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CONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 18 October 2016

Commencing at 5.30pm
at the Oberon Council Chambers

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1. OPENING OF MEETING

The Deputy Mayor welcomed members and declared the meeting open at 5.31pm.

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 Deputy Mayor Kerry Gibbons.

4. RECORD OF ATTENDANCE

Members Deputy Mayor Kerry Gibbons (in the Chair)
Clr Jill Evans
Clr Neil Francis
Clr Sam Lord (from 5.33pm)
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 Mayor Kathy Sajowitz
Clr Ian Doney

Moved: Francis
Second: Morgan

That apologies be received and noted for the non-attendance of Mayor Kathy Sajowitz and Councillor Ian Doney.

Carried 01 181016

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 20 SEPTEMBER 2016

Moved: Evans
Second: Lord

That the Minutes of the Ordinary Meeting held on 20 September 2016 be confirmed.

Carried 02 181016

Matters Arising from the Minutes

Nil

EXTRAORDINARY MEETING 11 OCTOBER 2016

Moved: Francis
Second: Evans

That the Minutes of the Extraordinary Meeting held on 11 October 2016 be confirmed.

Carried 03 181016

Matters Arising from the Minutes

Nil

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Mayor Kathy Sajowitz & Deputy Mayor Kerry Gibbons

Summary

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

Moved: McCarthy

Second: Morgan

That Report Item 09.01 is received as information.

Carried 04 181016

10. NOTICES OF MOTIONS

10.01 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

Seeking investigation into zoning in the LEP for land north of the Oberon town area.

Moved: McCarthy

Second: Lord

That:

1. Oberon Council investigate how the area north of Oberon town area got changed to B6 Zone when Council of the day decided it was to be Light Industrial.
2. Council consult a possible change to Light Industrial.

The motion was put and lost.

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING

File No: Economic Dev/OBTA

Author: Clr Sam Lord

Summary

Councillor Sam Lord attended the last meeting of the Oberon Business and Tourism Association held on 13 September 2016 at the Oberon Golf Club.

Moved: Lord
Second: McCarthy

That report item 11.01 is received as information.

Carried 05 181016

11.02 UPPER MACQUARIE COUNTY COUNCIL

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

Summary

Councillors John Morgan and Neil Francis attended the last meeting of the Upper Macquarie County Council held on 16 September 2016.

Moved: Morgan
Second: McCarthy

That report item 11.02 is received as information.

Carried 06 181016

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 29 August 2016 are submitted for Council's consideration.

Moved: McCarthy
Second: Morgan

That the minutes of the Local Emergency Management Committee held on 29 August 2016 be received as information.

Carried 07 181016

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 21 September 2016 is submitted for Council's information and consideration.

Moved: McCarthy
Second: Gibbons

That the Minutes of the Oberon Sports Facilities Committee held on 21 September 2016 be received as information.

Carried 08 181016

13. REPORTS FOR DECISION

13.01 OBERON COMMUNITY GARDEN

File No: Community Services/Community Hub
Author: Lynette Safranek, Finance & Community Services Director

Summary

Council is currently developing the Oberon Library and Community Centre into a Community Hub. At the rear of this land, between the Oberon Library, the Robert (Bob) Hooper Community Centre and the Tally's Lane car park, there is land that is not currently utilised. It is an ideal location to create a community garden.

Moved: Morgan
Second: Francis

That Council approve the establishment of a Community Garden at the rear of the Oberon Community Hub.

Carried 09 181016

13.02 COMMUNITY HUB DEVELOPMENT

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

Summary

Council has \$320,000, including the promised \$100,000 funding from the State Government, for the Oberon Community Hub. The Boffa Robertson Group were engaged to draft plans for the extension. This report provides the draft plans for Council's adoptions and public exhibit to gain community feedback and support.

Moved: McCarthy
Second: Morgan

That Council resolve to accept the draft Community Hub plans and place them on public display for a period of 28 days for public comment.

Carried 10 181016

13.03 TOWN IMPROVEMENTS – ALBION STREET FOOTPATH

File No: /Ordinary/October 2016

Author: Chris Schumacher, Works & Engineering Director

Summary

This report seeks additional funding to complete the last 100m of unfinished footpath extension along the southern side of Albion Street, Oberon.

Moved: McCarthy
Second: Evans

That

1. Council allocate an additional \$10,000 from Section 94 funding to complete the last 100m section of missing concrete footpath on the southern side of Albion Street during the 2016/2017 financial year
2. That \$5,000 be allocated from Section 94 funding to create a driveway entry to the Common from Dudley Street.

