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UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 16 February 2016

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 Gary Wallace, Acting General Manager
 Jaclyn Burns, Acting Planning and Development Director
 Daniel Buckens, Acting Works and Engineering Director
 Lynette Safranek, Finance and Community Services Director
 Sarah-Jane Holland, Customer Service Trainee

Apologies Nil

5. DECLARATIONS OF INTEREST

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

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Paul Hennessy asked a question in relation to his Development Application. Paul and Bonny Hennessy lodged a Development Application on the 10 November 2015, which is now 100 days since lodging their application and it has not been approved or settled. Paul asked how many Development Applications are over 40 days old and do Councillors know how long Development Applications are in Council for.

The Mayor replied she would take on notice and would provide Paul with an answer the next day.

Chris and Vanessa O'Neil spoke about their Subdivision Application Item 13.08. The Land was rezoned to allow 2 hectare lots. Chris is now requesting that a few of these blocks be reduced to a minimum of 1 hectare. Chris stated that he isn't asking for all of the blocks to be reduced just a few so that potential purchasers have a choice. NSW Office of Water have conditions in regards to buffer zones of 250 metres for the septic and Chris will be supplying Eco-Max Septic Systems to the 1 hectare blocks of land. NSW Office of Water is satisfied with this. As bore water isn't a reliable resource, 120 litre water tanks will put attached to houses and sheds which is a recommendation from the NSW Office of Water. Rural residential services will be provided. Chris stated that he will be completing this subdivision right as he is passionate about it.

Henry Fielding who is a neighbouring property owner stated that he had no vast objection to the application; however Henry was concerned if this was approved then more people with small lot sizes may be able to subdivide and reduce to 1 hectare. Henry once again reaffirmed that he had no issue with this application.

The Acting General Manager replied that the application is subject to the one lot in Titania Estate as this is site limited.

Item 13.08 was brought forward and dealt with at this point.

13.08 PLANNING PROPOSAL AMENDMENT TO CLAUSE 4.1A (3) (b) and (c)

File No. PR22-175

Author: Acting Planning and Development Director, Mrs Jaclyn Burns

Summary

The subject land is located and known as Lot 1 in DP: 1089862, 175 Titania Road, Oberon (refer to locality map – Figure 1). The site is currently zoned R5 Large Lot Residential with a Minimum Lot Size of 2 hectares and an average of 2 hectares under the *Oberon Local Environmental Plan, 2013* (LEP).

A Planning Proposal and associated subdivision were submitted to Council on the 18th August, 2014 to justify the departure from Clauses 4.1A (3) (b) and (c) of the LEP restricting the minimum lot size of 2ha. The proposal aims to reduce the minimum lot size from 2 hectares to a 1 hectare minimum with the average lot size of 2 ha to remain, therefore not affecting the total yield currently allowed.

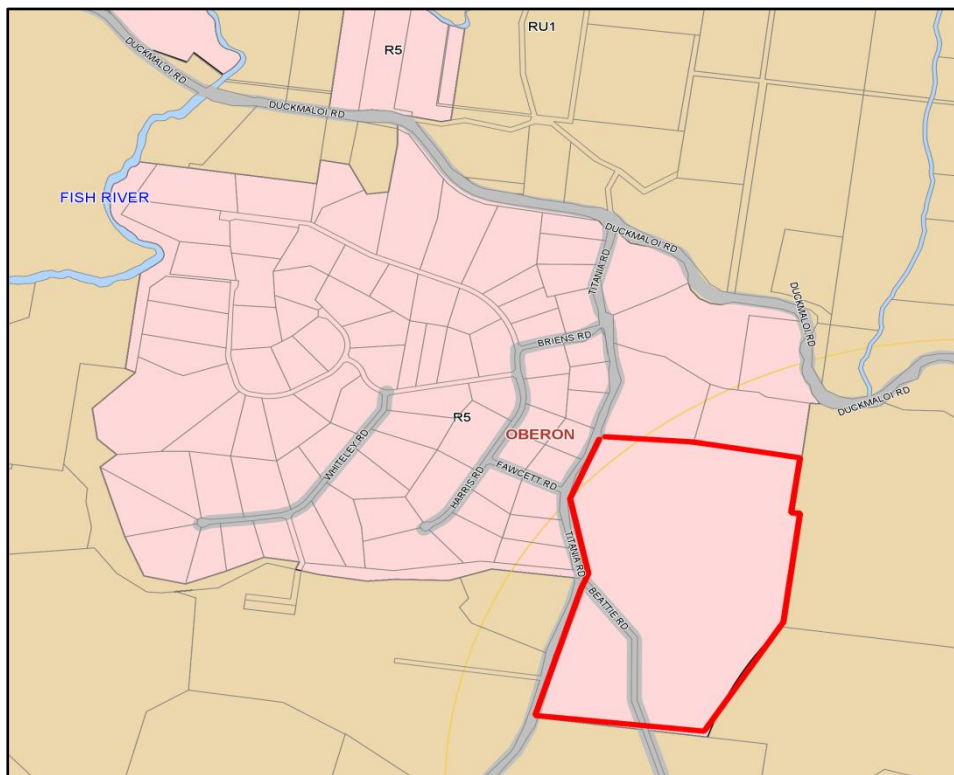


Figure 1.

