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CONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 15 November 2016

Commencing at 5.30pm
at the Oberon Council Chambers

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6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Russell Reynolds, 10 Herborn Street spoke in objection to the retrospective application for approval for a shed at his neighbours property 15 Scotia Avenue. Mr Reynolds advised the shed had been built without approval not to an acceptable standard. He highlighted a number of issues with the construction of the shed including snow loading requirements, rusting ridge capping, rotting fascia, guttering sunk and not catching water, work not certified, the building exceeds the specifications for the size of the block, corner sheeting is multiple lengths and there is a hole in the sheeting on the north western corner. Mr Reynolds also asked if the stormwater is running to the gutter as he had been told it runs into a rubble pit. Mr Reynolds advised that he believed the shed should be pulled down and asked Council to resolve this.

Gaynor Stapleton spoke about the application for retrospective approval of a shed on her property at 15 Scotia Avenue. She advised the shed had been built three years ago, has withstood snow and wind. An engineering report is included as part of the application and this has highlighted a couple of matters that needs to be addressed. Gaynor commented that the neighbouring property slopes downhill from theirs, all the groundwater runs through the neighbours property and it is a swamp. Gaynor advised they are willing to paint the shed.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 18 October 2016

Moved: Morgan
Second: Francis

That the Minutes of the Ordinary Meeting held on 18 October 2016 be confirmed.

Carried 01 151116

Matters Arising from the Minutes

Nil

Works Committee Meeting 25 October 2016

Moved: McCarthy
Second: Gibbons

That the Minutes of the Works Committee Meeting held on 25 October 2016 be confirmed.

Carried 02 151116

Matters Arising from the Minutes

Nil

Finance Committee Meeting 25 October 2016

Moved: McCarthy
Second: Morgan

That the Minutes of the Finance Committee Meeting held on 25 October 2016 be confirmed.

Carried 03 151116

Matters Arising from the Minutes

Nil

Extraordinary Council Meeting 4 November 2016

Moved: Lord
Second: Gibbons

That the Minutes of the Extraordinary Council Meeting held on 4 November 2016 be confirmed.

Carried 04 151116

Matters Arising from the Minutes

Nil

Moved: McCarthy
Second: Lord

That report items 13.04 and 13.05 be bought forward and dealt with at this point in time.

Carried 05 151116

13.04 DA 10.2016.39.1 SUBDIVISION INTO 3 LOTS (VOYTILLA - THE REEF RD)

File No: PR54-133

Author: Chris Schumacher, Works & Engineering Director

Summary

Council is in receipt of Development Application 10.2016.39.1 proposed subdivision of lots 236 (DP757068) & Lot 279 (DP 720604) The Reef Road, Oberon. This report seeks Councils in principle support in obtaining legal access to a potential subdivision application across an existing Crown reserve.

Moved: McCarthy
Second: Gibbons

That:

1. Council agree to 'in principle' support the application and approach the Department of Primary Industries (DPI) 'Crown Lands' seeking agreement to take ownership of the proposed access handle to facilitate the subdivision.

Page 6 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 15 Nov 2016.

2. Should an application for subdivision be approved the applicant at their full cost pay for all survey, legal and construction costs inclusive of bitumen seal of the new access, subject of Councils requirements and the Department of Primary Industries agreement.

Carried 06 151116

13.05 DEVELOPMENT APPLICATION 10.2016.74.1 – RETROSPECTIVE USE OF EXISTING SHED - 15 SCOTIA AVENUE, OBERON

File No: Property/PO49-15

Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the retrospective use of an existing shed at Lot 14, Section A DP 2364, being known as 15 Scotia Avenue, Oberon. The application for the shed 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.”

The applicant is also seeking a variation to the Development Control Plan (DCP), with particular reference to Part C.5.5 – “Building Height Plane”, Part C.5.11 – “Visual Amenity” and Part C.6.4 – “Carports and Garages, hence the requirement for Council consideration.

Moved: Doney
Second:

That the matter be deferred until the objectors concerns have been more adequately addressed.

The motion lapsed for want of a seconder.

