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OBERON COUNCIL

ATTACHMENTS

Minutes of Previous Meeting

Ordinary Council Meeting

15 March 2016

Extraordinary Council Meeting

13 April 2016

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PO Box 84
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UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 15 March 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 Rev Dan Henby.

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

Apologies Nil

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary - Councillor Gibbons declared a Pecuniary Interest in Report Item 13.01. Clr Gibbons is a creditor of the applicant.

Non-Pecuniary - Nil
Significant

Non-Pecuniary - Nil
Less than
Significant

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Nil

8. CONFIRMATION OF MINUTES

Ordinary Meeting 16 February 2016

Moved: Doney
Second: Evans

That the Minutes of the Ordinary Meeting held on 16 February 2016 be confirmed.

Carried 01 150316

Matters Arising from the Minutes

Nil

Extraordinary Meeting 25 February 2016

Moved: Lord
Second: Morgan

That the Minutes of the Extraordinary Meeting held on 25 February 2016 be confirmed.

Carried 02 150316

Matters Arising from the Minutes

Nil

Moved: McCarthy
Second: Doney

That Item 13.01 and 13.02 be bought forward and dealt with at this point in time.

Carried 03 150316

Clr Gibbons declared a Pecuniary Interest in Report Item 13.01. Clr Gibbons left the room at 5.36pm during consideration of this matter.

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13.01 DEVELOPMENT APPLICATION 10.2015.86.1 – EIGHT LOT SUBDIVISION

File No: PR186-3397

Author: Mr Gary Wallace, Acting General Manager

Summary

An application for an 8 lot subdivision, creating 7 allotments of 100 hectares for the purpose of residential dwellings and increasing the existing curtilage around Macquarie to 66.14 hectares, has been received and is referred to Council for determination in accordance with Part H.3.10 of the Development Control Plan (DCP) 2001. Part H.3.10 of the DCP requires:

“In determining applications Council and/or delegated officers of Council, will consider all submissions before the application is determined.”

Moved: McCarthy
Second: Lord

That

1. Council approve Development Application 10.2015.86.1 for a proposed 8 Lot Subdivision of Lot 4 in DP 1212884, being known as, 3397 O’Connell Road, O’Connell in accordance with the 79C Assessment and conditions contained within this report, and additional clarification of Condition No. 15.
2. Condition No. 14 be replaced with the additional five conditions outlined in correspondence from Bathurst Regional Council dated 11 March 2016 regarding access to the Subdivision.
3. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 04 150316

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

Councillor Gibbons returned to the meeting at 6.10pm.

13.02 DEVELOPMENT APPLICATION 10.2015.95.1 – THREE LOT SUBDIVISION

File No: PR5-720

Author: Jaclyn Burns, Acting Planning and Development Director

Summary

A Development Application for a proposed 3 Lot subdivision has been received and is referred to Council for support in accordance with Clause 4.6 exceptions to development standards of the Oberon Local Environmental Plan, 2013 (LEP 2013). The proposed subdivision aims to create one of the three lots being less than the Minimum Lot Size (MLS) of 100 hectares as required within the RU1 Primary Production zone.

Support of this application is required from Council prior to its determination and prior to its referral to the Secretary of the Department of Planning and Environment.

Moved: McCarthy
Second: Morgan

That:

1. Council support Development Application 10.2015.95.1 in accordance with Clause 4.6 exceptions to development standards, for a proposed 3 Lot subdivision, creating an allotment (being proposed Lot 3) at 95 hectares being less than the minimum lot size required by the Oberon Local Environmental Plan, 2013, with the attached 79c Report.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 05 150316

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

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

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

Summary

This report summaries the main activity for the Mayor since my last report.

Moved: Lord
Second: Gibbons

That Report Item 09.01 is received as information.

Carried 06 150316

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – FAUGHA BALLAUGHA – LOWES MOUNT ROADS

File No: Roads/R24 & R23
Author: Councillor Clive McCarthy

Summary

Requesting Council seek a meeting with the Regional Manager of RMS Western Region.

