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CONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 18 August 2015

Commencing at 5.30pm
at the Oberon Council Chambers

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1. OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

3. PRAYER

The Meeting was opened in prayer by Clr Ian Doney.

4. RECORD OF ATTENDANCE

Members Mayor Kathy Sajowitz (in the Chair)
 Deputy Mayor Kerry Gibbons
 Clr Ian Doney
 Clr Jill Evans
 Clr Neil Francis
 Clr Sam Lord
 Clr John Morgan

Staff Alan Cairney, General Manager
 Gary Wallace, Planning and Development Director
 Chris Schumacher, Works and Engineering Director
 Lynette Safranek, Finance and Community Services Director
 Sharon Swannell, Executive Coordinator

Apologies Clr Clive McCarthy

Moved: Evans
Second: Gibbons

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

Carried 01 180815

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary - Nil

Non-Pecuniary - Nil
Significant

Non-Pecuniary - Nil
Less than
Significant

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Mayor Sajowitz addressed the gallery in relation to the Stratford Downs Estate Town Improvement Levy and advised that a Community Meeting will be held with ratepayers to address their concerns on Thursday 27 August 2015, commencing at 5.30pm at the Robert Hooper Community Centre. Mayor Sajowitz advised that Council is aware of the angst that has been caused to the residents in the Stratford Downs Estate. The levy has been applied this year for the first time and due to the increased land values in this area, this has meant a substantial increase for the residents. Mayor Sajowitz also explained the purpose of the Town Improvement Levy and the types of programs that are funded.

Pauline Denheim asked why we have to be included in the Village. I was one of the first residents in the Stratford Downs estate and the town wasn't pleased we were there. No one was interested in what we needed. The roads were gravel, and when we requested that the Council seal them we were advised we had to pay for that ourselves, which we did. There hasn't been anything else done in the area since. I accept that rates have to go up but to be hit with the extra Levy is too much. Trees in the street are not an improvement; they take up parking spaces and impede the pedestrian crossing.

The Mayor responded that the Council feel that you are part of the Village and want the residents to feel included in the town. The Mayor asked the residents to put together a list of their concerns in preparation for the meeting on 27 August.

Percy Hawkes, resident in Shakespeare Close advised that they are new residents to the area and when they purchased their property the rates were considerably lower. The letter we received advised that we use all the facilities, we don't use them, we drive down the back road and go to Bathurst. We have three investment properties in Oberon and were negotiating a fourth. We are not happy and don't want footpaths in Shakespeare Close. We have major water run off problems that have never been addressed. Garbage is only collected once per week and the tip hours are not adequate.

Jason Oxley advised he has the largest land area at Stratford Downs Estate and the Town Improvement Levy added to the rates is not affordable. He commented that he is working and it is not affordable, let alone for pensioners in the area – you have to realise this is too expensive. We get nothing in return – we don't use parks and gardens, sporting facilities. We have had drainage issues which Council has not addressed. Our driveway has been washed away countless times.

Julie Melchers added we all mow the nature strips outside our driveways.

Wally Bond asked – Council has said you will give us options at the meeting next week. Can you tell us what they are before so we can discuss them and reach a decision?

The Mayor advised that we cannot outline options at this time as we are still investigating the legislative requirements.

Dean Melchers asked is this being applied to other areas such as Rutter's Ridge, The Reef, Titania etc. or is it just us? Why? – I won't be paying it.

Wally Bond added that the distance of Stratford Downs Estate from the centre of Oberon is 2.2km. The Reef Road is 1.7km from the centre of town – this is ½ km closer. Rutter's Ridge is 3.3km from the centre of town and Titania Estate is 5.2km.

Jenny Parker asked why you even thought about charging this before you gave us the final CSP. It wasn't on your website. There are 37 people in this room affected by the change. I have lived in Shakespeare Close for 20 years and have been trying to get a water issue fixed. Council put water on my land and no-one from Council has ever done a thing to fix this issue.

