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UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 16 August 2016

Commencing at 5.30pm
at the Oberon Council Chambers

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1. OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 5.30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

3. PRAYER

The Meeting was opened in prayer by Sister Maureen Schiemer.

4. RECORD OF ATTENDANCE

Members Mayor Kathy Sajowitz (in the Chair)
 Deputy Mayor Kerry Gibbons
 Clr Ian Doney
 Clr Jill Evans
 Clr Neil Francis
 Clr Sam Lord
 Clr Clive McCarthy
 Clr John Morgan

Staff Gary Wallace, Acting General Manager
 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 - Nil
Significant

Non-Pecuniary - Nil
Less than
Significant

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Ross Gibson addressed Council on behalf of the Oberon Tigers Rugby Leagues Club. The Oberon Tigers will have three grades in semi finals. Ross presented a letter to Council outlining further detail of the request for assistance to host a Semi Final in Oberon. This includes a quote for temporary fencing \$5,240.00, portable grandstands estimated \$1,500 and a request for in kind support to transport and install the grandstands and erect and dismantle fencing.

Ross advised that the Oberon Tigers had seen exceptional crowds in attendance during the season and it is very good for the whole community. The Semi Final will be held on Saturday 27 August 2016.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 19 July 2016

Moved: Doney
Second: Francis

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

Carried 01 160816

Matters Arising from the Minutes

It was noted that the on Page 5 of the unconfirmed minutes, late report item 13.02 the votes for and against the motion are incorrect. Mayor Kathy Sajowitz voted against the motion. This will be amended in the confirmed minutes.

Moved: Doney
Second: Lord

That report items 13.02, 13.03 and 13.04 be brought forward and dealt with at this point in time.

Carried 02 160816

13.02 DEVELOPMENT APPLICATION 10.2016.16.1 FOR MULTI DWELLING RESIDENTIAL DEVELOPMENT COMPRISING 8 UNITS

File No: PO44-96-98
Author: Jaclyn Burns, Health and Building Manager

Summary

An application for a multi dwelling residential development comprising 8 units (including strata title subdivision) on land described as Lot 2 Section 25 in DP 758805 and known as 96-98 Queen 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.”

Page 4 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 16 Aug 2016.

During the notification period submissions were received from adjoining land owners.

The application is also being referred to Council for determination as current staff delegation does not allow for the application to be refused. A refusal of development consent must be determined by Council.

Moved: Doney
Second: Sajowitz

That:

1. Council refuse Development Application 10.2016.16.1 for a multi dwelling residential development comprising 8 units (including strata title subdivision) on land described as Lot 2 Section 25 in DP 758805 and known as 96-98 Queen Street, Oberon in accordance with the 79C Assessment contained within this report and for the following reasons:
 - a) The information submitted in support of the development is insufficient to address the requirements of clause 7 of State Environmental Planning Policy 55 (Remediation of Land); and (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(ii)*)
 - b) The applicant has failed to demonstrate compliance with Clause 6.6 of the OLEP 2013 - Development within a designated buffer area. (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(i)*)
 - c) The design and layout of the development does not sufficiently address the standards and requirements of the Oberon Development Control Plan 2001 in relation to design - specifically C.5.8 Design Principals; and (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(iii)*)
 - d) The design and layout of the development does not sufficiently address the standards and requirements of the Oberon Development Control Plan 2001 in relation to orientation – specifically C.5.9 Orientation, and C.8.3 Private Open Space; and (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(iii)*)
 - e) The design and layout of the development does not sufficiently address the standards and requirements of the Oberon Development Control Plan 2001 in relation to visual amenity – specifically C.5.11 Visual Impact; and (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(iii)*)
 - f) The design and layout of the development does not sufficiently address the standards and requirements of the Oberon Development Control Plan 2001 in relation to common open space, specifically C.8.5 *Medium Density – Common Open Area*; and (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(iii)*)
 - g) The design and layout of the development does not sufficiently address the standards and requirements of the Oberon Development Control Plan 2001 in relation to parking and circulation – specifically C.8.6 *Medium Density – On Site Car Parking*, and F.6.1 *Car Parking Layouts – General*, and F.10.1 *Design/Dimensions – Car Spaces* (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(iii)*)
 - h) The design and layout of the development does not sufficiently address the standards and requirements of the Oberon Development Control Plan 2001 in relation to safe traffic movements – specifically F.10.2 *Design/Dimensions – Driveways*; and (*Environmental Planning and Assessment Act 1979 s79C (1)(a)(iii)*)

