

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 Ordinary Meeting
Tuesday 17 May 2016

Commencing at 5.30pm
at the Oberon Council Chambers

Agenda Items	page
1. OPENING OF MEETING	3
2. ACKNOWLEDGEMENT OF COUNTRY	3
3. PRAYER.....	3
4. RECORD OF ATTENDANCE	3
5. DECLARATIONS OF INTEREST.....	3
6. GENERAL AND CIVIC PRESENTATIONS.....	4
7. COMMUNITY PRESENTATIONS AND QUESTIONS.....	4
8. CONFIRMATION OF MINUTES	4
13.01 DEVELOPMENT APPLICATION 10.2015.83.1 – FUNCTION CENTRE.....	5
13.02 FORMAL GAZETTAL TO COUNCIL PUBLIC ROAD - GILHOLMES ROAD	5
13.03 SECTION 96 MODIFICATION APPLICATION 10.2004.34.4 – OBERON ABATTOIR .	6
9. MAYORAL MINUTE AND REPORT	6
09.01 MAYORAL MINUTE AND REPORT.....	6
10. NOTICES OF MOTIONS	7
10.01 NOTICE OF MOTION – O’CONNELL RECREATION GROUND FUND	7
10.02 NOTICE OF MOTION – INVESTIGATE SEALING BOSWORTH FALLS ROAD	7
10.03 NOTICE OF MOTION – ADDITIONAL FUNDING FOR THE COMMON	7
10.04 NOTICE OF MOTION – ZONE OF LAND ON O’CONNELL ROAD.....	8
11. COUNCILLOR AND DELEGATES REPORTS.....	8
11.01 OBERON RUGBY LEAGUE CLUB ANNUAL GENERAL MEETING	8
11.02 PEUGEOT PAGEANT REPORT (NATIONALS) 8-11 APRIL 2016.....	8
11.03 UPPER MACQUARIE COUNTY COUNCIL MEETING	9
11.04 OBERON BUSINESS AND TOURISM ASSOCIATION.....	9
12. COMMITTEE REPORTS	9
12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE.....	9
13. REPORTS FOR DECISION.....	10
13.04 NATURALLY OCURRING ASBESTOS – OBERON COMMON	10
13.05 LIBRARY EXTENSION.....	10
13.06 PLANNING PROPOSAL – FUNCTION CENTRE – 397 MUTTON FALLS ROAD, TARANA.....	11
13.07 DEVELOPMENT APPLICATION 10.2016.25.1 – ADDITIONS TO AN EXISTING DWELLING, INCLUDING A CARPORT, DECK AND PERGOLA.....	12
13.08 REGIONAL LIVING EXPO.....	12
14. REPORTS FOR INFORMATION	13
14.01 MONTHLY ACTIVITY REPORT – ACTING GENERAL MANAGER	13
14.02 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING.....	13
14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES	14
14.04 STATEMENT OF INVESTMENTS	14
14.05 WATER AND SEWER PLANT REPORT.....	14
15. URGENT BUSINESS.....	15
16. CLOSED SESSION / CONFIDENTIAL REPORTS	15
16.01 OBERON & DISTRICT MUSEUM SOCIETY.....	16
16.02 SECTION 356 FINANCIAL ASSISTANCE - 2016/17 OPERATION PLAN.....	16
17. CLOSURE OF MEETING	17

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
 Chris Schumacher, Works and Engineering Director
 Lynette Safranek, Finance and Community Services Director
 Sharon Swannell, Executive Coordinator

Apologies Nil

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Laurie McMahon addressed Council on behalf of the Oberon and District Museum. Laurie advised that the Museum had some correspondence regarding rates. The Museum has been operating at the Railway precinct for 27 years. In 2010 they were altered to Business Rates. They are a volunteer based organisation and 98% of the exhibits are from within the Oberon LGA. Laurie asked Council to look at the rates issue as the Museum feel that are severely disadvantaged if they are classified to pay business rates.

Laurie also advised the Museum have been told that the Skoda group will be building a museum at the southern end of the carpark. The carpark is supposed to be a joint carpark and when there is a function at the Museum it is filled to capacity. She does not believe this will allow adequate parking for the Museum and OTHR when they are operational. Laurie asked as neighbours will they be notified of any development or will it automatically go ahead.

The Mayor advised that the rates issue will be discussed in closed council and the Museum will be notified of the outcome of the discussion.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 19 April 2016

Moved: Doney
Second: Francis

That the Minutes of the Ordinary Meeting held on 19 April 2016 be confirmed.