The Mayor requested that this issue be put in writing to Council so that it can be further investigated.

Sashi Dean added that I have had an ongoing water issue at my property. Council looked at this but nothing has been done. I have been told I have to pay \$100,000 to fix the road. The road is the Council's, they should fix it.

The Mayor advised this issue will be taken on notice.

Jenny Parker requested an Agenda for the meeting on 27 August be sent to all Stratford Downs Estate Residents.

Kerryn Coulter advised she lives in the Oberon Township and has been paying this levy for years. I don't believe the Stratford Downs Estate residents should have to pay more.

Margaret Marks advised the rates for her property have increased by 55% since they bought the property in December. We have modest means, what are we meant to do. This has made our property unsaleable. We also have drainage problems on our block.

The Mayor advised that all concerns have been heard and encouraged all residents to come along to the meeting on 27 August and a plan will be put forward to address the concerns.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 21 July 2015

Moved: Evans
Second: Doney

That the Minutes of the Ordinary Meeting held on 21 July 2015 be confirmed.

Carried 02 180815

Matters Arising from the Minutes

Nil

Extraordinary Meeting 27 July 2015

Moved: Francis
Second: Gibbons

That the Minutes of the Extraordinary Meeting held on 27 July 2015 be confirmed.

Carried 03 180815

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Matters Arising from the Minutes

Nil

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Clr Kathy Sajowitz, Mayor

Summary

This report summarises the main activity for the Mayor since my appointment at the Extraordinary Meeting held on 27 July 2015.

Moved: Lord
Second: Gibbons

That Report Item 09.01 is received as information.

Carried 04 180815

09.02 GENERAL MANAGERS PERFORMANCE AGREEMENT

File No: Governance/Meetings/Ordinary

Author: Clr Kathy Sajowitz, Mayor

Summary

This report sets a structure for a Whole of Council Review of the General Manager's performance and the development of new Performance Agreement.

Moved: Evans
Second: Morgan

1. That Council adopt a Whole of Council Review for both the Mid Term and Annual Performance Reviews for the General Manager and also for the development of a new Performance Agreement.
2. That the Mayor be authorised to engage external assistance through Local Government Management Solutions and in consultation with the General Manager set the dates for the Mid Term and Annual Performance Reviews.
3. That Council consider in Closed Session the results of the 25 March 2015 Performance Review and the proposed Draft Performance Agreement.

Carried 05 180815

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – RIGHT OF WAY TO ISABELLA CEMETERY

File No: Public Health/Cemeteries/Isabella Cemetery

Author: Clr Kerry Gibbons

Summary

That Council seek to legal Right of Way to Isabella Cemetery across the existing road.

Moved: Gibbons

Second: Lord

That Council progress to obtain legal access to the Isabella Cemetery across the existing road.

Carried 06 180815

11. COUNCILLOR AND DELEGATES REPORTS

11.01 CENTROC HEALTH WORKFORCE MEETING

File No: Governance/Ordinary/Meetings

Author: Councillor John Morgan

Summary

Councillor John Morgan attended the Centroc Health Workforce Meeting that was held in Oberon on 20 May 2015.

Moved: Morgan

Second: Francis

That Report Item 11.01 is received as information.

Carried 07 180815

11.02 UPPER MACQUARIE COUNTY COUNCIL MEETING

File No: Environmental Management/Meetings/Upper Macquarie County Council

Author: Clr Neil Francis

Summary

Councillor Francis is the delegate to the Upper Macquarie County Council.

Moved: Francis

Second: Gibbons

That delegate report item 11.02 is received as information.

Carried 08 180815

12. COMMITTEE REPORTS

12.01 OBERON YOUTH COUNCIL

File: Governance/Ordinary/August 2015
Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Oberon Youth Council Meeting held on 4 August 2015 is submitted for Council's information and consideration.

