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CONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 19 April 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 opened at 5.35pm.

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 Sam Lord Clr Clive McCarthy Clr John Morgan Clr Neil Francis (from 5.40pm)
Staff	Gary Wallace, Acting General Manager Lynette Safranek, Finance and Community Services Director Sharon Swannell, Executive Coordinator
Apologies	Clr Neil Francis Chris Schumacher, Works and Engineering Director
Moved:	McCarthy
Second:	Evans

That apologies be received and noted for the non-attendance of and Chris Schumacher.

Carried 01 190416

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

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Nil

8. CONFIRMATION OF MINUTES

ORDINARY MEETING 15 MARCH 2016

Moved: Gibbons
Second: Morgan

That the Minutes of the Ordinary Meeting held on 15 March 2016 be confirmed.

Carried 02 190416

Matters Arising from the Minutes

It was noted that on page 12 of the minutes, item 12.01 the summary notes the Minutes of the Oberon Youth Council Meeting, this requires amendment to the Minutes of the Traffic Advisory Local Committee Meeting.

EXTRAORDINARY MEETING 13 APRIL 2016

Moved: McCarthy
Second: Morgan

That the Minutes of the Extraordinary Meeting held on 13 April 2016 be confirmed.

Carried 03 190416

Matters Arising from the Minutes

Nil

Clr Francis entered the meeting at 5.40pm.

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: McCarthy

That Report Item 09.01 is received as information.

Carried 04 190416

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – PLAN TO IMPROVE TOWN BEAUTIFICATION

File No: Energy Supplies and Telecommunications/Connections/Electricity
Author: Clr Clive McCarthy

Summary

Seeking to develop a plan to improve town beautification.

Moved: McCarthy
Second: Lord

That Oberon Council plan to improve town beautification through:

1. Commencing a power plan for Oberon Street, from O'Connell Road to Tarana Road
2. Check if an overlay may be suitable over bridge at the base of Church Hill with suitable width and liaise with RMS regarding the potential to widen the Bridge
3. The Plan is to be funded from the Town Improvement Fund as part of the 2016/17 Operational Plan
4. The Acting General Manager be delegated to enquire with the energy supplier their forward plan for replacing power poles in Oberon and the possibility of placing them underground

Carried 05 190416

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. This report summarises the meeting held on 18 March 2016.

Moved: Morgan
Second: Francis

That delegate report item 11.01 is received as information.

Carried 06 190416

11.02 CENTROC HEALTH WORKFORCE COMMITTEE MEETING

File No: Governance/Ordinary/April
Author: Clr John Morgan; Lynette Safranek, Finance & Community Services Director

Summary

Councillor John Morgan and Council's Finance & Community Services Director are delegates to the Centroc Health Workforce Committee.

Moved: Morgan
Second: Francis

That delegate report item 11.02 is received as information.

Carried 07 190416

12. COMMITTEE REPORTS

12.01 THE COMMON WORKING PARTY

File: Governance/Meetings/Common Working Party
Author: Gary Wallace, Acting General Manager

Summary

Minutes of The Common Working Party meetings held on 2 February 2016 and 8 March 2016 are submitted for Council's information and consideration.

Moved: McCarthy
Second: Evans

That Council received report 12.01 for information.

Carried 08 190416

Page 6 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 19 Apr 2016.

12.02 OBERON SPORTS FACILITIES COMMITTEE

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

Summary

Minutes of the Oberon Sports Facilities Committee held on 16 March 2016 is submitted for Council's information and consideration.

Moved: McCarthy
Second: Gibbons

That the Minutes of the Oberon Sports Facilities Committee held on 16 March 2016 be received as information.

Carried 09 190416

12.03 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 Meeting held on 17 March 2016 are submitted for Council's consideration.

Moved: Lord
Second: Gibbons

That:

1. Minutes of the Traffic Advisory Local Committee held on 17 March 2016 be received as information.
2. Council endorse a morning drop off zone along Dart St, from the corner of Dart and Dudley Streets to the pedestrian crossing in front of the school and investigate funding options to implement it.

Carried 10 190416

It was noted that the staff report incorrectly named Ross Street. This was amended to the correct location of Dudley Street.