Carried 11 181016

13.04 DEVELOPMENT APPLICATION 10.2016.46.1 – DWELLING

File No: Property/PR259-92

Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the construction of a dwelling at Lot 12 in DP 603429, being known as 92 Ferndale Road, Oberon.

The two bedroom dwelling is proposed to be located on an existing excavated site within 350m of the existing approved quarry which may be reduced to a 270m setback in the future, due to an approved expansion in September 2012.

The submitted Statement of Environmental Effects has identified;

“A ridge between the proposed dwelling site and the quarry provides a significant barrier between the dwelling site and the quarry operations”, which would provide shielding to the proposed dwelling from noise impacts associated to the quarry.

The applicant has proposed additional noise attenuation measures through double glazing and added insulation which has been indicated by a consultant to provide *“sufficient acoustic attenuation”* within the proposed dwelling.

An existing consent Development Application 10.2011.1.1 for a proposed dwelling was approved by Council in December 2011, in the same location. This consent will be withdrawn prior to the issue of any further approval.

The proposed dwelling site is within Council's 500m buffer zone to an existing extractive industry, Mudgee Stone Company and the applicant is seeking a variation to Clause A2.6 of Oberon's Development Control Plan, 2001.

At its August Ordinary Meeting Council resolved to defer the outcome of the proposal until after a site inspection.

Moved: Morgan
Second: Lord

That:

1. Council resolve to approve the variation to Clause A2.6 of its current DCP 2001 and delegation be granted to Council Acting General Manager to approve DA10.2016.46.1 for a proposed dwelling located 232m from its Eastern boundary on Lot 12 in DP 603429 being known as 92 Ferndale Road, Oberon.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 12 181016

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, Evans and Lord
Against: Councillors McCarthy

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 September 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: Lord

That report item 14.01 is received as information.

Carried 13 181016

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 September 2016 and including scheduled work for the coming month of October.

Moved: McCarthy

Second: Francis

That report item 14.02 is received as information.

Carried 14 181016

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

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

Moved: McCarthy

Second: Morgan

That report item 14.03 is received as information.

Carried 15 181016

14.04 GRANTS MONTHLY UPDATE

File No: Governance/Meetings/Ordinary/October 2016

Author: Gillian Salmon, Grants Officer

Summary

This report provides a summary of Grant Funding applications and submissions, both internal and external, during September 2016.

Moved: Lord

Second: McCarthy

That report item 14.04 is received as information.

Carried 16 181016

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 September 2016.

Moved: Francis
Second: Evans

That report item 14.05 is received as information.

Carried 17 181016

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 SEWER DISCHARGE FEE REVIEW

File No: Governance/Confidential/October 2016

Author: Lynette Safranek, Finance & Community Services Director

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

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

16.02 APPOINTMENT OF ACTING GENERAL MANAGER

File No: Personnel/General Manager
Author: Mayor Kathy Sajowitz

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) personnel matters concerning particular individuals (other than Councillors)

Moved: McCarthy
Second: Morgan

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 18 181016

Council moved into Closed Session at 6.41pm. Members of the public present left the meeting at this point in time.

16.01 SEWER DISCHARGE FEE REVIEW

File No: Governance/Confidential/October 2016
Author: Lynette Safranek, Finance & Community Services Director

Moved: Morgan
Second: McCarthy

That Council:

1. Leave the sewer discharge for account reference 12391534 at the current level of 30%
2. Start process for introduction of a sewer discharge rate of 50% for account reference 12376824.

Carried 19 181016

16.02 APPOINTMENT OF ACTING GENERAL MANAGER

File No: Personnel/General Manager
Author: Mayor Kathy Sajowitz

Moved: McCarthy
Second: Francis

That:

1. Mr Gary Wallace's current appointment as Acting General Manager cease as at 19 October 2016
2. That Mr Gary Wallace be re-appointed to "act up" in the role of Acting General Manager for twelve months as required, commencing on 20 October 2016
3. That Mr Wallace's remuneration will continue at the current level and he will remain under award provisions
4. That at such time as the merger position of Oberon Council is resolved, should we remain a "stand alone" entity, the position of General Manager be filled as per the guidelines set down in The Act.

Carried 20 181016

Moved: McCarthy
Second: Francis

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

Carried 21 181016

Open Council resumed at 6.59pm.

The Mayor advised that resolutions 19 181016 and 20 181016 were made while the meeting was closed to the public. There were no members of the public present.

17. CLOSURE OF MEETING

The Deputy Mayor declared the meeting closed at 7.00pm.

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

Tuesday 15 November 2016
commencing at 5.30pm

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