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UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 20 October 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 Sister Maureen Schiemer.

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 Clive McCarthy
 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 Nil

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Non-Pecuniary Significant	-	Nil
Non-Pecuniary Less than Significant	-	Nil

6. GENERAL AND CIVIC PRESENTATIONS

Jake Goulding and Liam McFarlane provided a presentation on behalf of the Oberon Youth Council Skate Park Sub-committee regarding a community awareness program for the proposed new Skate Park design and location.

A presentation was provided by Lisa Safranek from the Oberon Youth Council regarding the OYC Delegates attendance at the Youth Council Conference Forum.

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Neville Kurtz asked when is the access going to be constructed into the block mentioned in DA10.2010.71.1 belonging to Mr Neil Falson, is at has been 2 ½ years since Council agreed to do the work?

The General Manager advised that further legal advice has been sought and a report would be provided to the November Ordinary Council Meeting by Works and Engineering Director, Chris Schumacher regarding this matter.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 15 September 2015

Moved: Francis
Second: Morgan

That the Minutes of the Ordinary Meeting held on 15 September 2015 be confirmed.

Carried 01 201015

Matters Arising from the Minutes

Nil

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

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

Summary

This report summarises the main activity for the Mayor since the September Council Meeting.

Moved: Lord
Second: Evans

That Report Item 09.01 is received as information.

Carried 02 201015

Moved: Lord
Second: Doney

That Item 12.02 be brought forward and dealt with at this point in time.

Carried 03 201015

12.02 OBERON YOUTH COUNCIL

File: Governance/Ordinary/October 2015

Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Oberon Youth Council Meeting held on 6 October 2015 is submitted for Council's information and consideration.

Moved: Morgan
Second: Doney

That Minutes of the Oberon Youth Council Meeting held on 6 October 2015 be received as information.

That Council allow the Oberon Youth Council and the Skate Park Sub-Committee to promote the designs and locations put forward in the report for the new Oberon Skate Park allowing the Community to vote on the design and location.

Carried 04 201015

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – PLAN FOR THE OBERON COMMON

File No: Parks and Gardens

Author: Clr Jill Evans

Summary

That discussion be held regarding suspending any further development at the Oberon Common until a plan is prepared and endorsed by the Oberon Common Working Party.

Moved: Evans
Second: Gibbons

That a current plan of the existing infrastructure and amenities at the Oberon Common be developed by a subcommittee of Council consisting of Councillors and Management staff, when complete the plan be presented to the Oberon Common Working party for comment.

Carried 05 201015

10.02 NOTICE OF MOTION – CONCEPT FOR THE OBERON COMMON

File No: Parks and Gardens

Author: Clr Clive McCarthy

Summary

Proposal regarding future development of the Oberon Common.

Moved: McCarthy
Second: Lord

1. Start a concept plan for the Oberon Common
2. Use 8 Lots bounded by Dudley and Curtis Streets and unformed Dillon Street as extension of The Oberon Common and change land use to become park land type.
3. Prepare base site only for carpark off end of Raleigh Street to run parallel to Curtis Street with single exit subject to Traffic Advisory Local Committee approval.
4. Build fenced soft fall playground off Curtis Street entry – extra to existing one.
5. Construct large Picnic Shed with electric barbecue mid way between seating (double existing ones)
6. Walking trail (site set up only) from east end of car park and access off Dudley Street, slightly off corner
7. Row of Red Oak down Dudley Street hill west of existing path.
8. Take nob off south east end of area to push up for a 150 x 150 metre site for possible skate park site.
9. Land between Curtis Street and carpark to be retained for future garden 6 to 8 metres.
10. Allow one week with dozer to form only above and piping of carpark.

The motion was put and lost.

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON BUSINESS AND TOURISM ASSOCIATION

File No: Economic Dev/OBTA
Author: Clr Sam Lord

Summary

Mayor Kathy Sajowitz, General Manager, Alan Cairney and I attended the Oberon Business and Tourism Association Meeting held at the Long Arm Farm Cafe on Wednesday 16 September 2015.

Moved: Lord
Second: McCarthy

That Delegate's Report item 11.01 is received as information.

Carried 06 201015

11.02 CENTROC HEALTH WORKFORCE

File No: Governance/Local and Regional Liaison/Centroc
Author: Clr John Morgan

Summary

Councillor John Morgan is the delegate appointed to the CENTROC Health Workforce group. Clr Morgan attended the last meeting held on 2 September 2015 in Cowra.

