

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 19 July 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	3
7. COMMUNITY PRESENTATIONS AND QUESTIONS	4
8. CONFIRMATION OF MINUTES.....	4
13.02 LATE REPORT - DEVELOPMENT APPLICATION 10.2015.81.1 – 24 HOUR SERVICE STATION	5
9. MAYORAL MINUTE AND REPORT.....	5
09.01 MAYORAL MINUTE AND REPORT	5
10. NOTICES OF MOTIONS.....	6
11. COUNCILLOR AND DELEGATES REPORTS	6
11.01 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONFERENCE CANBERRA	6
11.02 UPPER MACQUARIE COUNTY COUNCIL	6
11.03 OBERON ARTS COUNCIL.....	7
12. COMMITTEE REPORTS	7
12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE	7
12.02 COMMUNITY SERVICES COMMITTEE	7
12.03 SENIORS WELFARE COMMITTEE	8
12.04 OBERON SPORTS FACILITIES COMMITTEE	8
13. REPORTS FOR DECISION	9
13.01 ROAD REALIGNMENT AND GAZETTAL - TODDS ROAD.....	9
14. REPORTS FOR INFORMATION	9
14.01 MONTHLY ACTIVITY REPORT – ACTING GENERAL MANAGER.....	9
14.02 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING	10
14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES	10
14.04 STATEMENT OF INVESTMENTS.....	10
14.05 GRANTS UPDATE	11
14.06 WATER AND SEWER PLANT REPORT	11
14.07 2016/2017 SAFER ROADS PROGRAM - ABERCROMBIE ROAD PALING YARDS	11
15. URGENT BUSINESS	12
16. CLOSED SESSION / CONFIDENTIAL REPORTS	12
16.01 USED MOTOR OIL COLLECTION TENDER	13
16.02 LEHMAN US BANKRUPTCY COURT PROCEEDINGS	13
16.03 LEHMAN BROTHERS AUSTRALIA UPDATE	14
17. CLOSURE OF MEETING.....	14

1. OPENING OF MEETING

The Mayor will 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 Pastor James Brennan.

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 Jaclyn Burns, Health and Building Manager 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

Nil

8. CONFIRMATION OF MINUTES

Ordinary Meeting 21 June 2016

Moved: Morgan
Second: Lord

That the Minutes of the Ordinary Meeting held on 21 June 2016 be confirmed.

Carried 01 190716

Matters Arising from the Minutes

Nil

Extraordinary Meeting 30 June 2016

Moved: McCarthy
Second: Gibbons

That the Minutes of the Extraordinary Meeting held on 30 June 2016 be confirmed.

Carried 02 190716

Matters Arising from the Minutes

Nil

Moved: McCarthy
Second: Morgan

That late report item 13.02 be bought forward and dealt with at this point in time.

Carried 03 190716

13.02 LATE REPORT - 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, Managers Studio and associated Boundary Adjustment has been submitted to Council for determination on Lot 8 and 9 in DP 248152, being known as 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: Francis

That:

1. Council approve Development Application 10.2015.81.1 for a 24 hour Service Station, Managers Studio and associated Boundary Adjustment on Lot 8 and 9 in DP 248152, being known as 1 Horace Street, Oberon in accordance with the 79C Assessment and conditions contained within this report.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 04 190716

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, Doney, Evans and Sajowitz

Against: Councillors Lord

Jaclyn Burns left the meeting at 5.55pm.

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: Gibbons
Second: Francis

That Report Item 09.01 is received as information.

Carried 05 190716

10. NOTICES OF MOTIONS

Nil

11. COUNCILLOR AND DELEGATES REPORTS

11.01 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONFERENCE CANBERRA

File No: Gov Relations/Local & Regional Liaison/National Timber Council Association
Author: Chris Schumacher, Works & Engineering Director & Clr. Kerry Gibbons

Summary

This report provides an overview of the annual Australian Local Government Conference (ALGA) recently held in Canberra 19 – 22 June 2016. The highlights of the 3 day program focused on the direct link between our work in local government and the productivity of our nation, highlighting the importance of innovation, adoption to change, technology and collaboration to help shape the future of our councils and communities.

Moved: Gibbons
Second: McCarthy

That Council receive report 11.01 as information.

Carried 06 190716

11.02 UPPER MACQUARIE COUNTY COUNCIL

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

Summary

Councillor John Morgan and Councillor Neil Francis attended the Upper Macquarie County Council Committee meeting held on the 17 July 2016.

Moved: Morgan
Second: Francis

That report item 11.02 is received as information.

Carried 07 190716

11.03 OBERON ARTS COUNCIL

File No: Community Relations/Consultation/Oberon Arts Council
Author: Mayor Kathy Sajowitz

Summary

Councillor Sajowitz attended the last meeting of the Oberon Arts Council. A copy of the minutes of the meeting are provided for Council's information.

Moved: McCarthy
Second: Doney

That report item 11.03 is received as information.

Carried 08 190716

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 16 May 2016 are submitted for Council's consideration.

Moved: Gibbons
Second: McCarthy

That the minutes of the Local Emergency Management Committee held on 16 May 2016 be received as information.

Carried 09 190716

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 23 June 2016 is submitted for Council's information and consideration.