Carried 01 170516

Matters Arising from the Minutes

Nil

Moved: Doney
Second: Francis

That report items 13.01, 13.02 and 13.03 be bought forward and dealt with at this point in time.

Carried 02 170516

13.01 DEVELOPMENT APPLICATION 10.2015.83.1 – FUNCTION CENTRE

File No: PR53-280

Author: Jaclyn Burns, Health and Building Manager

Summary

An application for a Function Centre 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: Gibbons

That:

1. Council approve a deferred commencement approval to Development Application 10.2015.83.1 for a proposed Function Centre on Lot 4 in DP 264133, being known as, 280 Burrough’s Crossing Road, Oberon in accordance with the 79C Assessment and conditions contained within this report subject to the amendment of condition 14 to reduce the requirement for a bitumen seal to a 7m wide gravel base and that the contribution from the applicant be paid over 3 years in equal payments invoiced annually.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 03 170516

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, Evans and Sajowitz
Against: Councillors Gibbons and Doney

13.02 FORMAL GAZETTAL TO COUNCIL PUBLIC ROAD - GILHOLMES ROAD

File No: Governance/Meetings/Ordinary/May 2016

Author: Chris Schumacher, Works & Engineering Director

Summary

Investigations have revealed that the road known as Gilholmes Road (off Lowes Mount Road) is not formally a council public road vested in Oberon Councils control. This report seeks Council’s endorsement of the road as council public road.

Moved: McCarthy
Second: Morgan

That Council make formal application and payment of \$220 to the Department of Primary Industries, Lands to have Gilholmes Road formally gazetted as Council public road vested in Oberon Council.

Carried 04 170516

Page 5 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 17 May 2016.

13.03 SECTION 96 MODIFICATION APPLICATION 10.2004.34.4 – OBERON ABATTOIR

File No: PR188-54

Author: Jaclyn Burns, Health and Building Manager

Summary

A Section 96 modification application for additions and alterations to the existing Oberon Abattoir 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: Lord
Second: Francis

That

1. Council approve the Section 96 Modification Application 10.2004.34.4 for a proposed additions and alterations to the existing Oberon Abattoir, located on Lot 1 and 2 in DP 571566, being known as, 54 Hazelgrove Road, Oberon in accordance with the 79C Assessment and conditions contained within this report.
2. A plan of management for the disposal of waste (offal) be submitted and approved by Council in association with the EPA.
3. Council investigate in conjunction with the applicant an appropriate screen to limit the visual amenity of the abattoir on surrounding properties.
4. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 05 170516

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

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: Francis

That Report Item 09.01 is received as information.

Carried 06 170516

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – O’CONNELL RECREATION GROUND FUND

File No: Recreation and Cultural Services/ Maintenance/ Facilities
Author: Clr Ian Doney

Summary

Seeking additional funding for the O’Connell Recreation Ground fund.

Moved: Doney
Second: McCarthy

That Council allocate an additional \$60,000 in the 2016/17 budget to the O’Connell Recreation Ground fund, towards purchase and development costs.

Carried 07 170516

10.02 NOTICE OF MOTION – INVESTIGATE SEALING BOSWORTH FALLS ROAD

File No: R6
Author: Clr Ian Doney

Summary

Request for Council to investigate sealing Bosworth Falls Road, from the O’Connell Plains Road towards the Fish River.

Moved: Doney
Second: Morgan

That Council seal 1 – 2km of Bosworth Falls Rd from the O’Connell Plains Rd towards the Fish River from the 2016/17 Operational Plan.

The motion was put and lost.

10.03 NOTICE OF MOTION – ADDITIONAL FUNDING FOR THE COMMON

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

Summary

Seeking additional allocation of funds for The Common.

Moved: McCarthy
Second: Evans

That Council allocate \$50,000 of the last maturing Lehman Bros investments money to go to base work at The Common as part of the 2016/17 Operational Plan process.

Carried 08 170516

10.04 NOTICE OF MOTION – ZONE OF LAND ON O’CONNELL ROAD

File No: Land Use and Planning/Planning/Local Environmental Plans
Author: Clr Clive McCarthy

Summary

Requesting amendment of the Zone for land located on O’Connell Road.

The motion was withdrawn.

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON RUGBY LEAGUE CLUB ANNUAL GENERAL MEETING

File No: PO36-16
Author: Clr Sam Lord

Summary

Councillor Sam Lord attended the Annual General Meeting of the Oberon Rugby League Club held on 18 April 2016.

