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## CONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Tuesday 15 December 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.

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## 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.

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## 3. PRAYER

The Meeting was opened in prayer by Pastor Ken Bird.

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## 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            Gary Wallace, Acting General Manager  
                  Jaclyn Burns, Acting Planning and Development Director  
                  Chris Schumacher, Works and Engineering Director  
                  Lynette Safranek, Finance and Community Services Director  
                  Sharon Swannell, Executive Coordinator  
                  Sarah-Jane Holland, Customer Service Trainee

Apologies      Nil

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## 5. DECLARATIONS OF INTEREST

Pecuniary            -            Nil

Non-Pecuniary      -            Nil  
Significant

Non-Pecuniary      -            Nil  
Less than  
Significant

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## 6. GENERAL AND CIVIC PRESENTATIONS

Nil

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## 7. COMMUNITY PRESENTATIONS AND QUESTIONS

Nil

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## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 17 November 2015

Moved: Evans  
Second: Gibbons

That the Minutes of the Ordinary Meeting held on 17 November 2015 be confirmed.

Carried 01 151215

### Matters Arising from the Minutes

It was noted that Clr Neil Francis had been included in the recording of votes for Report Items 13.01, 13.02, 13.03 and 13.04. The minutes will be amended and Clr Francis name will be removed from these items.

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## 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 the November Council Meeting.

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Moved: McCarthy  
Second: Lord

That Report Item 09.01 is received as information.

Carried 02 151215

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## 10. NOTICES OF MOTIONS

### 10.01 NOTICE OF MOTION – SUBDIVISION OF LAND

File No: PO15-112-114  
Author: Clr Clive McCarthy

#### Summary

That the Council consider subdividing land owned in Curtis Street.

Moved: McCarthy  
Second: Gibbons

That Oberon Council subdivides land it owns in Curtis Street to have Hathaway and the Self Care Units on separate Allotments with a service road between to access to the rear of each lot.

Carried 03 151215

### **10.02 NOTICE OF MOTION – ADDITIONAL LAND AT OBERON COMMON**

File No: Parks and Reserves/Service Provisions/Oberon Common  
Author: Clr Clive McCarthy

#### **Summary**

Inclusion of land being Lot 1 DP 1074906 and Lot 3 DP 1126275 as part of the Oberon Common.

Moved: McCarthy  
Second: Francis

That Oberon Council include land known as Lot 1 DP 1074906 bound by Curtis Street, Raleigh Street, Dudley Street and unformed Dillon Street and Lot 3 DP 1126275 being the unformed Dillon Street between Raleigh and Dudley Streets to be changed from operational land to community land and be added to the land known as the Oberon Common.

Carried 04 151215

Moved: McCarthy  
Second: Francis

That part of the Common Land be earmarked for a future skate park approximately 50x50 metres.

The motion was put and lost. The Mayor used the Casting Vote.

Moved: McCarthy  
Second: Francis

On the west end on a slight rise parallel to existing concrete pathway leading to the Common from Curtis Street, Council level a site for a double size shelter with BBQ on south end in honour of Cr John McMahan.

The motion was put and lost. The Mayor used the Casting Vote.

### **10.03 NOTICE OF MOTION – SEALING OF BAILEY'S LANE**

File No: R57  
Author: Clr Clive McCarthy

#### **Summary**

Council to source funds from road reserves to seal Bailey's Lane.

Moved: McCarthy  
Second: Gibbons

That funds be sourced from road reserves to seal the 350 metres of Bailey's Lane that has the road base just up graded and that is the shade of existing pine trees through out the winter months.

Carried 05 151215

#### **10.04 NOTICE OF MOTION – PARK LAND IN GLYNDWR AVENUE**

File No: Parks and Reserves  
Author: Clr Clive McCarthy

##### **Summary**

That park land in Glyndwr Avenue be changed to operational land and be sold.