Moved: McCarthy
Second: Gibbons

That Oberon Council write to the Regional Manager of RMS, Western Region, Parkes to meet to discuss using Faugha Ballaugha / Lowes Mount Road as a sealed bypass when roadworks are being done on O'Connell West Project.

Carried 07 150316

10.02 NOTICE OF MOTION – BLACK SPRINGS AND BURRAGA WASTE TRANSFER STATIONS

File No: Waste Management/Service Provision/Waste Management Facilities
Author: Councillor Kerry Gibbons

Summary

Requesting investigation into the feasibility and cost of increasing the waste collection service at Black Springs and Burraga Waste Transfer Stations.

Moved: Gibbons
Second: Lord

That Council evaluate the feasibility and cost of instigating a weekly service at the Black Springs and Burraga Waste Transfer Stations for consideration in 2016/17 budget.

Carried 08 150316

10.03 NOTICE OF MOTION – TILSBURY LANE

File No: Roads/R46
Author: Councillor Kerry Gibbons

Summary

Requesting Council to consider including upgrading of Tilsbury Lane in the 2016/17 Roads Program.

Moved: Gibbons
Second: McCarthy

That council assess the viability of upgrading Tilsbury Lane for consideration in the 2016/17 Roads Program.

Carried 09 150316

11. COUNCILLOR AND DELEGATES REPORTS

11.01 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: Morgan

Second: Francis

That delegate report item 11.01 is received as information.

Carried 10 150316

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 March in Bathurst.

Moved: Sajowitz

Second: McCarthy

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

Carried 11 150316

11.03 CENTROC – BOARD MEETING

File No: Government Relations/Local and Regional Liaison/Centroc

Author: Mayor Kathy Sajowitz & Centroc Executive Officer, Jenny Bennett

Summary

I attended the Centroc Board meeting at the Blayney Shire Community Centre 25 February 2016. The meeting was hosted by Central Tableland's Water. This report summarises the outcomes of the meeting.

Moved: McCarthy

Second: Gibbons

That report item 11.03 is received as information.

Carried 12 150316

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12. COMMITTEE REPORTS

12.01 TRAFFIC ADVISORY LOCAL COMMITTEE

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

Summary

Minutes of the Oberon Youth Council Meeting held on 17 December 2015 is submitted for Council's information and consideration.

Moved: Lord
Second: Francis

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

Carried 13 150316

12.02 COMMUNITY SERVICES COMMITTEE

File: Governance/Meetings/Community Services Committee
Author: Lynette Safranek, Finance & Community Services Committee

Summary

Minutes of the Community Services Committee Meeting held on 25 February 2016 is submitted for Council's information and consideration.

Moved: Evans
Second: Morgan

That Council receive Report 12.02 as information.

Carried 14 150316

Moved: Evans
Second: Morgan

That Council consider and investigate a fenced off leash dog area for Oberon in a convenient location.

The motion was put and lost.

12.03 SENIORS WELFARE COMMITTEE

File: Governance/Meetings/Seniors Welfare Committee/ March 2016
Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Seniors Welfare Committee Meeting held on 25 February 2016 are submitted for Council's information and consideration.

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Moved: Morgan
Second: Doney

That:

1. Minutes of the Seniors Welfare Committee held on 25 February 2016 be received as information
2. Council consider a mixture of various sized Self Care Units with covered outdoor areas to be built in close proximity of shops, services and hospitals.

Carried 15 150316

12.04 HERITAGE COMMITTEE

File: Governance/Meetings/Heritage Committee
Author: Jaclyn Burns, Acting Planning & Development Director

Summary

Minutes of the Heritage Committee held on 29 February 2016 submitted for Council's information and consideration.

Moved: McCarthy
Second: Doney

That the Minutes of the Heritage Committee held on 29 February 2016 received as information.

Carried 16 150316

12.05 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 2 March 2016 is submitted for Council's information and consideration.

Moved: McCarthy
Second: Gibbons

That:

1. Councillor Gibbons take the request for more opening hours at Black Springs tip to the next Council Ordinary Meeting.
2. That Councillor Gibbons make enquiries with the Engineering Department regarding Dog Rocks and Abercrombie Roads intersection.