Moved: Morgan
Second: Evans

That the Minutes be presented to Council for information and that:

1. The Oberon Youth Council hold a sausage sizzle and Fathers Day raffle on Saturday 5 September, and
2. That a letter will be forwarded to IGA and Rosedale Gifts by the Youth Mayor and if there is no objection from either business, the installation of the bike rack should proceed.

Carried 09 180815

13. REPORTS FOR DECISION

13.01 POLICY REVIEWS

File No: Governance/Policies
Author: Alan Cairney, General Manager

Summary

At the April 2014 Council Meeting a proposed project outline was presented to have all Policy Reviews completed before the end of 2014. The strategy involved each Department Director, and the General Manager, taking a shared responsibility for reviewing each Policy. Due to staff changes and other work priorities the project outline was not achieved however continued effort is being made to complete these reviews within the next 4 months.

Moved: Sajowitz
Second: Doney

1. That the following Policies be updated and amended as detailed within the report item.

Policy Description / Number	Summary of Update / Amendment
1103 Payment of Expenses to Clrs <i>21 Oct 2014</i>	Amendment Some word changes. Additional Mayor Expenses
2117 Corporate Credit Cards <i>8 July 2008</i>	Amendment Changes to wording.
2118 Smoke Free Workplace <i>28 August 2014</i>	Amendment Changes to wording.

2120 Replacement of Fleet Vehicles <i>21 July 2009</i>	Amendment Remove details about Leasing Arrangements. Updated guidelines to include diesel fuelled vehicles.
2402 Collection Development (Library) <i>8 July 2008</i>	Amendment Changes to wording.
4103 Driveway Access to Properties <i>16 August 2011</i>	Amendment Additional requirements/definitions and specifications and maps included.

2. That Council note the progress to date as detailed within the report item.

Carried 10 180815

13.02 OBERON MEALS ON WHEELS

File No: Governance/Meetings/Ordinary/August
Author: Lynette Safranek, Finance & Community Services Director

Summary

Bathurst Meals on Wheels have been asked by Health Western NSW Local Health District to be the provider of Oberon Meals on Wheels from 1 August 2015. For economic reasons, Health Western NSW Local Health District will no longer facilitate the service.

Moved: Evans
Second: Lord

That Council endorse funding the provision of a staff member to provide the Meals on Wheels Coordinator role to enable delivery of meals to clients 7 days per week, and

That adjustments be made to the Delivery Program and Operational Plan 2015/16 at the next Quarterly Budget Review.

Carried 11 180815

13.03 WATER DEBTOR WRITE OFFS

File No: Financial Management/Financial Reporting/Periodic Reports
Author: Lynette Safranek, Finance & Community Services Director and
Chris Schumacher, Works & Engineering Director

Summary

Two residents have requested Council to consider reducing their recent water invoices due to undetected water leaks within their properties.

Moved: Evans
Second: Gibbons

That in accordance with Policy 2201, a write off of \$305.65 (Ratepayer 1) and \$325.00 (Ratepayer 2) be approved.

Carried 12 180815

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13.04 OBERON LEP 2013 PLANNING PROPOSAL – BOUNDARY ADJUSTMENTS

File No: Land Use and Planning\Planning\LEP Local Environmental Plan
Author: Gary Wallace, Planning & Development Director

Summary

A Planning Proposal has been prepared to rectify anomalies in the implementation of the Oberon Local Environmental Plan (OLEP) 2013 with specific relationship to boundary adjustments.

Moved: Morgan
Second: Lord

1. That Council resolve to prepare a draft Planning Proposal to introduce a specific additional clause into the Oberon LEP 2013 to increase flexibility with respect to the ability to approve Boundary Adjustment Subdivisions in the rural zones.
2. That the draft Planning Proposal presented be forwarded to the Department of Planning & Environment seeking the matter be progressed through the Gateway process and allow the document to be publically exhibited.