Moved: McCarthy  
Second: Lord

That Oberon Council change community land (park) in Glyndwr Avenue to operational land as a park has been provided at the south end of Glyndwr Avenue and that Council sell the lot fully serviced (water and sewer).

Carried 06 151215

## **11. COUNCILLOR AND DELEGATES REPORTS**

#### **11.01 CENTROC – BOARD MEETING AND ANNUAL GENERAL MEETING**

File No: Governance  
Author: Clr Kerry Gibbons

##### **Summary**

The Centroc Board Meeting and Annual General Meeting (AGM) was held in Molong on 26 November 2015. This report summarises the outcomes of the AGM.

Moved: McCarthy  
Second: Gibbons

That report item 11.01 is received as information.

Carried 07 151215

## 11.02 REPORT – LGNSW MAYORS SEMINAR WEEKEND

File No: Governance

Author: Mayor Kathy Sajowitz

### Summary

The LGNSW Mayors Weekend Seminar was held in Sydney on 14 & 15 November 2015. The Mayor and the Deputy Mayor attended. This report summarises the outcomes of the LGNSW Mayors Weekend Seminar.

Moved: Gibbons  
Second: McCarthy

That report item 11.02 is received as information.

Carried 08 151215

## 11.03 OBERON BUSINESS AND TOURISM ASSOCIATION

File No: Economic Development/OBTA

Author: Clr Sam Lord

### Summary

Acting General Manager Gary Wallace, Mayor Kathy Sajowitz and I attended the Oberon Business and Tourism Association meeting held at the Oberon Golf Club on Wednesday 11 November 2015.

Moved: Lord  
Second: Francis

That report item 11.03 is received as information.

Carried 09 151215

## 12. COMMITTEE REPORTS

### 12.01 OBERON YOUTH COUNCIL

File: Governance/Ordinary/December 2015

Author: Lynette Safranek, Finance & Community Services Director

### Summary

Minutes of the Oberon Youth Council Meeting held on 1 December 2015 is submitted for Council's information and consideration.

Moved: McCarthy  
Second: Lord

That:

1. Minutes of the Oberon Youth Council Meeting held on 1 December 2015 be received as information, and
2. That Council review and utilise the results of the Skate Park Community Survey and investigate the opportunity to develop a new Skate Park in Oberon.

Carried 10 151215

## **12.02 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 25 November 2015 is submitted for Council's information and consideration.

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Moved: Evans  
Second: Gibbons

That:

1. The Minutes of the Black Springs Community Hall Committee held on 25 November 2015 be received as information
2. Council Staff consider an appropriate method for the removal of rubbish when the hall is used, and
3. When the new Oberon Skate Park is built, that the old Skate Park ramps be relocated to Black Springs.

Carried 11 151215

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## **13. REPORTS FOR DECISION**

### **13.01 CENTROC FUEL CONTRACT**

File No: FinMgt/CENTROC Tenders  
Author: Chris Schumacher, Works and Engineering Director

### **Summary**

This report seeks Council's resolution to participate in the Regional procurement of fuel through Central NSW Councils JO (Centroc).

Council has participated in the previous purchase of fuel contracts for the past 4 years, and subject to its endorsement again, inclusion would be for the next contract commencing 1 July 2016.



Moved: Doney  
Second: Morgan

This report recommends that:

1. Council agrees to participate in the next Centroc regional fuel contract commencing from 1 July 2016.
2. The Acting General Manager and Works & Engineering Director be authorised to sign Contracts on behalf of Oberon Councils participation.

Carried 12 151215

### **13.02 PLANNING PROPOSAL – BOUNDARY ADJUSTMENT**

File No: Land Use and Planning\Planning\LEP Local Environmental Plan  
Author: Jaclyn Burns, Acting Planning & Development Director

#### **Summary**

A Planning Proposal has been prepared by Council staff to enable anomalies to be rectified in the implementation of the Oberon Local Environmental Plan (OLEP) 2013 with specific relationship to boundary adjustments. This report finalises the process associated to this Planning Proposal.