Carried 17 150316

12.06 OBERON YOUTH COUNCIL

File: Governance/Ordinary/March 2016

Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Oberon Youth Council Meeting held on 3 March 2016 is submitted for Council's information and consideration.

Moved: Lord
Second: McCarthy

That:

1. Report 12.06 is provided for information,
2. The Oberon Youth Council hold an Hawaiian themed Youth Week Disco on 8 April 2016 at the Oberon RSL, and
3. An Easter Raffle/Sausage Sizzle is held on both Saturday 19 and Thursday 24 March 2016 in the front of Council's Administration Office.

Carried 18 150316

13. REPORTS FOR DECISION

13.03 DEVELOPMENT APPLICATION 10.2015.81.1 – 24 HOUR SERVICE STATION

File No: P029-1

Author: Jaclyn Burns, Acting Planning and Development Director

Summary

An application for a 24 Hour Service Station and associated managers studio has been submitted to Council for determination on Lot 8 in DP: 248152, 1 Horace Street, Oberon and is referred to Council for determination in accordance with Part H.3.10 of the Development Control Plan (DCP) 2001. Part H.3.10 of the DCP requires:

"In determining applications Council and/or delegated officers of Council, will consider all submissions before the application is determined."

During the notification period a submission was received from an adjoining land owner.

Moved: McCarthy
Second: Lord

That:

1. Council delegate determination Development Application 10.2015.81.1 for a 24 Hour Service Station and associated Managers Studio on Lot 8 in DP: 248152, 1 Horace Street, Oberon subject to concurrence being received from the New South Wales Roads and Maritime Service for the development in accordance with the requirements of the State Environment Planning Policy (infrastructure) 2007, and appropriate conditions.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Amendment Moved: Doney
Second: McCarthy

That Development Application 10.2015.81.1 be referred to Council for determination upon receipt of all appropriate information and assessment from Council staff.

The amendment was put and won – the amendment becomes the motion.

Moved: Doney
Second: McCarthy

That Development Application 10.2015.81.1 be referred to Council for determination upon receipt of all appropriate information and assessment from Council staff.

Carried 19 150316

13.04 SALE OF LAND – LOWES MOUNT ROAD – EXPRESSION OF INTEREST

File No: Land Use and Planning/General
Author: Gary Wallace, Acting General Manager

Summary

Correspondence has been received seeking Councils interest in the sale of land that is vested with Council as a Drainage Reserve. This report seeks support in starting the process of potential sale of the reserve.

Moved: Gibbons
Second: Lord

That

1. Council proceed with an independent valuation of the land.
2. That all owners of land adjoining the Drainage Reserve be advised in writing of the sale and given the opportunity purchase.
3. All costs associated with the sale of a Drainage Reserve including legal, survey and application fees are to be borne by the purchaser, as part of the sale price.
4. A further report be provided to Council for consideration upon receipt a valuation for the reserve and appropriate expressions of interest. Further information is to be provided outlining its current use and uptake from water users.

Carried 20 150316

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13.05 SALE OF LAND – MUTTON FALLS ROAD – FURTHER INFORMATION

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

Summary

Further to the report seeking resolution for the sale of land on Mutton Falls Road, this report provides further information as per the recommendation of the Ordinary Council meeting held 15 December 2015. This report seeks resolution of the Council for the sale to proceed and outlines the method for sale.

Moved: McCarthy
Second: Morgan

That

1. Council note the additional information
2. Council in principle support the sale of the land for market value
3. Council proceed with an independent valuation of the land
4. That all owners of land adjoining the Drainage Reserve be advised in writing of the sale and given the opportunity purchase
5. All costs associated with the sale of a Drainage Reserve including legal, survey and application fees are to be borne by the purchaser, as part of the sale price
6. A further report be provided to Council for consideration upon receipt a valuation for the reserve and appropriate expressions of interest

The motion was put and lost.

13.06 PROPOSED ROAD CLOSURE OF UNFORMED PUBLIC ROAD ACROSS OBERON COMMON

File No: Roads/Road Closures/Permanent
Author: Chris Schumacher, Works and Engineering Director

Summary

Following recent survey of the Oberon Common it is noted that two unformed sections of public road traverse the Oberon Common and require formal closure.