Moved: Lord
Second: McCarthy

That report item 11.01 is received as information.

Carried 09 170516

11.02 PEUGEOT PAGEANT REPORT (NATIONALS) 8-11 APRIL 2016

File No: Community Services/Community Events
Author: Clr Kathy Sajowitz - Mayor

Summary

Councillor Kathy Sajowitz attended the Peugeot Pageant (Nationals) on 8 - 11 April 2016. Below is a report from the Peugeot Pageant.

Moved: McCarthy
Second: Lord

That report item 11.02 is received as information.

Carried 10 170516

Page 8 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 17 May 2016.

11.03 UPPER MACQUARIE COUNTY COUNCIL MEETING

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

Summary

Councillor Neil Francis and Clr John Morgan are delegates to the Upper Macquarie County Council. This report summarises the Extraordinary Meeting held on 27 April and the Meeting held on 6 May 2016.

Moved: Morgan
Second: Francis

That delegate report item 11.03 is received as information.

Carried 11 170516

11.04 OBERON BUSINESS AND TOURISM ASSOCIATION

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

Summary

The Oberon Business and Tourism Association Meeting was held on 13 April 2016 at the Oberon Golf Club. Mayor Kathy Sajowitz, Clr Sam Lord and Acting General Manager Gary Wallace attended the meeting.

Moved: Lord
Second: McCarthy

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

Carried 12 170516

12. COMMITTEE REPORTS

12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE

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

Summary

Minutes of the Local Emergency Management Committee Meeting held on 15 February 2016 are submitted for Council's consideration.

Moved: McCarthy
Second: Gibbons

That the minutes of the Local Emergency Management Committee held on 15 February 2016 be received as information.

Carried 13 170516

13. REPORTS FOR DECISION

13.04 NATURALLY OCURRING ASBESTOS – OBERON COMMON

File No: Environmental Management/Monitoring/Contaminated Sites
Author: Chris Schumacher, Works & Engineering Director

Summary

Naturally Occurring Asbestos (NOA) has been identified at the Oberon Common as part of recent clean up works on the north eastern escarpment adjacent to Curtis Street.

Moved: Morgan
Second: Evans

That Council allocate additional funding of \$40,000 from general funding to cater for the unexpected works associated with capping the Naturally Occurring Asbestos in accordance with legislative guidelines.

Carried 14 170516

13.05 LIBRARY EXTENSION

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

Summary

Since the current Oberon Library was built in 1992, the population of Oberon has grown by approximately 500 people. More importantly, significant changes have occurred in the way modern libraries are used, particularly by young people. Council was successful in obtaining \$120,000 through a grant application from State Library Infrastructure program to combine the Library and Community Centre to create a Community Hub. This report seeks Council's in principle support to complete the capital project in the 2016/17 Operational Plan.

Moved: Doney
Second: Gibbons

That:

1. Council approve the proposal submitted by Boffa Robertson Group to obtain a design plan to enable a Development Application and approval, and
2. Council in principle allocate \$120,000 in the 2016/17 budget for construction and fit out of the Community Hub and proceed to undertake community consultation together with the 2016/17 Community Strategic Plan.

Carried 15 170516

13.06 PLANNING PROPOSAL – FUNCTION CENTRE – 397 MUTTON FALLS ROAD, TARANA

File No: PRI-397

Author: Lachlan Sims, Town Planner

Summary

A planning proposal has been received seeking to amend the *Oberon Local Environmental Plan 2013* (LEP) and enable “function centre” as an additional permitted use on Lot 10 DP 1153955 at 397 Mutton Falls Road, Tarana. The subject site is within the RU1 Primary Production zone and under the current LEP provisions “function centre” is a prohibited use in the zone.

In consideration of the proposal, it is recommended that Council decline the request to undertake a site-specific amendment to the LEP for the subject site and, as an alternative, request the Department of Planning and Environment to consider a proposal to add “function centre” as a land use permissible with consent in the RU1.

Moved: McCarthy
Second: Doney

That:

1. Council support the planning proposal in principle to amend the *Oberon Local Environmental Plan 2013* and add “function centre” as a permitted use in the RU1 Primary Production zone for the entire Oberon Council area,
2. Decline the request to amend the *Oberon Local Environmental Plan 2013* to enable a function centre as an additional permitted use on Lot 10 DP 1153955 (397 Mutton Falls Road, Tarana) and refund the applicant’s fees,
3. Authorise the Acting General Manager to prepare a planning proposal in relation to the above amendment, and
4. Authorise the Acting General Manager to submit the above planning proposal to the Department of Planning and Environment requesting Gateway Determination in accordance with the requirements of Section 56 of the *Environmental Planning and Assessment Act 1979*.