- i) The design of the vehicular access/egress and car parking does not comply with Australian Standard 2890.1 Off Street Parking Facilities; and (*Environmental Planning and Assessment Act s79C (1)(b)*)
 - j) The identified design, traffic and parking issues are a direct result of the proposal being an overdevelopment of the site; and (*Environmental Planning and Assessment Act s79C (1)(b)*)
 - k) In the circumstances of the case approval of the application would not be in the public interest. (*Environmental Planning and Assessment Act 1979 s79C (1)(e)*)
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 03 160816

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: Councillors McCarthy

13.03 REVIEW OF CONDITIONS – DA 10.2015.21.1 – SUBDIVISION 115 LOTS – BRACKEN GLEN LANE

File No: PR185-32
Author: Gary Wallace, Acting General Manager

Summary

At its Extraordinary Meeting in May Council resolved to approve DA 10.2015.21.1 being a subdivision of land creating 115 allotments off Bracken Glen Lane. Council is now in receipt of correspondence on behalf of the applicant seeking clarification of and review of some of the conditions imposed.

Moved: Morgan
Second: McCarthy

That:

1. Council resolve to review the conditions requested and provide clarification of conditions in accordance with the table.
2. Council delegate to the Acting General Manager to approve the amendments made to the current consent upon lodgement of the appropriate applications.
3. That a division be called in accordance with the Local Government Act 1979.

Carried 04 160816

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

Page 6 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 16 Aug 2016.

13.04 OBERON TIGERS RUGBY LEAGUE CLUB REQUEST FOR ASSISTANCE

File No: Recreation & Cultural Services/Event Management/Sporting & Cultural Events/2016
Author: Gary Wallace, Acting General Manager

Summary

The Oberon Tigers Rugby League Club Inc. has written to Council requesting assistance with Semi Finals Ground requirements.

Moved: Lord
Second: Morgan

That Council provide up to \$7,000 of General fund allocation to the Community Events budget, inclusive of in kind support to the Oberon Tigers Rugby League Club to host a Semi Final and possibly a Grand Final in Oberon and that the Acting General Manager be delegated authority to carry out the request.

Carried 05 160816

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: Francis
Second: Doney

That Report Item 09.01 is received as information.

Carried 06 160816

10. NOTICES OF MOTIONS

Nil

11. COUNCILLOR AND DELEGATES REPORTS

11.01 REGIONAL LIVING EXPO

File No: Economic Development/Regional Tourism/Expo/Regional Living Expo
Author: Mayor Kathy Sajowitz

Summary

On the weekend of 6 - 7 August I along with council staff, OBTA representatives, local real estate representatives and community volunteers attended the 2016 Regional Living Expo held at Olympic Park, Homebush.

Moved: McCarthy
Second: Gibbons

That report item 11.01 is received as information.

Carried 07 160816

11.02 OBERON LEAGUES CLUB BOARD MEETING

File No: PO36-16
Author: Councillor Sam Lord

Summary

Councillor Sam Lord attended the Oberon Leagues Club Board Meeting held on 18 July 2016.

Moved: Gibbons
Second: Lord

That report item 11.02 is received as information.

Carried 08 160816

11.03 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 5 August 2016.

Moved: Morgan
Second: Francis

That report item 11.03 is received as information.

Carried 09 160816

12. COMMITTEE REPORTS

12.01 THE COMMON WORKING PARTY

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

Summary

Minutes of The Common Working Party meeting held on 26 July 2016 are submitted for Council's information and consideration.

Moved: Evans
Second: Sajowitz

That:

1. Council received report 12.01 for information.
2. That Council undertake stage 1 of the master plan and seek community feedback on further stages via public exhibition and seek projects to be included in the further stages of the master plan.