Moved: Lord
Second: McCarthy

That Council proceed to make application to Department of Primary Industry, Lands to formally gazette the closure and removal of the unformed public road easements of Raleigh Street and Dillon Street from the Oberon Common Reserve.

Carried 21 150316

13.07 PROPOSED CROWN ROAD CLOSURES

File No: Roads/RCI/Perm

Author: Chris Schumacher, Works and Engineering Director

Summary

Council has received notification of the intent to close a number of Crown Roads within the Black Springs area. An application has been submitted for the closure of a section of Crown Road.

Moved: Gibbons
Second: McCarthy

That:

1. Council objects to the closure of the Crown Road identified as W386682 as this is the only legal access to the Historical Cemetery at Black Springs.
2. Council has no objection to the remaining closures of these sections of Crown Road, File ref: 15/09700, provided that no properties are left without legal and practical access.

Carried 22 150316

13.08 COMPULSORY ACQUISITION OF LAND – O'CONNELL ROAD, LOT 26 DEPOSITED PLAN 1206334

File No: Roads/RCI/Perm

Author: Chris Schumacher, Works and Engineering Director

Summary

Council has received a Deed of Release and Indemnity from Roads and Maritime Services (RMS) for compensation under the *Land Acquisition (Just Terms Compensation) Act 1991* for the compulsory acquisition of land known as Lot 26, DP 1206334 – O'Connell Road (MR253).

Moved: McCarthy
Second: Morgan

That Council authorises the Mayor and the Acting General Manager to have the Council seal affixed to the Deed of Release and Indemnity in their presence in accordance *Section 400* of the *Local Government (General) Regulation 2005*.

Carried 23 150316

13.09 PROPOSED REMOVAL OF SELECT POPLAR TREE'S INTERSECTION OF EDITH ROAD AND DUDLEY STREET, OBERON

File No: R191

Author: Chris Schumacher, Works and Engineering Director

Summary

This report highlights the safety concerns at the intersection of Edith Road and Dudley Street, Oberon and requests Council's endorsement to remove five mature poplar trees around the intersection.

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General Manager

Mayor

Moved: Lord
Second: McCarthy

That:

1. Council approve the removal of 5 large poplar trees at the intersection of Dudley Street and Edith Road to improve sight vision for motorists.
2. The work be funded from this year's operational plan 2015/2016.

Amendment Moved: Sajowitz
Second: Evans

That:

1. Council approve the removal of 3 large poplar trees at the intersection of Dudley Street and Edith Road to improve sight vision for motorists, that being on either side of the bus shelter and the first tree on the northern approach.
2. The work be funded from this year's operational plan 2015/2016.

The amendment was put and won, the amendment becomes the motion.

Moved: Sajowitz
Second: Evans

That:

1. Council approve the removal of 3 large poplar trees at the intersection of Dudley Street and Edith Road to improve sight vision for motorists, that being on either side of the bus shelter and the first tree on the northern approach.
2. The work be funded from this year's operational plan 2015/2016.

Carried 24 150316

13.10 LIRS – UNSEALED ROAD IMPROVEMENTS ACTION PLAN 2015/2016 AMENDMENTS TO PROPOSED PROGRAM

File No: Roads/RCI/Perm
Author: Chris Schumacher, Works and Engineering Director

Summary

At its 14 July Works Committee Meeting Council resolved to adopt the proposed three year program for the maintenance of Councils unsealed roads network under the Local Infrastructure Renewal Scheme (LIRS) Program. A review of the program has been undertaken and this report provides information on the revised program and budget.

Moved: Lord
Second: Morgan

That the revised program for maintenance of Councils unsealed road network in the \$1.2M LIRS Improvements Program for 2015/2016 be endorsed.

Carried 25 150316

13.11 DAFFODIL FAIRIES REQUEST

File No: Parks and Reserves/Maintenance/Landscaping
Author: Lynette Safranek, Finance & Community Services Director

Summary

Council has received a request for \$2,000 as reimbursement of daffodil bulbs purchased and planted by the Daffodil Fairies in 2015.