The proposed outcome of the Planning Proposal seeks to amend Clause 4.1A (3) (b) and (c) of the LEP to read:

- (b) the area of each lot resulting from the subdivision will not be less than 1 hectare; and
- (c) the average size of all lots resulting from the subdivision will not be less than 2 hectares.

Moved: McCarthy
Second: Gibbons

That:

1. The Planning Proposal to reduce the Minimum Lot Size and the proposed amendment to Clause 4.1A (3) (b) and (c) of the Oberon Local Environmental Plan 2013 on Lot 1 in DP 1089862, being known as 175 Titania Road, Oberon be supported; and
2. The proponent be advised that prior to any development associated with the Planning Proposal being determined the preparation of a complete hydrological report, be prepared and submitted to Council in associated to the lodgement of a Development Application, to investigate the potential impacts to ground water quality, ground water vulnerability, waste water disposal impacts bore licensing and requirements impacts for the development site and adjoining properties in consultation with the NSW Department of Primary Industries, Office of Water.

Carried 01 160216

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

8. CONFIRMATION OF MINUTES

Ordinary Meeting 15 December 2015

Moved: Morgan
Second: McCarthy

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

Carried 02 160216

Matters Arising from the Minutes

Nil

Works Committee Meeting 2 February 2016

Moved: Francis
Second: Lord

That the Minutes of the Ordinary Meeting held on 2 February 2016 be confirmed.

Carried 03 160216

Matters Arising from the Minutes

Nil

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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 December Council Meeting.

Moved: Gibbons
Second: Lord

That Report Item 09.01 is received as information.

Carried 04 160216

10. NOTICES OF MOTIONS

10.01 100 YEAR ANNIVERSARY OF RSL

File No: Governance/Mayor
Author: Mayor Kathy Sajowitz

Summary

I met with Neville Stapleton from the Oberon RSL Sub-Branch Museum on 5 February 2016.

Moved: Sajowitz
Second:

That Council allocate \$1,000 to combine with the Oberon RSL Sub-branch Museum for an official Sister City visit from the Mayor of Eceabat Council to coincide with the 100 year celebration.

Carried 05 160216

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON BUSINESS AND TOURISM ASSOCIATION

File No: Economic Dev/OBTA
Author: Mayor Kathy Sajowitz

Summary

I attended the Oberon Business and Tourism Association Meeting held at the Mayfield Garden on Wednesday 9 December 2015.

Moved: McCarthy
Second: Lord

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

Carried 06 160216

11.02 CHIFLEY LOCAL AREA COMMAND COMMUNITY SAFETY PRECINCT COMMITTEE MEETING

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

Summary

Acting General Manager, Gary Wallace and I attended the last meeting of the Chifley Local Area Command Community Safety Precinct Committee, held on Monday 7 December in Blayney.

Moved: Doney
Second: McCarthy

That Delegate's Report item 11.02 is received as information.

Carried 07 160216

12. COMMITTEE REPORTS

12.01 COMMUNITY SERVICES COMMITTEE

File: Governance/Ordinary/February 2016
Author: Lynette Safranek, Finance & Community Services Committee

Summary

Minutes of the Community Services Committee Meeting held on 10 December 2015 is submitted for Council's information and consideration.

Moved: Lord
Second: Morgan

That Council receive the Minutes of the Community Services Committee held on 10 December 2015 as information

Carried 08 160216

Councillor Neil Francis provided a verbal report regarding the Upper Macquarie County Council Meeting. UMCC are currently conducting roadside weed spraying in the Oberon area. They have currently completed 18 local roads and will continue will more weed spraying.

13. REPORTS FOR DECISION

13.01 SAFER STREETS GRANTS PROGRAMME

File No: S:/Governance/Ordinary/February
Author: Gillian Salmon, Grants Officer

Summary

The Oberon Business and Tourism Association (OBTA) have expressed an interest in partnering with Council to apply for a grant to upgrade and extend the closed circuit television (CCTV) surveillance system in Oberon's main retail and licensed premises precinct as part of an overall community safety strategy.

Moved: Doney
Second: Evans

That Council approve a grant application for funding under the Safer Streets Programme to upgrade and extend the area of coverage of the CCTV surveillance network in the main business area of Oberon Street.

