regarding this drive route through the Oberon Visitors Information Centre. From March to February 2009-2010, this increased to 1397, a 35% increase in enquiry numbers. Then from March 2010-February 2011 there have been 1567 enquiries, which equates to 12% increase.

As all ATDP funding money has now been expended the original project coordinator is no longer employed on The Tablelands Way project. A handover from the project officer to Council officers was facilitated in February 2011.

Council's involvement with The Tablelands Way project would be to facilitate, coordinate and manage The Tablelands Way within the current budget provided for The Tablelands Way.

Attachments

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is a current provision of \$8,981 in 2010/2011 budget for marketing of The Tablelands Way. This was done to continue to maintain and develop the brand and marketing of The Tablelands Way. To date there has been a spend of \$2,500 committed to Oberon advertising in the third edition of The Tablelands Way magazine.

A proposed provision for 2011/12 will be part of the 2011/12 Budget discussions.

Strategic Implications

There is no doubt an economic driver here to be considered. Tourism is a growth sector for the LGA and we continue to show strong growth in visitor numbers. As to the actual return on investment there are no figures to measure the economic contribution from The Tablelands Way at this point in time.

Officers Comment

For drive tourism route to work well there is usually a lead agent involved in the ongoing marketing and development of the route. In the case of The Tablelands Way this role has been fulfilled to date by Oberon Council.

It is the intent of this report to clarify Council's willingness to continue in this role subject to willing participation by the other Councils who benefit from this marketing activity.

Consulted With

General Manager

File No: 71.6
Author: Jennifer Youman
Date: 04 April 11

13.02.03 Community Briefing Session

Executive Summary

On Tuesday March 22 2011 the first Oberon Council Community Briefing Session was held. The purpose of the evening was to allow community groups and individuals the opportunity to present information to Councillors outside of a formal Council Meeting environment.

There were eight presentation spots made available and all were taken.

The minutes from the meeting are attached. There are several action items as a result of the briefings that will be progressed at officer level in the first instance. As required reports will be tabled to future Council meetings to progress these items.

For Council Decision

Recommendation

That Council receive the report regarding the Community Briefing Session for information.

Background

On Tuesday March 22 2011 the first Community Briefing Session was held. The purpose of the evening was to allow community groups and individuals the opportunity to present information to Councillors outside of a formal Council Meeting environment.

There were eight presentation spots made available and all were taken. Presentations were received from:

- Oberon Heritage and Collectors Club - Highlands Steam and Vintage Fair
- Oberon Business Association
- Telstra Child Flight
- Oberon Golf Club
- Oberon Arts Council
- Bathurst Information and Neighbourhood Centre
- Oberon Plateau Tourism Association
- Hightop FM

The minutes from the meeting are attached. There are several action items as a result of the briefings that will be progressed at officer level in the first instance. As required additional reports will be tabled to future Council meetings to progress these items.

In summary, further actions and/or discussions will be undertaken on the following matters:

- a) Engagement with the Oberon Heritage and Collectors Club with regards the Highland Steam and Vintage Fair 2012 and ongoing collaboration/assistance from Council
- b) Provision of application for donation support from Council for a request to be made Telstra Child Flight or from the local support group – actioned – information sent – will be considered with all other such requests during budget deliberations

- c) Discussion with the Oberon Golf Club Board with regards their planned renovations/extensions to club facilities.
- d) Ongoing discussions with the Oberon Arts Council regarding the inclusion of addition works of art at the Oberon Common.
- e) Further engagement with BINC regarding the proposed interagency activities and neighbourhood centre planned for Oberon.
- f) Discussions with Hightop FM with regards the use of space for a permanent studio installation in the Visitor Information Centre.

Attachments



13.02.03_Minutes_Co
uncillor_Briefing_Sessi

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

Yet to be determined on individual actions

Strategic Implications

Nil

Officers Comment

Consulted With

File: A1.2.3
Author: Leanne Mash
Date: April 12 2011

13.02.04 Community Centre Extension

Executive Summary

The purpose of this report is to:

- Seek direction from Council as to the process of public consultation to be undertaken regarding the proposed relocation of the Bicentenary Tapestries to the Community Centre extension.
 - To present the concerns that have been raised to date by a cross section of the community regarding the proposed relocation.
 - To discuss the extent of resources that should be expended on the process given the concerns already tabled.
 - To flag the need for consideration of budget implications for 2011-12 and beyond should Council wish to proceed, subject to further community consultation, with the relocation of the Tapestries to the extension.
-

For Council Decision

Recommendation

That Council endorse the process of planned public consultation and reporting regarding the proposed relocation of the Bicentennial Tapestries from the Cobweb Shop to the Community Centre extension by way of:

- A Public Notice in the Oberon Review and on village notice boards advising that Council is calling for submissions in relation to the use of the extension at the Community Centre for permanent display of the Bicentenary Tapestries and/or Living Legends.
 - A media release containing further related information to raise whole of community awareness.
 - A letter to the Cobweb management cooperative seeking their view on the proposal.
 - A response to the representative groups that have already communicated with Council in 2011 regarding this matter and advising them of the process now being undertaken.
 - The compilation of a report to a future Council meeting detailing response from this process and recommending a position based on such information and relevant operational considerations.
-

Background

At the March 2011 Ordinary Meeting a question without notice and accompanying petition were submitted by a member of the public in relation to the proposed use of the newly completed extension to the Oberon Community Centre.