Moved: McCarthy
Second: Evans

That no action be taken in regards to the request to refund the Daffodil Fairies for the purchase of daffodil bulbs planted in 2015 and that the Daffodil Fairies be requested to submit an application for the 2016/17 Section 356 Donations Funding.

Carried 26 150316

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 February 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: Morgan
Second: McCarthy

That report item 14.01 is received as information.

Carried 27 150316

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 February 2016, planned activities as well as statistics of work that has occurred in that time.

Moved: Doney
Second: Lord

That report item 14.02 is received as information.

Carried 28 150316

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 February 2016 and including scheduled work for the coming month of March.

Moved: Gibbons
Second: Francis

That report item 14.03 is received as information.

Carried 29 150316

14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Meetings/Ordinary/March 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 February 2016, plus planned activities for the following months.

Moved: Lord
Second: McCarthy

That report item 14.04 is received as information.

Carried 30 150316

14.05 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/2016
Author: Lisa Koleda, Management Accountant

Summary

This report provides the Statement of Investments as at 29 February 2016.

Moved: Lord
Second: McCarthy

That report item 14.05 is received as information.

Carried 31 150316

14.06 CENTRAL WEST COUNCILS ENVIRONMENT & WATERWAYS ALLIANCE

File No: Governance/Meetings/Ordinary/March 2016
Author: Chris Schumacher, Works and Engineering Director

Summary

Oberon Council is a member of the Central West Councils Environment & Waterways Alliance (Alliance), formerly the Salinity & Waterways Alliance. It is a partnership of nineteen (19) Councils across the NSW Central West. The Alliance encompasses both the Central Tablelands and Central West Local Land Services regions and exists to improve environmental outcomes across the region.

Moved: McCarthy
Second: Doney

That report item 14.06 is received as information.

Carried 32 150316

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 month of February 2016.

Moved: Francis
Second: Gibbons

That report item 14.07 is received as information.

Carried 33 150316

14.08 INFRASTRUCTURE NSW BRIEFING FOR SHORTLISTED PROJECTS

File No: Sewerage and Drainage/Sewerage
Author: Chris Schumacher, Works and Engineering Director

Summary

Advice has been received recently from the Department of Primary Industries (DPI) that Oberon Councils submission to upgrade its Sewerage Treatment Plant has been shortlisted for further consideration.

Moved: Doney
Second: Lord

That report item 14.08 is received as information.

Carried 34 150316

14.09 COMMUNITY ENGAGEMENT FUND – BOUNDARY COMMISSION

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

Summary

In accordance with Resolution 15 160216, \$30,000 from unallocated funds was resolved to be allocated at the February 2016 Council Meeting due to the community significance of the current proposed State Government reforms. This report provides a breakdown of expenditure allocated for ongoing community engagement and funding of UTS assistance of Council Submission 28 February 2016.

Moved: Morgan
Second: Doney

That report item 14.09 is received as information.

Carried 35 150316

14.10 MAYFIELD ACQUITTAL REPORT

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

Summary

This report provides information on the final acquittal amount for completion of the 4km Mayfield Road project.

Moved: Gibbons
Second: McCarthy

That report item 14.10 is received as information.

Carried 36 150316

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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: Lord
Second: Doney

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

- Rescission Motion

Carried 37 150316

Moved: Sajowitz
Second: Morgan

We, the undersigned Councillors, hereby move that the following resolution of the Ordinary Council Meeting held on 16 February 2016:

“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.”

be rescinded and request that the matter be re-considered at Council's Ordinary Meeting to be held on 15 March 2016.

Carried 38 150316

16. CLOSED SESSION / CONFIDENTIAL REPORTS

Summary

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Page 21 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 15 Mar 2016.

16.01 ELECTRICITY PROCUREMENT

File No: File No: Governance/Ordinary/Confidential
Author: Centroc and 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.

d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it

16.02 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.

Moved: Morgan
Second: McCarthy

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 39 150316

Council moved into Closed Session 8.20pm. All members of the public present left at this point in time.