Carried 10 160816

13. REPORTS FOR DECISION

13.01 ROAD NAMING – ROAD OFF O'CONNELL PLAINS ROAD

File No: BCS/ Roads /Naming /Roads and Lanes
Author: Chris Schumacher, Works and Engineering Director

Summary

This report is further to the recent Council advertisement inviting public submissions for road naming for the recently completed subdivision off the O'Connell Plains Road, O'Connell.

Moved: McCarthy
Second: Gibbons

That in accordance with the NSW Road Naming Policy, it is recommended that Council endorse '*McKibbin Road*' for the newly constructed 545m section of un-named road that runs off O'Connell Plains Road.

Carried 11 160816

13.05 OBERON DENTAL CLINIC

File No: Recreation & Cultural Services/Event Management/Sporting & Cultural Events/2016
Author: Gary Wallace, Acting General Manager

Summary

The Oberon Dental Clinic is currently leased by two visiting Dentists. The Western NSW Local Health Network attends the surgery two Wednesday's per month and the Bathurst Dental Clinic attend every Friday.

Moved: McCarthy
Second Morgan

That:

1. Council delegate to the Mayor and Acting General Manager authorisation to allow discussions with Greater Western Area Health and Oberon MPS regarding opportunities for this service into the future.
2. Council allocate \$2,000 from the general fund to allow for the immediate maintenance repairs for equipment at the current dental clinic.

Carried 12 160816

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 July 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: Doney
Second: Lord

That report item 14.01 is received as information.

Carried 13 160816

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 July 2016 and including scheduled work for the coming month of August.

Moved: Lord
Second: McCarthy

That report item 14.02 is received as information.

Carried 14 160816

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

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

Moved: McCarthy
Second: Morgan

That report item 14.03 is received as information.

Carried 15 160816

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 July 2016.

Moved: McCarthy
Second: Doney

That report item 14.05 is received as information.

Carried 16 160816

14.05 GRANTS MONTHLY UPDATE

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

Summary

This report provides a summary of grant funding applications and submission, both internal and external, during July 2016.

Moved: Doney
Second: McCarthy

That report item 14.05 is received as information.

Carried 17 160816

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 July 2016.

Moved: Morgan
Second: Francis

That report item 14.06 is received as information.

Carried 18 160816

15. URGENT BUSINESS

Nil

16. CLOSED SESSION / CONFIDENTIAL REPORTS

16.01 WATER RATES REQUEST FOR WRITE OFF – ACCOUNT 12365584

File No: PO22-3-5
Author: Lynette Safranek, Finance & Community Services Director

This item is classified CONFIDENTIAL under section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) Personal matters concerning particular individuals (other than Councillors)

16.02 WATER RATES WRITE OFF – ACCOUNT 12362938

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

This item is classified CONFIDENTIAL under section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) Personal matters concerning particular individuals (other than Councillors)

Moved: Morgan
Second: Francis

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 19 160816

Council moved into Closed Session at 7.42pm. There were no members of the public present at this point in time.

16.01 WATER RATES REQUEST FOR WRITE OFF – ACCOUNT 12365584

File No: PO22-3-5
Author: Lynette Safranek, Finance & Community Services Director

Moved: Doney
Second: Lord

That:

1. The report be received as information.
2. Payment for the current water consumption used by Water Notice 12365584 is pursued by Council for full cost recovery.
3. Correct billing adjustments be made to reflect the larger 50mm waste water (sewer) service discharge in accordance with Councils 2016/17 Rating Structure.

Carried 20 190816

16.02 WATER RATES WRITE OFF – ACCOUNT 12362938

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

Moved: Morgan
Second: Evans

That Council approve the write off of an amount of \$170.80 (61 KL) in excessive Water Rates.

Carried 21 190816

Moved: McCarthy
Second: Doney

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

Carried 22 190816

Open Council resumed at 7.50pm.

The Mayor advised that resolutions 20 1618016 and 21 160816 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 7.51pm.

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

Tuesday 20 September 2016
commencing at 5.30pm

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