Carried 09 160216

13.02 DEBTOR WRITE OFF – ACCOUNT 12369566

File No: Financial Management/Financial Reporting/February 2016
Author: Lynette Safranek, Finance & Community Services Director

Summary

A request to review the account of a resident was received due to the discovery of a leak at the meter. After reviewing this account over the previous 18 months, it is determined that the recent account is high in accordance.

Moved: Lord
Second: Gibbons

That in accordance with Policy 2201, a write off of \$277.20 is approved.

Carried 10 160216

13.03 WEST OBERON DEVELOPMENT AREA & DEVELOPER SERVICING PLAN REVIEW

File No. Water Supply\Maintenance\Water Mains
Author: Works & Engineering Director, Mr Chris Schumacher

Summary

This report outlines the next stages of capacity review for the existing town water and sewerage infrastructure. The process required to determine the residual capacity in existing infrastructure for West Oberon Development Area (WODA) and its net capacity to support on-going minor development expansion on the western fringes of Oberon.

Moved: Morgan
Second: McCarthy

That Council support the on-going hydraulic modelling of the existing water & sewerage reticulation system to determine the exact level of capacity remaining for future minor development expansion in the West Oberon Development Area at a cost of \$18,630 ex. GST.

Carried 11 160216

Councillor McCarthy and Councillor Lord requested that their vote against the motion be recorded.

13.04 LAND SALE – OPERATIONAL LAND ABERCROMBIE RD

File No: PR187.1300

Author: Chris Schumacher, Works and Engineering Director

Summary

This report is further to a December 2015 resolution to in principle support the sale of the 2.1267ha of road reserve fronting 1300 Abercrombie Road, Oberon upon receipt of no submissions from adjoining landowners.

Moved: McCarthy
Second: Gibbons

That Council:

1. Note no submissions have been received from adjoining landowners in relation to the sale of unused road reserve and
2. Proceed to the sale of the land in accordance with resolution 30 201215.
3. That a condition of sale be placed on the transfer of the lot that the lot be fenced within a prescribed time period of 120 days.

Carried 12 160216

13.05 COUNCIL PLANT REPLACEMENT PROGRAM 2016/2017

File No: Plant Equipment & Stores/Acquisition/Plant Replacement

Author: Works and Engineering Director, Chris Schumacher

Summary

This report provides a list of Council Plant intended to be replaced as part of Council Operational Plan for 2016/2017.

Moved: Lord
Second: Gibbons

That Council:

1. Note the Plant Replacement Program 2016/2017 as information.
2. Proceed to adopt the change for purchase of a second hand Street Sweeper up to the value of \$160,000 in the 2015/2016 Plant Replacement Program.

Carried 13 160216

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13.06 MT WERONG ROAD TO YERRANDERIE ROAD STATUS

File No.R37

Author: Chris Schumacher

Summary

Recently representation was made to Council regarding the rightful gazetted status of the Mount Werong Road in section from the Mt Werong (Stone Hut) through to Mount Shivering. This report outlines the responsible authority and the problems with maintenance of Mt Werong Rd, from Mt Werong to Yerranderie.

Moved: Morgan
Second: Francis

That Council advise that the section of road from Mt Werong to Yerranderie is under the care and control of Upper Lachlan Shire Council and no maintenance occur.

Carried 14 160216

13.07 MERGER PROPOSAL OBERON AND BATHURST COUNCILS

File No: Governance/Boundaries Commission

Author: Gary Wallace – Acting General Manager

Summary

This report provides information to Council on the merger proposal for Oberon and Bathurst Local Government areas.

Moved: Sajowitz
Second:

That Council:

1. Receive and note the information in relation to the merger proposal – Bathurst Regional Council and Oberon Council.
2. Prepare a submission addressing the factors in Section 263(3) of the Local Government Act indicating Councils position on the Oberon – Bathurst Merger Proposal
3. Council's submission include the Business Case prepared by UTS which supports the Council's position that it remain a stand alone entity.
4. Due to the community significance of the current reforms that Council allocate \$30,000 from unbudgeted funds for ongoing community engagement and funding of UTS assistance of Council Submission 28 February 2016.
5. A monthly report to be submitted to Council each month to monitor this expenditure.

Carried 15 160216

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: Lord
Second: Doney

That report item 14.01 is received as information.

Carried 16 160216

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 during December 2015 and January 2016 and planned activities as well as statistics of work that has occurred in that time.

Moved: McCarthy
Second: Morgan

That report item 14.02 is received as information.

Carried 17 160216

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 December 2015 and January 2016 and including scheduled work for the coming month of February.