16.01 ELECTRICITY PROCUREMENT

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

Moved: McCarthy
Second: Gibbons

That Council:

1. Acknowledge that there are extenuating circumstances surrounding the procurement of electricity and as such Council should be excused from the tendering requirements under S55 of the LG Act,
2. Engage Energy and Management Services to conduct the procurement process for electricity for the next rounds of small sites, large sites and street lighting contracts, and
3. Delegate the authority to execute the contracts for the supply of electricity to the Mayor and General Manager.

Carried 40 150316

16.02 PROPERTY AND LAND DEVELOPMENT

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

Moved: Lord
Second: Morgan

That:

1. Report item 16.02 be considered in a Closed Session of Council.
2. Council accept the revised offer from Borg Group for the purchase of the premises known as Hathaway Cottage subject to the Council conditions contained in the report.
3. No other additional cost beyond administration costs in processing the Subdivision and Change of use application be borne by Council.
4. Council not bear any construction costs associated with any change of use.
5. A sale of contract be issued as soon as practical listing the conditions that have been agreed and providing a timeframe the conditions would expect to be met in.

Carried 41 150316

Moved: McCarthy
Second: Morgan

That Council move out of closed council and into open council.

Carried 42 150316

Open Council resumed at 8.37pm.

Page 23 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 15 Mar 2016.

The Mayor advised that resolutions 40 150316 and 41 150316 was 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 8.38pm.

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

Tuesday 19 April 2016
commencing at 5.30pm

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

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: council@oberon.nsw.gov.au



UNCONFIRMED MINUTES

Oberon Council Extraordinary Meeting
Wednesday 13 April 2016

Commencing at 5.00pm
at the Oberon Council Chambers

Agenda Items

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1. OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 5.15pm.

2. ACKNOWLEDGEMENT OF COUNTRY & PRAYER

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. RECORD OF ATTENDANCE

| | |
|-----------|--|
| Members | Mayor Kathy Sajowitz (in the Chair) Deputy Mayor Kerry Gibbons Clr Jill Evans Clr Neil Francis Clr Sam Lord Clr Clive McCarthy Clr John Morgan |
| Staff | Gary Wallace, Acting General Manager Chris Schumacher, Works and Engineering Director Sharon Swannell, Executive Coordinator |
| Apologies | Clr Ian Doney |
| Moved: | Evans |
| Second: | McCarthy |

That apologies be received and accepted for the non-attendance of Clr Ian Doney and Finance and Community Services Director, Lynette Safranek.

Carried 01 130416

4. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

5. REPORTS FOR DECISION

05.01 POTENTIAL LEGAL ACTION

File No: Governance/Reporting/Boundaries Commission Review
Author: Gary Wallace, Acting General Manager

Summary

This report seeks to identify Council's position in relation to possible action as a result of a resolution from Walcha Council with respect to the current NSW State Government reform processes.

Moved: Lord
Second: McCarthy

That Oberon Council join with the Walcha Council action and:

1. Commence legal action in the Land & Environment Court against the State Government (Minister for Local Government) as the Minister has failed to comply with Section 218F of the Local Government Act, 1993.
2. Appoint a solicitor to ensure filing of documents and due process is observed.
3. Appoint Acting General Manager, Gary Wallace to sit on a Steering Committee of similarly affected rural councils, supporting Walcha Council being the lead party in the proposed action in the nature of a people's writ or class action.
4. Ensure the documents are filed by Friday the 22 April 2016 to ensure there is no procedural problem so far as the Court is concerned and to catch up with the Woollahra Writ.
5. Commence a Public Relations campaign that is coordinated with a view for demonstrating at the time the Writ is filed, that Woollahra is not alone in this issue, and that Oberon and other councils support its stand.
6. Increase the allocation within the previously resolved Community Fund by an additional \$15,000 to support this action.
7. Advise Barrister Peter King to proceed with preparation of Court documents in liaison with appointed Coordinators and local Solicitor.
8. The Mayor and the General Manager be authorised to affix the Common Seal to any necessary documentation as part of the legal action with the affixing of the Seal to be attested to by the Mayor and the General Manager.

Carried 02 130416

6. CLOSED SESSION REPORTS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than Councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Nil

7. CLOSURE OF MEETING

The Mayor declared the meeting closed at 5.32pm.