A record of the question and the response from the Mayor, Councillor Keith Sullivan (taken from the unconfirmed minutes of that meeting) are attached.

In addition to that question and petition Council have now received four submissions in March and April 2011 regarding this matter, being:

- a) Representation from the Oberon Needle Workers
- b) Representation from the Oberon Spinners and Weavers
- c) A submission compiled Jill Evans and Kathy Sajowitz from unspecified concerned community members
- d) Representation from the Oberon Arts Council

In February 2011 a letter was also received from the Oberon Playgroup that also relates to this matter.

All representations made are attached for the information of Council.

The common theme causing concern is the possible relocation of the Bicentenary Tapestries from the Cobweb shop to the newly completed extension at the Community Centre and the related impacts this may create. Concerns may be summarised as relating to:

- 1) The ability to view the Bicentenary Tapestries – currently available to view seven days a week during the opening hours of the Cobweb shop.
- 2) The ability to ensure the Tapestries are well cared for, conserved and maintained in the new location.
- 3) The likelihood that other activities in the extension would be limited to only those that would co-exist happily with the presentation and preservation of the Tapestries (for example the room would not be available for hire for private celebrations and commercial undertakings as is currently the case with the community centre)
- 4) Should it be necessary to remove the Tapestries for a period of time to use the extension for another purpose where would the Tapestries be stored?

The points above do not seek to fully capture all concerns, but merely to highlight the most prevalent concerns.

At this point there has been no formal engagement with representatives from Cobweb to accurately represent their views on this matter, although it is fair to state that the group's membership base currently making representation to Council intersect with that of the Cobweb membership base to some extent.

There has there been no recent consultation with the broader community to gauge support for the proposed concept.

The purpose of this report is to receive direction from Council as to the extent of time and officer resources that should be expended on this matter given the substantial concerns that have been raised to date by a cross section of the community.

Should Council conclude it appropriate to undertake planned public consultation on this matter then it is proposed to:

1. Advertise by way of Public Notice in the Oberon Review and on village notice boards that Council is calling for submissions in relation to the use of the extension at the Community Centre for permanent display of the Bicentenary Tapestries and/or Living Legends.
2. Write to the Cobweb management cooperative seeking their view on the proposal
3. A media release containing further related information to generate additional exposure.

4. Respond to the representative groups that have already communicated with Council advising them of the process now being undertaken.
5. Compile a report to a future Council meeting detailing responses from steps 1) – 3) and recommending a position based on such information and relevant operational considerations.

This report is also intended as an opportunity to raise for consideration budget implications for 2011-12 and beyond should Council wish to proceed, subject to further community consultation, with the relocation of the Tapestries to the extension. Further, to propose the position that Council would commit to regular viewing hours that would then require some staff resourcing allocation to be considered.

Attachments



13.02.04_Attachment
_A_Letter_Oberon_Sp



13.02.04_Attachment
_B_Letter_Oberon_Ne



13.02.04_Attachment
_C_Letter_Oberon_Art



13.02.04_Attachment
_D_Extract_from_Min



13.02.04_Attachment
_E_Letter_Oberon_Pla

A hard copy of a letter received from Kathy Sajowitz and Jill Evans is provided as a separate attachment.

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

Yet to be defined

Strategic Implications

Undefined

Officers Comment

Council has now received a volume of feedback on the matter without moving to further formal or planned public consultation. Would Council therefore consider itself already well-informed of the community views from those community members who seek to express an opinion on this matter? This may also be considered in light of the previous community consultation already undertaken by Council in past years as it relates to this project. Does this therefore negate the need for planned public consultation over this specific issue?

Consulted With

File: C21.1
Author: Leanne Mash
Date: April 11 2011

13.02.05 Upcoming Meetings

Executive Summary

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

These include:

- Annual Waste Conference 2011 – Tuesday 10 to Thursday 12 May, Opal Cove Resort, Coffs Harbour
-

For Council Decision

Recommendation

That no delegate attend the Waste 2011 Conference.

Background

Annual Waste Conference 2011

Impact Environmental Conferences will host the Annual Waste Conference to be held on 10 – 12 May 2011 at the Opal Cove Resort in Coffs Harbour.