Moved: McCarthy
Second: Lord

That report item 14.03 is received as information.

Carried 18 160216

14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Meetings/Ordinary/February 2016
Author: Lynette Safranek, Finance and Community Services Director

Summary

This report provides a summary of work within the Finance and Community Services Department during December 2015 and January 2016, plus planned activities for the following months.

Moved: Doney
Second: Francis

That report item 14.04 is received as information.

Carried 19 160216

14.05 QUARTERLY BUDGET REVIEW STATEMENTS: 31 DECEMBER 2015

File No: Governance/Meetings/Finance Committee/February 2016
Author: Lynette Safranek, Finance and Community Services Director; Brad Pascoe, Finance Coordinator

Summary

The Quarterly Budget Review Statements for the period 1 October to 31 December 2015 are presented to Council. A key element of the Statements reflect Council's current level of operating activity in relation to the roads capital expenditure programs (LIRS, R2R and Special Rate Variation priorities), as well as a commitment to meet objectives outlined in Council's Community Strategic Plan in line with the Integrated Planning & Reporting statutory requirements.

Moved: Doney
Second: Gibbons

That the Quarterly Budget Review Statements for the period ending 31 December 2015 be received and noted, and revised income and expenditure budgets be voted.

Carried 20 160216

14.06 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register
Author: Lisa Koleda, Management Accountant

Summary

Reporting the Statement of Investments as at 31 January 2016.

Moved: McCarthy
Second: Doney

That report item 14.06 is received as information.

Carried 21 160216

14.07 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 months of December 2015 and January 2016.

Moved: McCarthy
Second: Lord

That report item 14.07 is received as information.

Carried 22 160216

14.08 FIRE SAFETY INSPECTION REPORT UPDATE

File No: PR192-4655
Author: Jaclyn Burns, Acting Planning and Development Director

Summary

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

Moved: McCarthy
Second: Francis

1. That report item 14.08 is received as information and
2. That a copy is forwarded to Minister Paul Toole, Premier Mike Baird, Minister Tourism, and Minister for Environment and Heritage.

Carried 23 160216

14.09 DECISION MAKING DURING MERGER PROPOSAL PERIODS

File No: Governance
Author: Gary Wallace, Acting General Manager

Summary

This report provides an outline of guidelines which have been provided by the Office of Local Government for Council decision making during merger proposal periods.

Moved: Morgan
Second: Evans

That Report Item 14.09 is received as information.

Carried 24 160216

15. URGENT BUSINESS

Nil

16. CLOSED SESSION / CONFIDENTIAL REPORTS

16.01 PROPERTY AND LAND DEVELOPMENT

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Acting 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 OBERON POOL ROOL ENCLOSURE PROJECT

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Acting 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:

(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

16.03 MAYORAL MINUTE

File No: File No: Governance/Ordinary/Confidential
Author: Mayor Kathy Sajowitz

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:

(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

Moved: Lord
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 25 160216

Council moved into Closed Session 7.26 pm. All members of the public present left at this point in time.

16.01 PROPERTY AND LAND DEVELOPMENT

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

Moved: Morgan
Second: Evans

That report item 16.01 be considered in a Closed Session of Council.

That Council accept the offer from Borg Group for the purchase of the premises known as Hathaway Cottage subject to the Council conditions contained in the report.

That no other additional cost beyond administration costs in processing the Subdivision and Change of use application be born by Council.

That Council not bear any construction costs associated with any change of use.

Carried 26 160216
Councillor Lord refrained from voting.

16.02 OBERON POOL ROOF ENCLOSURE PROJECT

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

Moved: McCarthy
Second: Lord

That report item 16.02 be considered in a Closed Session of Council.

That Council instigate initial proceedings against the Castlereagh Group in relation to the Oberon Swimming Pool Enclosure.

That delegation be given to the Acting General Manager to instigate these proceedings.

Carried 27 160216

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Council staff present left the meeting at this point in time.

16.03 MAYORAL MINUTE

File No: File No: Governance/Ordinary/Confidential

Author: Mayor Kathy Sajowitz

Moved: Doney

Second: Evans

That report item 16.03 be considered in a Closed Session of Council.

Carried 28 160216

Moved: McCarthy

Second: Doney

That the report received from OLG in relation to the investigation into allegations and code of conduct issues involving the former General Manager Alan Cairney be received as information.

Carried 29 160216

Moved: Morgan

Second: Evans

That the report on a claim lodged against Council by former General Manager in relation to the termination of his contract be received as information.

Open Council resumed at 8.33pm.

The Mayor advised that resolutions 26 160216, 27 160216, 28 160216, 29 160216 and 30 160216 were made while to 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 8.33pm.

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

Tuesday 22 March 2016

Commencing at 5.30pm

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