Moved: Morgan
Second: Evans

That report item 11.02 is received as information.

Carried 07 201015

11.03 UPPER MACQUARIE COUNTY COUNCIL MEETING

File No: Environmental Management/Meetings/Upper Macquarie County Council
Author: Clr John Morgan

Summary

Councillor Neil Francis and Clr John Morgan are delegates to the Upper Macquarie County Council.

Moved: Francis
Second: McCarthy

That delegate report item 11.03 is received as information.

Carried 08 201015

11.04 CHIFLEY LOCAL AREA COMMAND COMMUNITY SAFETY PRECINCT COMMITTEE MEETING

File No: Community Services/Service Provision/Police Services (Community Precinct)
Author: Mayor Kathy Sajowitz

Summary

General Manager, Alan Cairney and I attended the last meeting of the Chifley Local Area Command Community Safety Precinct Committee, held on Monday 14 September in Oberon.

Moved: Sajowitz
Second: Evans

That Delegate's Report item 11.04 is received as information.

Carried 09 201015

11.05 BURRAGA COPPER PROJECT

File No: Dev & Bld Control/State Significant/Burruga Copper
Author: Alan Cairney, General Manager

Summary

Clr Neil Francis, Health and Building Manager, Jaclyn Burns and the General Manager attended a meeting with representatives of the Burruga Copper Project on Friday 25 September 2015.

Moved: McCarthy
Second: Lord

That Delegate's Report item 11.05 is received as information.

Carried 10 201015

12. COMMITTEE REPORTS

12.01 TRAFFIC ADVISORY LOCAL COMMITTEE

File: Governance/Meetings/Traffic Advisory Local Committee
Author: Chris Schumacher, Works and Engineering Director

Summary

Minutes of the Traffic Advisory Local Committee (TALC) held on 17 September are submitted for Council's information and consideration.

Moved: McCarthy
Second: Gibbons

That the Minutes of the Traffic Advisory Local Committee held on 17 September 2015 be received as information.

Carried 11 201015

12.03 OBERON SPORTS FACILITIES COMMITTEE

File: Governance/Meetings/Oberon Sports Facilities Committee
Author: Alan Cairney, General Manager and Chris Schumacher, Works and Engineering Director

Summary

Minutes of the Oberon Sports Facilities Committee held on 23 September 2015 is submitted for Council's information and consideration.

Moved: Lord
Second: Morgan

That the Minutes of the Oberon Sports Facilities Committee held on 23 September 2015 be received as information.

Carried 12 201015

12.04 BLACK SPRINGS COMMUNITY HALL COMMITTEE

File: Governance/Meetings/Black Springs Community Hall Committee
Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Black Springs Community Hall Committee held on 21 September 2015 is submitted for Council's information and consideration.

Moved: Gibbons
Second: Evans

That the Minutes of the Black Springs Community Hall Committee held on 21 September 2015 be received as information and the amended Black Springs Community Hall Committee Charter be accepted with the change to meet quarterly on the third Wednesday of the month.

Carried 13 201015

13. REPORTS FOR DECISION

13.01 OBERON COMMUNITY STRATEGIC PLAN 2015 REVISED OPERATIONAL PLAN 2015/2016

File No: Governance/Integrated Planning and Reporting/Community Strategic Plan
Author: Alan Cairney, General Manager and Lynette Safranek, Finance & Community Services Director

Summary

At the September Ordinary Council Meeting a decision was made to remove the Town Improvement Special Rate for the Stratford Downs Estate for 2015/2016. A revised Operational Plan 2015/2016 was placed on Public Exhibition from Friday 18 September and formal written submissions are to be received by Friday 16 October 2015. These submissions will be referred to the Council Meeting.

This Report Item recommends adopting the revised Operational Plan which reduces income received from the Town Improvement Special Rate by \$23,771 and also reduces expenditure for the Town Improvement Program by \$23,771.

Moved: Morgan
Second: Gibbons

That Council adopt the revised Operational Plan 2015/2016 with the removal of the Town Improvement Special Rate from the Stratford Downs Estate and the reduction in the Town Improvement Program for 2015/2016.

These amendments be included in the second Quarterly Budget Review Statement for the period October to December 2015.