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Moved: Morgan  
Second: Evans

That delegation be granted to Councils Acting General Manager to enable Council submit to Parliamentary Counsel for drafting and making the Planning Proposal for the amendments to the Oberon Local Environmental Plan 2013 by the inclusion of an of a model boundary adjustment clause for rural and environmental zoned land.

Carried 13 151215

### **13.03 LIBRARY EXTENSION**

File No: Community Services/Library  
Author: Lynette Safranek, Finance & Community Services Director

#### **Summary**

In April 2015, Council received a grant for \$120,290 from the State Library of NSW Public Library Infrastructure Grant Program to extend the Library. The grant will be used to create a Community Hub to meet the changing needs of modern Library users, especially young people.

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Moved: Doney  
Second: Evans

That Council ask the Community Precinct Working Party to create a brief for Council's review at the March 2016 meeting, outlining ideas for the connection of the Community Centre and the Library to create a Community Hub.

Carried 14 151215

### **13.04 SALE OF LAND – MUTTON FALLS ROAD**

File No: Land Use and Planning/General  
Author: Chris Schumacher, Works and Engineering Director

#### **Summary**

Application has been made by an adjoining property owner for the purchase of Lot 20 DP 864763 1651 Mutton Falls Road, O'Connell, this land being vested with Council as a Drainage Reserve. This report seeks resolution of the Council for the sale to proceed and outlines the method for sale.

Moved: Doney  
Second: McCarthy

That the matter be deferred until further information can be provided with respect to subdivision rights, drainage issues, including soil and sedimentation impacts, alternative management strategies and associated costs.

Carried 15 151215

## **14. REPORTS FOR INFORMATION**

### **14.01 MONTHLY ACTIVITY REPORT – ACTING GENERAL MANAGER**

File No: Governance/Meetings/Ordinary  
Author: Gary Wallace, Acting General Manager

#### **Summary**

This report item summaries the main activity by the Acting General Manager since the November Council Meeting including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional Issues, Executive Management Team Meetings, and details of planned activities.

Moved: McCarthy  
Second: Morgan

That report item 14.01 is received as information.

Carried 16 151215

### **14.02 MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT**

File: Governance/Meetings/Ordinary  
Author: Jaclyn Burns, Acting Planning and Development Director

#### **Summary**

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

Moved: McCarthy  
Second: Morgan

That report item 14.02 is received as information.

Carried 17 151215

### **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 November 2015 and including scheduled work for the coming months.

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Moved: McCarthy  
Second: Lord

That report item 14.03 is received as information.

Carried 18 151215

### **14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES**

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

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Moved: Doney  
Second: Lord

That report item 14.04 is received as information.

Carried 19 151215

### **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 November 2015.

Moved: Morgan  
Second: Doney

That report item 14.05 is received as information.

Carried 20 151215

#### **14.06 CONTAMINATION CENTRAL**

File No:  
Author: Jaclyn Burns Acting Planning and Development Director

##### **Summary**

In 2014 the Bathurst Orange Dubbo Alliance and the Central West Councils Environment and Waterways Alliance was able to secure \$450,000 in grant funding from the Environment Protection Authority for Contaminated Land Management Regional Capacity Building. The project is named Contamination Central and Oberon Council has made a financial commitment of \$750 to participate in the project that will run through to 30 June 2016. The purpose of this report is to advise Council of the progress of the Contamination Central Project

Moved: McCarthy  
Second: Doney

That Report Item 14.06 is received as information.

Carried 21 151215

#### **14.07 FIRE SAFETY INSPECTION REPORT**

File No:  
Author: Jaclyn Burns, Acting Planning and Development Director

##### **Summary**

This report highlights the outcomes of a fire safety inspection undertaken by Fire and Rescue NSW of the Jenolan Caves Precinct.

Moved: Gibbons  
Second: McCarthy

That report item 14.07 is received as information.