13. REPORTS FOR DECISION

13.01 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 Hazelgrove area.

Moved: McCarthy
Second: Francis

That Council has no objection to the closure of these sections of Crown Road, File ref: CL/00379, provided that no properties are left without legal and practical access.

Carried 11 190416

13.02 HUMPHRIES LANE

File No: PR186-355

Author: Jaclyn Burns, Health and Building Manager

Summary

The assessment of Development Application 10.2015.93.1 requires an extension of Humphries Lane to service a proposed Seven Lot subdivision. The report aims to seek Council's agreement to accept the extended dedication of approximately 130m of Humphries Lane.

The request to further extend Humphries Lane is required to modify the exiting Right of Carriageway currently serving Lot 10 in DP 1206334 to become a dedicated public road.

Moved: McCarthy
Second: Gibbons

That:

1. Council accept the extension of approximately 130m of Humphries Lane from a Right of Carriageway to a gazetted Public Road.
2. The applicant bares all costs associated with gazetting, survey construction to Council standard and legal transfers to Councils control as an extension of public road.

Carried 12 190416

13.03 DEVELOPMENT APPLICATION 10.2016.12.1- GARAGE

File No: Property/PR141-69

Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the construction of a garage at 69 Harris Road, Oberon. Variation to Development Control Plan (DCP) 2001 is sought, with particular reference to Part J.7.2.7 – Ancillary Buildings.

Moved: McCarthy
Second: Doney

That Council vary Part J.7.2.7 – Ancillary Buildings of the Oberon Development Control Plan 2001 associated to Development Application 10.2016.12.1 for the construction of a garage at Lot 30 in DP 785503, 69 Harris Road, Oberon.

Carried 13 190416

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

13.04 DEVELOPMENT APPLICATION 10.2016.17.1 – DUAL OCCUPANCY - RELOCATABLE DWELLING

File No: Property/PR191-1149

Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for a dual occupancy, being the placement of a relocatable dwelling at 1149 Edith Road, Edith. In accordance with Oberon's Development Control Plan (DCP) 2001 prior to the determination of the Development Application, Council is required to approve the Buffer Management Plan (BMP) as the proposed setback for the dwelling is 22m from the Western boundary.

A 50m setback would instantly comply with the part B.14.12.9 of the Development Control Plan 2001 DCP, however in exceptional circumstances Council can approve less than 50m if a BMP is submitted and approved by Council, in accordance with the DCP.

Moved: Francis
Second: Gibbons

That Council approve the Buffer Management Plan submitted with DA 10.2016.17.1 and delegation be granted to Councils Acting General Manager to approve DA 10.2016.17.1 for a proposed Dual Occupancy - Relocatable Dwelling with a boundary setback of 22m from the Western boundary on Lot 70 in DP 666035, 1149 Edith Road, Edith.

Carried 14 190416

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

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 March Council Meeting including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional Issues, Executive Management Team Meetings, planned activities and major work within the Planning & Development Department.

Moved: McCarthy
Second: Morgan

That report item 14.01 is received as information.

Carried 15 190416

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

Moved: Lord
Second: Doney

That report item 14.02 is received as information.

Carried 16 190416

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

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

Moved: Lord
Second: Morgan

That report item 14.03 is received as information.

Carried 17 190416

14.04 STATEMENT OF INVESTMENTS

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

Summary

Reporting the Statement of Investments as at 31 March 2016.

Moved: McCarthy
Second: Gibbons

That report item 14.04 is received as information.

Carried 18 190416

14.05 RESTART NSW WATER & WASTE WATER INFRASTRUCTURE BACKLOG PROGRAM

File No: Sewerage and Drainage/Design and Construction/Sewerage Systems
Author: Works & Engineering Director, Chris Schumacher

Summary

This report outlines Councils continuing success for consideration of its Sewerage Treatment Plant (STP) upgrade through the Restart NSW Water & Waste Water Infrastructure Backlog Program.

Moved: Doney
Second: McCarthy

That report item 14.05 is received as information.

Carried 19 190416

14.06 LEGAL AND CONSULTANCY FEES

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

Summary

The following report provides an update on Legal and Consultancy Fees covering the period 1 November 2015 to 31 March 2016.

Moved: Morgan
Second: McCarthy

That Report Item 14.06 is received as information.