The conference covers a range of current, topical policy issues and technical issues relating to waste management in Local Government including:

- Waste Policies and Targets
- Carbon and Climate Change
- Commercial and Industrial and Construction and Demolition
- Organics and Food Waste
- AWT Options and Residuals
- Education and Communication
- Tendering and Contracts
- Recycling Collection and Markets
- Decision Making in Waste
- Regional Issues and Solutions
- Innovation and Technology
- Waste to Energy
- E-waste and Hazardous Wastes
- Landfill Management

The conference is aimed at anyone who works in or has an interest in waste management issues, including Local Government Managers, engineers, educators, planners and Councillors.

The cost to attend the conference is \$1,110 per person plus travel and accommodation costs.

Attachments



13.02.05_Attachment
_A_Waste_2011_Conf

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

Nil

Consulted With

Not applicable

File: A1.2.1
Author: Leanne Mash
Date: 8 April 2011

13.02.06 Constitutional Recognition for Local Government

Executive Summary

The Australian Local Government Association (ALGA) have requested that all Councils consider endorsing the position of supporting constitutional and financial recognition of Local Government by the way of a call for a referendum on the matter.

As a means of progressing this matter with the Federal Government the ALGA has requested that all Council pass a resolution endorsing the position that a referendum be held by 2013 to change the Constitution to allow for direct funding of Local Government bodies by the Commonwealth.

The ALGA also seeks to have Local Government recognised in the Preamble to the Constitution.

If adopted the resolution stating Council's position on this matter would be sent to the Prime Minister, the Leader of the Opposition and our local Member of Parliament.

For Council Decision

Recommendation

That Council declares its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund Local Government directly and also for inclusion of Local Government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

Background

Since 2008 the ALGA have been progressing towards the goal of recognition for Local Government in the Australian Constitution. The information that follows was sourced from the ALGA Fact Sheet One.

http://www.councilreferendum.com.au/site/misc/alga/downloads/COUNCIL_RESOURCES/ALGA_FactSheets_1.pdf

The first local council was established in 1840, well before the establishment of some colonial governments. One hundred and seventy years later, local government continues to meet the needs of local communities, but today performs a much greater role and provides a vastly expanded range of services.

In the early years local government was responsible for building roads for newly formed towns, as well as rural roads, and building wharves, jetties and bridges. Colonial governments at that time recognised that it made sense for local communities to have responsibility for managing those issues that were important at the local community level.

Just as in 1840 it made no sense for local roads or waste collections to be managed centrally from a capital, it makes no sense for those responsibilities to be managed centrally today. In

a country the size of Australia, local devolution of responsibility for local issues is most appropriate.

When the colonies were discussing the formation of the Federation in the 1890s, local government was not represented at those talks, as the role of local government in providing services to local communities was not going to be transferred to the new Federal Government.

As a result there is no reference to local government in the Australian Constitution. Times have moved on and the powers of the Commonwealth Government have evolved and expanded to cover many new areas that were not envisaged at the time of the Federation of the colonies on 1 January 1901.

Today the Commonwealth collects more than 80 per cent of taxation revenue and takes an interest in all aspects of the nation, from health to education to transport. Similarly, local government's role has expanded from its original role of building roads, bridges and public buildings, to providing a wide range of community services, such as sport and recreational facilities, community care, health and welfare services, and providing water and sewerage services in some states.

Local government is increasingly being called on to assist in delivering Commonwealth Government initiatives at local level. For example, as part of the National Stimulus Package in 2009 to counter the Global Financial Crisis, more than \$1billion of funding was provided directly to local government as a means of promoting economic activity across the nation. Local government, through its peak body, is a member of the Council of Australian Governments (COAG) and 13 other Ministerial Councils, underpinning its significance and growing role at the national level.

These situations and the growing role of local government were not envisaged during the negotiations by the colonies in the 1890s to form the Commonwealth. The High Court, in the recent case of Pape v Commissioner of Taxation (2009), brought into question the Commonwealth's legal ability to deal directly with local government because it is not included in the Constitution. This creates uncertainty about the future funding of local government.

The proposed referendum to alter the Constitution to allow payments directly to local government would remove this uncertainty. It will not change local government's accountability or its status. Its purpose is to give the local government certainty and secure its ability to cater to the needs of local communities, as was the original intention when local councils were first established in 1840.

Go here for additional background material:

<http://www.alga.asn.au/constitutionalrecognition/01.invitation.php>

<http://www.councilreferendum.com.au/>

Attachments



13.02.06_Attachment
_A_Constitutional_Rec

Statutory Environment

The Constitution of Australia

Policy Implications

Not considered

Financial Implications

Not considered

Strategic Implications

In the overall context of Local Government this would be a move forward in terms of stability and sustainability for Local Government.

Officers Comment

Consulted With

Australian Local Government Association

File: A1.4.1
Author: Leanne Mash
Date: April 11 2011

14 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:

15 Closed Session Reports

- 15.01.01 Albion Street Land**
- 15.01.02 Seniors Welfare Committee**
- 15.01.03 Investments – Legal Action Update**
- 15.01.04 Outstanding Rates, Charges and Legal Costs**

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 17 May 2011, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.