Carried 14 201015

13.02 2014/2015 FINANCIAL REPORTS and AUDITORS REPORT

File No: Governance/Ordinary/2015

Author: Alan Cairney, General Manager and Lynette Safranek, Finance & Community Services Director

Summary

The 2014/2015 Financial Reports have been referred to the external auditors, Crowe Horwath Auswild. After completing the audit copies of the Auditors Reports will be sent to the Office of Local Government and also to Council. This must be done within 4 months after the end of the financial year (by end of October).

Arrangements will be made to give public notice that the Auditor's Reports and the audited Financial Reports will be presented to the November Ordinary Council Meeting.

Moved: Doney
Second: Francis

That a Finance Committee be held on 10 November 2015 for Councillors and Management Staff to review the completed audited Financial Reports and the Auditor's Reports.

That the Auditor's Reports and the audited Financial Reports be presented to the public at the Ordinary Council Meeting on 17 November 2015.

Carried 15 201015

13.03 LIQUID TRADE WASTE POLICY

File No: Governance/Policies

Author: Chris Schumacher, Works and Engineering Director

Summary

This Policy sets out how Oberon Council will regulate Liquid Trade Waste discharges to the Sewerage reticulation system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste. (Section 3.1 pg. 16)

Moved: Lord
Second: Doney

That Council now formally approve the adoption and implementation of the new Liquid Trade Waste Policy.

That formal checks of ALL businesses be conducted to ensure compliance in accordance with Section 68 of the *Local Government Act 1993*. Further ensuring that Liquid Trade Waste is appropriately controlled and discharged to Oberon Councils Sewerage Reticulation System and Treatment Headwork's in an acceptable state.

Carried 16 201015

13.04 DEVELOPMENT APPLICATION 10.2015.65.1 – SHED AND CARPORT

File No: Property/PO26-28
Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the construction of a shed and attached carport at 28 Duckmaloi Road, Oberon. Variation to Development Control Plan (DCP) 2001 is sought, with particular reference to Part C.6.4 – "Carports and Garages."

Moved: Morgan
Second: Gibbons

That Council vary Part C.6.4 – "Carports and Garages of the Oberon Development Control Plan 2001 associated to Development Application 10.2015.65.1 for the construction of a shed and attached carport at Lot 7 in DP 711566, 28 Duckmaloi Road, Oberon.

Carried 16 201015

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, McCarthy, Lord, Doney, Evans and Sajowitz
Against: Nil

13.05 DEVELOPMENT APPLICATION 10.2015.66.1 – SHED

File No: Property/PO15-125
Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the construction of a shed at 125 Curtis Street, Oberon. Variation to Development Control Plan (DCP) 2001 is sought, with particular reference to Part C.6.4 – "Carports and Garages."

Moved: McCarthy
Second: Francis

That Council vary Part C.6.4 – “Carports and Garages of the Oberon Development Control Plan 2001 associated to Development Application 10.2015.66.1 for the construction of a shed at Lot 16 in DP 563376, 125 Curtis Street, Oberon.

Carried 17 201015

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, McCarthy, Lord, Doney, Evans and Sajowitz
Against: Nil

13.06 REQUEST FOR SPONSORSHIP – BATHURST BROADCASTERS

File No: Governance/Integrated Planning and Reporting/Community Strategic Plan
Author: Alan Cairney, General Manager

Summary

This report recommends an in principle agreement to become a sponsor partner in a proposed 2016 Mayfield Garden Music Festival being coordinated by Bathurst Broadcasters and Radio Stations 1503 2BS Gold and B-Rock 99.3FM.

Major sponsorships are Diamond \$10,000, Platinum \$5,000 and Gold 2,500.

The event is planned for early 2016 and would require funding in the Operational Plan 2015/2016.

Moved: Lord
Second: Doney

That Council delegate authority to the Mayor and General Manager to negotiate a sponsorship package for the planned 2016 Mayfield Garden Music Festival subject to funding being available in the Operational Plan 2015/2016.

Carried 18 201015

13.07 O’CONNELL FIRE SHED – LAND ACQUISITION

File No: Emergency Services/Bushfire Sheds
Author: Chris Schumacher, Works and Engineering Director

Summary

This report refers to suitable sized land within the current Road Reserve of O’Connell Rd at the intersection of Mutton Falls Rd (northern side) for the purposes of constructing a new Rural Fire Shed for the O’Connell Rural Fire Service.