Carried 22 151215

#### **14.08 REGIONAL STATE OF THE ENVIRONMENT REPORT**

File No:  
Author: Gary Wallace, Acting General Manager

##### **Summary**

This report highlights the outcomes of the 2014/2015 Regional State of the Environment report with respect to the Oberon LGA.

Moved: Doney  
Second: McCarthy

That report item 14.08 is received as information.

Carried 23 151215

#### **14.09 CLASS ACTION SETTLEMENT**

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

##### **Summary**

Oberon Council is part of the Class Action with regard to the IMB Bentham Limited (IMB) / Lehman Brothers Australia (LBA) CDO claim for an amount of \$598,314.49. There is now an opportunity to settle the Class Action at \$144 million (total). Council is being asked whether it wished to support the settlement of the Class Action on the basis of the Offer.

Moved: McCarthy  
Second: Lord

That report item 14.09 is received as information.

Carried 24 151215

#### **14.10 WATER AND SEWER PLANT REPORT**

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

##### **Summary**

A Summary report of Water & Waste Water Activity for the month of November 2015.

Moved: McCarthy  
Second: Lord

That report item 14.10 is received as information.

Carried 25 151215

## **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: Doney  
Second: McCarthy

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

- Request for donation, Bathurst Harness Racing Association.

Carried 26 151215

Moved: McCarthy  
Second: Doney

That Council provide a donation to the Bathurst Harness Racing Association of \$550.00 funded from the Events program to fund the Oberon Community night.

Carried 27 151215

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## 16. CLOSED SESSION / CONFIDENTIAL REPORTS

### **16.01 LAND SALE – OPERATIONAL LAND ABERCROMBIE RD**

File No: PR187.1300  
Author: Chris Schumacher, Works and Engineering Director

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 PURCHASE OF BOMAG COMPACTOR – OBERON LANDFILL**

File No: Waste Management/Service Provision/Waste Management Facility  
Author: Chris Schumacher, Works and Engineering Director

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.

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Moved: McCarthy  
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 28 151215

*Council moved into Closed Session 7.30pm. All members of the public present left at this point in time.*

**16.01 LAND SALE – OPERATIONAL LAND ABERCROMBIE RD**

File No: PR187.1300

Author: Chris Schumacher, Works and Engineering Director

Moved: McCarthy  
Second: Doney

That Council in principal approve the sale of the 2.1267ha of road reserve fronting 1300 Abercrombie Road, Oberon.

Carried 29 151215

Moved: McCarthy  
Second: Doney

That:

1. Council determine an appropriate price for the sale of the land in accordance with the valuation of OPTEON Group Pty Ltd.
2. The Acting General Manager and Mayor be delegated authority to sign relevant legal documents associated with the transfer of the land.
3. Other relevant neighbours be contacted to ascertain interest in the land.

Carried 30 151215

## **16.02 PURCHASE OF BOMAG COMPACTOR – OBERON LANDFILL**

File No: Waste Management/Service Provision/Waste Management Facility  
Author: Chris Schumacher, Works and Engineering Director

Moved: Lord  
Second: Gibbons

That:

1. Council proceed to purchase the Bomag Compactor from Westrac at the sale price of \$60,000 ex. GST.
2. \$40,000 through the current 2015/2016 Plant Replacement Program, and \$20,000 from Waste management be allocated to purchase the plant
3. The Acting General Manager and Works and Engineering Director be delegated authority to sign all relevant documents associated with the purchase and transfer of this vehicle to Oberon Council.

Carried 31 151215

*Open Council resumed at 7.40pm.*

The Mayor advised that resolutions 29 151215, 30 151215 and 31 151215 were made while the meeting was closed to the public. There were no members of the public present.

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## **17. CLOSURE OF MEETING**

The Mayor declared the Meeting closed at 7.40pm.

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

Tuesday 16 February 2015  
commencing at 5.30pm

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