Carried 13 180815

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

Votes For: Councillors Francis, Gibbons, Morgan, Lord, Doney, Evans and Sajowitz
Against: Nil

13.05 STRATFORD DOWNS ESTATE TOWN IMPROVEMENT LEVY

File No: Governance/Meetings/Ordinary/August
Author: Alan Cairney, General Manager and Lynette Safranek, Finance & Community Services Director

Summary

A Town Improvement Special Rate is raised on every rateable assessment with the defined "Oberon Village area". During the community consultation and public exhibition of the Draft Oberon Community Strategic Plan (CSP) 2014 the community was informed that the Stratford Downs Estate would be included in the Oberon Village area from 2015/16.

During the community consultation and public exhibition of the Draft Oberon CSP 2015 the community was again informed that the Stratford Downs Estate would be included in the "Village area" and would therefore be levied the Town Improvement Special Rate.

Moved: Doney
Second: Evans

That the Mayor and General Manager arrange a meeting with owners of properties within the Stratford Downs Estate to discuss the Town Improvement Special Rate and that in the meantime further investigation be undertaken to determine any options to lessen the financial burden to these property owners.

Carried 14 180815

13.06 DEVELOPMENT APPLICATION 10.2015.45.1 – RESIDENTIAL SHED

File No: Property/PO40-13

Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the construction of a residential shed at 13 Oberon Street, Oberon. A variation to Development Control Plan (DCP) 2001 is sought as the maximum total floor area of garages and carports is to be 60m², the proposal is for a 63m² shed.

Moved: Doney
Second: Francis

That Council vary Part C.6.4 “*Carports and Garages*” of the Oberon Development Control Plan 2001 associated to Development Application 10.2015.45.1 for the construction of a new residential shed at Lot 471 in DP 1195196, 13 Oberon Street, Oberon.

Carried 15 180815

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

Votes For: Councillors Francis, Gibbons, Morgan, Lord, Doney, Evans and Sajowitz
Against: Nil

13.07 RESTART NSW – REGIONAL WATER & WASTE WATER BACKLOG EOI

File No: Sewerage Treatment Plant

Author: Chris Schumacher, Works and Engineering Director

Summary

Through Restart NSW information has been received from Minister Blair, advising that Oberon Council is eligible to apply for financial assistance through the Regional Water and Waster Water Backlog Program to upgrade the Oberon Sewerage Treatment Plant.

Moved: Doney
Second: Morgan

Oberon Council agree in principal to participate in the Restart NSW Program and that an Expression of Interest be submitted to upgrade the Oberon Sewerage Treatment Plant.

Carried 16 180815

14. REPORTS FOR INFORMATION

14.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary
Author: Alan Cairney, General Manager

Summary

This report item summaries the main activity by the General Manager during July including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional Issues, Executive Management Team meetings, and details of planned activities.

14.02 MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT

File: Governance/Meetings/Ordinary
Author: Gary Wallace, Planning and Development Director

Summary

Providing details of major work within the Planning & Development Department for July and August and provide information on statistics of work that has occurred in July.

14.03 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING

File: Governance/Meetings/Ordinary
Author: Chris Schumacher, Works and Engineering Director

Summary

Providing a summary of the major work in the Works & Engineering Department for the month of July 2015 plus planned work for the coming months.

14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Meetings/Ordinary/August 2015
Author: Lynette Safranek, Finance and Community Services Director

Summary

This report provides a summary of major work within the Finance and Community Services Department during July 2015, plus planned activities for the following months.

14.05 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register
Author: Timothy Booth, Management Accountant

Summary

Reporting the Statement of Investments as at 31 July 2015.

14.06 QUARTERLY BUDGET REVIEW STATEMENT – APRIL TO JUNE 2015

File No: Governance/Meetings/Ordinary/August
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Quarterly Budget Review Statement (QBRS) is presented with variations shown for income and expenditure for the period from 1 April to 30 June 2015. This QBRS is a draft only as there may be changes as the End of Year Financial Statements are not yet completed.