It had been proposed to construct an extension to the existing Rural Fire Shed located on the corner of Box Flat Rd and O’Connell Rd however there is an existing lease agreement which provides for building improvements to revert to the landowner at the expiration of the lease period in early 2016. Negotiations for the purchase of the land (and building) have not been successful.

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General Manager

Mayor

Moved: McCarthy
Second: Morgan

That Council agree to the construction the new O'Connell Fire Shed at the location on the southern side of the Mutton Falls Road and O'Connell Road Intersection.

That the General Manager and Works & Engineering Director be delegated authority to sign all documents associated with the submission of a Development Application to allow construction, subject to Planning and Building Approval/s.

Carried 19 201015

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 September 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 September and October and provide information on statistics of work that has occurred in September.

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 September 2015 plus planned work for the coming months.

14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Meetings/Ordinary/October 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 September 2015, plus planned activities for the following months.

14.05 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register
Author: Lynette Safranek, Finance & Community Services Director

Summary

Reporting the Statement of Investments as at 30 September 2015.

14.06 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 & Waste Water Activity for the month of September 2015.

14.07 MAYFIELD ROAD PROGRESS REPORT

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

Summary

This report outlines the construction progress and accumulative expenditure on the new Wisemans Creek culvert in conjunction with the \$1.6M Mayfield Road Project.

Moved: McCarthy
Second: Morgan

That report items 14.01 to 14.07 be received as information.

Carried 20 201015

15. URGENT BUSINESS

Summary

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Moved: Morgan
Second: Evans

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

- IPART recommendation received today

Carried 21 201015

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A Workshop be held with Councillors and Management staff on Monday 26 October 2015 commencing at 5.30pm.

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.

16.02 SERVICE NSW

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.

Moved: Evans
Second: Doney

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 22 201015

Council moved into Closed Session 7.31pm. All members of the public present left at this point in time.

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16.01 PROPERTY AND LAND DEVELOPMENT

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

Moved: McCarthy
Second: Morgan

1. That the information be received and noted.
2. That Council confirm the sale of Hathaway Cottages within the range suggested by Local Agents.
3. That the General Manager and Mayor be delegated authority to negotiate a Sale.
4. Subject to a sale that a further report be provided on the options for the use of proceeds from the sale as detailed in Minute 12 210715 made at the Council Meeting on 21 July 2015.

Carried 23 201015

Moved: Evans
Second: McCarthy

1. That the General Manager be delegated authority to negotiate sales of the residential land off Edith Road within the ranges suggested by Local Agents.
2. That Council confirm the existing delegated authority for the General Manager to negotiate sales of industrial land in the Albion Street Industrial Subdivision.
3. That proceeds from sales be transferred to the Land Bank Reserve.

Carried 24 201015

16.02 SERVICE NSW

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

Moved: Sajowitz
Second: Morgan

That Council give in principle support to the proposal as outlined by Service NSW.

Carried 25 201015

Moved: Sajowitz
Second: Morgan

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

- Mayoral Minute

Carried 26 201015

Council staff left the meeting at 8.27pm.

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Moved: Sajowitz

That the reports received from IAB in relation to matters under investigation at Oberon Council be forwarded to the Office of Local Government for further investigation as recommended.

Carried – Unanimous 27 201015

Moved K. Sajowitz

1. That Council terminates the General Manager's contract of employment (the "Contract") in accordance with clause 10.3.5 of the Contract, with effect on and from 20 October 2015.
2. As soon as practicable the Mayor shall inform the General Manager of the above decision and shall instruct the relevant officer(s) of Council to process any termination payments to which the General Manager is entitled under his Contract".
3. That Council appoints a senior member of staff to the position of Acting General Manager pursuant to sections 336 and 351 of the *Local Government Act 1993*, with such person to remain as the Council's Acting General until the Council appoints a new General Manager.
4. The Mayor consults with Local Government NSW on the matter of recruiting a new General Manager.

Carried – Unanimous 28 201015

Open Council resumed at 8.53pm.

The Mayor advised that resolutions 23 201015, 24 201015, 25 201015, 26 201015, 27 201015 and 28 201015 were made while the meeting was closed to the public. There were no members of the public present.

17. CLOSURE OF MEETING

The Mayor declared the meeting closed at 8.53pm.

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

Tuesday 17 November commencing at 5.30pm

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