Moved: Morgan
Second: Evans

That:

1. Council receive report 12.02 as information, and
2. That Council combine the Oberon Community Services Committee with the Seniors Welfare Committee and develop a unique working party for appropriate projects that arise in the future.

Carried 10 190716

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 23 June 2016 are submitted for Council's information and consideration.

Moved: Morgan
Second: Gibbons

That:

1. Council receive report 12.03 as information, and
2. That Council combine the Oberon Seniors Welfare Committee with the Community Services Committee and develop a unique working party for appropriate projects that arise in the future.

Carried 11 190716

12.04 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 29 June 2016 is submitted for Council's information and consideration.

Moved: Gibbons
Second: McCarthy

That the Minutes of the Oberon Sports Facilities Committee held on 29 June 2016 be received as information.

Carried 12 190716

13. REPORTS FOR DECISION

13.01 ROAD REALIGNMENT AND GAZETTAL - TODDS ROAD

File No: Roads/R56

Author: Chris Schumacher, Works & Engineering Director

Summary

This report seeks the approval of Council to formally gazette the road alignment alterations that have been previously reconstructed at the intersection Todd's and Beaconsfield Road.

Moved: McCarthy

Second: Doney

That:

1. Council resolve to proceed with the formal registration of a new plan of survey for the realignment of road at the intersection of Todd's Road with Beaconsfield Road.
2. That the Acting General Manager be authorised to sign and affix the Council Seal to the plans for registration.
3. That Council approve the associated costs for the formalities involved for survey, legal and gazettal of land to Council Public Road.

Carried 13 190716

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 May 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 14 190716

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 work activities in the Works & Engineering Department for the month of June 2016 and including scheduled work for the coming month of July.

Moved: McCarthy
Second: Gibbons

That report item 14.02 is received as information.

Carried 15 190716

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

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

Moved: McCarthy
Second: Lord

That report item 14.03 is received as information.

Carried 16 190716

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 June 2016.

Moved: Lord
Second: McCarthy

That report item 14.04 is received as information.

Carried 17 190716

14.05 GRANTS UPDATE

File No: Governance/Meetings/Ordinary/July 2016
Author: Gillian Salmon, Grants Officer

Summary

This report provides a summary of Grant Funding Applications and Submission, both internal and external, during June 2016.

Moved: Gibbons
Second: McCarthy

That report item 14.05 is received as information.

Carried 18 190716

14.06 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 June 2016.

Moved: McCarthy
Second: Morgan

That report item 14.06 is received as information.

Carried 19 190716

14.07 2016/2017 SAFER ROADS PROGRAM - ABERCROMBIE ROAD PALING YARDS

File No: Roads/R256.1
Author: Chris Schumacher Works & Engineering Director

Summary

Roads & Maritime Services have recently notified Council of its success in gaining funding through the NSW Governments Safer Roads Program for the 2016/2017 financial year.

Moved: Gibbons
Second: McCarthy

That report item 14.07 is received as information.

Carried 20 190716

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 USED MOTOR OIL COLLECTION TENDER

File No: Plan Equipment and Stores/Stores/Ordering
Author: Chris Schumacher, Works and Engineering Director

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

This report item contains matters and information listed in Section 10A (2) of the Act:

(c) Information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

d) commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it

16.02 LEHMAN US BANKRUPTCY COURT PROCEEDINGS

File No: Governance/Confidential/July
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

16.03 LEHMAN BROTHERS AUSTRALIA UPDATE

File No: Governance/Confidential/July
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

Moved: Morgan
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 21 190716

Council moved into Closed Session at 7.10pm. All members of the public present left at this point in time.

16.01 USED MOTOR OIL COLLECTION TENDER

File No: Plan Equipment and Stores/Stores/Ordering
Author: Chris Schumacher, Works and Engineering Director

Moved: Morgan
Second: Doney

That Council:

1. Accept the tender submitted dated 13 May 2016 in accordance with the details in the staff report for the initial two (2) year term and sign the required contract documentation.
2. That the resolution regarding this tender remains confidential to the Council and NetWaste until all Councils have confirmed their acceptance or otherwise and an acceptance notice and all tenderers have been informed of the outcome.

Carried 22 190716

16.02 LEHMAN US BANKRUPTCY COURT PROCEEDINGS

File No: Governance/Confidential/July
Author: Lynette Safranek, Finance & Community Services Director

Moved: Morgan
Second: McCarthy

That Council:

1. Council delegate authority to the Acting General Manager to complete the execution of the Release Agreement.
2. Council delegate authority to the Acting General Manager and the Finance & Community Services Director to deposit the negotiated amount, noted in this report, into the Trust account of Squire Patton Boggs.

3. Council resolve that the expenditure is required and warranted in accordance with the guidelines under Section 23A of the Local Government Act 1993 to enable the legitimate exercise of legal rights of review or appeal.

Carried 23 190716

16.03 LEHMAN BROTHERS AUSTRALIA UPDATE

File No: Governance/Confidential/July

Author: Lynette Safranek, Finance & Community Services Director

Moved: Morgan

Second: Gibbons

That Council accept report 16.03 as information.

Carried 24 190716

Moved: McCarthy

Second: Francis

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

Carried 25 190716

Open Council resumed at 7.30pm

The Mayor advised that resolutions 22 190716, 23 190716 and 24 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 7.31pm.

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

Tuesday 16 August 2016

commencing at 5.30pm

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