Carried 20 190416

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 March 2016.

Moved: Francis
Second: Doney

That report item 14.07 is received as information.

Carried 21 190416

14.08 FORESTRY CORPORATION OF NSW – ACCESS TO GRAVEL PITS

File No: Roads/Design and Construction/Roads and Intersections
Author: Works & Engineering Director, Chris Schumacher

Summary

This report provides information recently received from the Forestry Corporation of NSW outlining the limitation of Council ability to resource gravel from within their gravel pits.

Moved: Gibbons
Second: Lord

That report item 14.08 is received as information.

Carried 22 190416

14.09 DOG ROCKS ROAD PROJECT – PROGRESS REPORT

File No: Roads/Maintenance/Roads
Author: Works & Engineering Director, Chris Schumacher

Summary

This report outlines the current position of Councils rehabilitation of 2.9km of Dog Rocks Road and current planning to rectify the unexpected Naturally Occurring Asbestos issue.

Moved: McCarthy
Second: Gibbons

That report item 14.09 is received as information.

Carried 23 190416

14.10 FIXING COUNTRY ROADS – GRANT ROUND 2

File No: Roads/Funding
Author: Works & Engineering Director, Chris Schumacher

Summary

This report is further to the recent unsuccessful application relating to Round 2 of the Fixing Country Roads grant program, submitted for the Meadows and Hazelgrove Roads.

Moved: McCarthy
Second: Evans

That report item 14.10 is received as information.

Carried 24 190416

14.11 SWIMMING POOL BARRIER INSPECTION PROGRAM

File: Development and Building Controls/Swimming Pool Barrier Inspection Program
Author: Health and Building Surveyor, Kerry Davison

Summary

Commencement of the swimming pool barrier inspections for properties to be sold or leased with a pool as from 29 April 2016, in accordance with the Swimming Pool Legislation.

Moved: Lord
Second: McCarthy

That report item 14.11 is received as information.

Carried 25 190416

14.12 LAND & PROPERTY INFORMATION UPDATE

File No: Rates Charges and Valuations/Valuations
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Land & Property Information (LPI) District Valuer, Tom Parameter, and Chris Attenborough from Aspect Property Consultants visited Oberon to give an overview of the land valuation system, to explain how land values are determined, and provide a general overview of land values for the Oberon Local Government Area as at the base date of 1 July 2015.

Moved: McCarthy
Second: Morgan

That report item 14.12 is received as information.

Carried 26 190416

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.

Nil

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.

16.01 IMF SETTLEMENT DEED

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

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

16.02 REQUEST FOR RATE WRITE OFF A/C 12367567

File No: Rates Charges and Valuations/Non-payment of Rates
Author: Lynette Safranek, Finance & Community Services 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:

(b) the personal hardship of any resident or ratepayer

Moved: McCarthy
Second: Lord

That:

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

Carried 27 190416

Council moved into Closed Session 7.04pm. All members of the public present left at this point in time.

16.01 IMF SETTLEMENT DEED

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

Moved: McCarthy
Second: Doney

That Council delegate authority to the Acting General Manager to sign the Deed Poll on behalf of Oberon Council.

Carried 28 190416

16.02 REQUEST FOR RATE WRITE OFF – AC 12367567

File No: Rates Charges and Valuations/Non-payment of Rates
Author: Lynette Safranek, Finance & Community Services Director

Moved: Doney
Second:

That Council come to a consideration, scheme of payment and waiver arrangement for the rate debt for account 12367567.

The motion lapsed for want of a seconder.

Moved: McCarthy
Second: Gibbons

That Council consider the request to write off current outstanding rates and further consider the request to waiver the payment of future Council Rates.

Council write off a portion of the current outstanding balance of rates for account 12367567 under a Council payment plan as per direction to the Acting General Manager.

Further that subject to an application being made to the annual Section 356 donation program consideration be given to a contribution towards the annual rates.

Carried 29 190416

Moved: McCarthy
Second: Gibbons

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

Carried 30 190416

Open Council resumed at 7.50pm

The Mayor advised that resolutions 28 190416 and 29 190416 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 7.50pm.

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

Tuesday 17 May 2016
commencing at 5.30pm

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