Carried 16 170516

13.07 DEVELOPMENT APPLICATION 10.2016.25.1 – ADDITIONS TO AN EXISTING DWELLING, INCLUDING A CARPORT, DECK AND PERGOLA

File No: Property/PO19-98

Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the additions to an existing dwelling, including a carport, deck and pergola at 98 Dudley Street, Oberon. A variation to Development Control Plan (DCP) 2001 is sought, with particular reference to Part C.5.5 – “Building Height Plane” of the Oberon Development Control Plan 2001 (DCP) which requires that a residential development will not significantly increase overshadowing of adjoining properties, reduce the level of privacy enjoyed by adjoining properties or affect the amenity of the Rural Village.

Moved: Morgan
Second: Gibbons

That:

1. Delegation is granted to the Acting General Manager to vary Part C.5.5 – “*Building Height Plane*” of the Oberon Development Control Plan 2001 associated to Development Application 10.2015.82.1 for the alterations to the existing dwelling at Lot 7 in DP 236927, 98 Dudley Street, Oberon.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 17 170516

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

13.08 REGIONAL LIVING EXPO

File No: Economic Development/Regional Tourism/Expo

Author: Sharon Swannell, Executive Coordinator

Summary

Council has previously participated in the Country and Regional Living Expo which provides an opportunity to present the region to people potentially looking for a change of lifestyle.

Moved: Lord
Second: McCarthy

That:

1. Council hold a stand at the 2016 Regional Living Expo.
2. Council seek sponsorship from the Oberon Business and Tourism Association to assist with the cost of hire of the stand and also request volunteers to assist with manning the stand during the Expo.
3. The cost of funding the stand be allocated from existing budget available for Area Promotion.
4. That a manning roster including OBTA volunteers and Council staff be set up and adequate personnel be identified prior to proceeding.

Carried 18 170516

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 April 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: Francis
Second: McCarthy

That report item 14.01 is received as information.

Carried 19 170516

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

Moved: McCarthy
Second: Gibbons

That report item 14.02 is received as information.

Carried 20 170516

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

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

Moved: McCarthy
Second: Lord

That report item 14.03 is received as information.

Carried 21 170516

14.04 STATEMENT OF INVESTMENTS

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

Summary

Reporting the Statement of Investments as at 30 April 2016.

Moved: McCarthy
Second: Doney

That report item 14.04 is received as information.

Carried 22 170516

14.05 WATER AND SEWER PLANT REPORT

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

Summary

This report provides a summary Water & Waste Water Activity for the previous month of April 2016.

Moved: Morgan
Second: Francis

That report item 14.05 is received as information.

Carried 23 170516

15. URGENT BUSINESS

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 OBERON & DISTRICT MUSEUM SOCIETY

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

16.02 SECTION 356 FINANCIAL ASSISTANCE PROGRAM - 2016/17 OPERATION PLAN

File No: Financial Management/Section 356 Donations
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:

(a) personnel matters concerning particular individuals (other than Councillors)

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 24 170516

Council moved into Closed Session 7.17pm. All members of the public present left at this point in time.

16.01 OBERON & DISTRICT MUSEUM SOCIETY

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

Moved: McCarthy
Second: Lord

That Council refer this matter back to their external debt recovery agency to recoup outstanding debt.

The motion was put and lost.

Moved: Gibbons
Second: Doney

That Council defer this matter pending additional information being obtained.

Carried 25 170516

16.02 SECTION 356 FINANCIAL ASSISTANCE PROGRAM - 2016/17 OPERATION PLAN

File No: Financial Management/Section 356 Donations
Author: Lynette Safranek, Finance & Community Services Director

Moved: McCarthy
Second: Francis

That Council consider the Section 356 applications submitted and allocate funding for inclusion in the 2016/17 Operation Plan for public exhibition from 1 to 28 June 2016.

Carried 26 170516

Moved: Lord
Second: Doney

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

Carried 27 170516

Open Council resumed at 8.30pm.

The Mayor advised that resolutions 25 170516 and 26 170516 were made while the meeting was closed to the public. There were no members of the public present.

17. CLOSURE OF MEETING

The Mayor declared the Meeting closed at 8.30pm.

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

Tuesday 21 June 2016
commencing at 5.30pm

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