14.07 SMOKE FREE LEGISLATION – OUTDOOR PUBLIC PLACE LEGISLATIO

File No: S:\24 Public Health
Author: Gary Wallace, Planning & Development Director

Summary

This report outlines updated legislation relating to Smoke Free public areas which came into place on 6 July 2015.

14.08 WATER AND SEWER PLANT REPORT

File: Governance/Meetings/Ordinary
Author: Chris Schumacher, Works and Engineering Director & Richard Robinson, Sewer & Water Plant Operator.

Summary

Providing a summary of water consumption and sewerage treatment processes for the month of July 2015.

14.09 MAYFIELD ROAD PROJECT – PROGRESS REPORT

File No: R12
Author: Chris Schumacher, Works and Engineering Director

Summary

This report outlines progress and accumulative expenditure on the Construction of the \$1.6m Mayfield Road Project.

Moved: Doney
Second: Lord

That report items 14.01 to 14.09 is received as information.

Carried 17 180815

LATE REPORT ITEM

13.08 LIQUID TRADE WASTE POLICY

File No: Governance/Policies
Author: Chris Schumacher, Works and Engineering Director

Summary

This Policy sets out how Council will regulate sewerage and trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste (section 3.1 on page 16).

Moved: Morgan
Second: Gibbons

That Council endorse the new Liquid Trade Waste Policy and proceed to liaise with discharging stakeholders during the 28 day exhibition period, prior to implementation.

Carried 18 180815

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General Manager

Mayor

15. URGENT BUSINESS

Nil

16. CLOSED SESSION / CONFIDENTIAL REPORTS

16.01 PROPERTY AND LAND DEVELOPMENT

File No: File No: Governance/Ordinary/Confidential
Author: Alan Cairney, General Manager

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

This report item contains matters and information listed in Section 10A (2) of the Act:

(c) Information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

09.02 GENERAL MANAGERS PERFORMANCE AGREEMENT

File No: Governance/Meetings/Ordinary
Author: Clr Kathy Sajowitz, Mayor

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

This report item contains matters and information listed in Section 10A (2) (a) of the Act:

(a) Personnel matters concerning particular individuals (other than Councillors)

Moved: Doney
Second: Lord

That:

1. Council resolve into Closed Council to consider business identified, together with any late confidential reports tabled at the meeting.
2. Pursuant to Section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of Section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

Carried 19 180815

Council moved into a Closed Session at 7.08pm, members of the public present left the meeting at this time.

16.01 PROPERTY AND LAND DEVELOPMENT

File No: File No: Governance/Ordinary/Confidential
Author: Alan Cairney, General Manager

Moved: Doney
Second: Lord

That Council agree in principle to the acquisition of Land for Residential Development as outlined in the Confidential Report, subject to the provision of more detailed projected costings and market appraisals being reported to Council for decision and delegate authority to the General Manager to negotiate with the Agent.

Carried 20 180815

Council staff present with the exception of the General Manager left the meeting at this point in time 7.27pm.

09.02 GENERAL MANAGERS PERFORMANCE AGREEMENT

File No: Governance/Meetings/Ordinary
Author: Clr Kathy Sajowitz, Mayor

Moved: Evans
Second: Lord

That report items 09.02 is received as information.

Carried 21 180815

Councillor Doney requested his vote against the motion be recorded.

Open Council resumed at 8.23pm.

The Mayor advised that resolutions 20 180815 and 21 180815 were made by Council while the meeting was closed to the public. There were no members of the public present.

17. CLOSURE OF MEETING

The Meeting closed at 8.24pm.

The next Ordinary Meeting of Oberon Council will be held on:

Tuesday 15 September 2015
commencing at 5.30pm

in the Oberon Council Chambers
137 – 139 Oberon Street, Oberon.