Moved: Morgan
Second: McCarthy

That:

1. Council refuse the application and seek to have the shed demolished.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 07 151116

Votes For: Councillors Sajowitz, Francis, Gibbons, Morgan, McCarthy, Lord and Evans
Against: Nil

Councillor Doney abstained from voting on the matter.

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: Lord

That Report Item 09.01 is received as information.

Carried 08 151116

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – CHANGE OF URBAN AREA POLICY FOR PROVISION OF ELECTRICITY

File No: Land Use and Planning/Planning/Development Control Plans
Author: Clr Clive McCarthy

Summary

Seeking amendment to Council's Urban Area Policy.

Moved: McCarthy
Second: Morgan

That Oberon Council require electricity supply to be connected to each lot within all residential zoned subdivision applications by underground means.

Carried 09 151116

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, Deputy Mayor Kerry Gibbons and Acting General Manager, Gary Wallace attended the last meeting of the Oberon Business and Tourism Association held on 12 October 2016 at the Oberon Golf Club.

Moved: Lord
Second: Gibbons

That report item 11.01 is received as information.

Carried 10 151116

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 4 November 2016 as did the new Mayor of Lithgow representing his Council for the first time.

Moved: Morgan
Second: Francis

That report item 11.02 is received as information.

Carried 11 151116

11.03 COUNTRY MAYORS ASSOCIATION OF NSW MEETING

File No: Govt Relations/Local & Regional Liaison/Country Mayors Association of NSW
Author: Mayor Kathy Sajowitz

Summary

Acting General Manager, Gary Wallace and I attended the Country Mayors Association of NSW Meeting held at NSW Parliament House, Macquarie Street on 4 November 2016. Apart from the obvious benefits of networking and raising the profile of Oberon Council, the content was interesting and both representatives had the opportunity to vote on the makeup of the association for the next twelve months.

Moved: McCarthy
Second: Doney

That delegate's report item 11.03 is received as information.

Carried 12 151116

12. COMMITTEE REPORTS

12.01 OBERON YOUTH COUNCIL

File: Governance/Meetings/OYC

Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Oberon Youth Council Meeting held on 1 November 2016 is submitted for Council's information and consideration.

Moved: McCarthy
Second: Francis

That Report 12.01 is provided for information.

Carried 13 151116

12.02 BLACK SPRINGS COMMUNITY HALL COMMITTEE

File: Governance/Meetings/Black Springs Community Hall Committee

Author: Lynette Safranek, Finance & Community Services Director

Summary

Minutes of the Black Springs Community Hall Committee held on 26 October 2016 are submitted for Council's information.

Moved: Gibbons
Second: McCarthy

That Report 12.02 is provided for information.

Carried 14 151116

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 Gingkin area.

Moved: McCarthy
Second: Francis

That Council has no objection to the closure of these sections of Crown Road, File ref: CL/08666, provided that no properties are left without legal and practical access.

Carried 15 151116

13.02 BLACK SPRINGS ICE SKATING RINK

File No: Governance/Meetings/Black Springs Community Hall Committee & PR45-2
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Black Springs Community Hall Committee has been looking into requirements for a portable Ice Skating Rink at the Hall for the community to use. The Winter Magic Ice Skating and Tobogganing company recently had an ice rink in Orange and informal discussions have taken place to determine what would be required to have the same type of ice rink in Black Springs.

Moved: Morgan
Second: McCarthy

That:

1. Council gain the level of interest of the wider Oberon LGA community in using an ice rink if it was available, and
2. Bring a report back to Council in early 2017 regarding the costs involved in setting up and running an ice rink at the Black Springs Community Hall.

Carried 16 151116

13.03 YOUTH SUPPORT

File No: Governance/Meetings/Oberon Youth Council
Author: Lynette Safranek, Finance & Community Services Director

Summary

To seek Council support in a Youth Council initiative to assist in promoting Youth activity in culture, the arts or disabilities.

Moved: Doney
Second: Gibbons

That Council provide up to \$2,000 per year, as part of a dollar for dollar contribution towards its support of youth in Oberon.

Carried 17 151116

13.06 DELEGATE TO OBERON HEALTH COUNCIL

File No: Public Health/Health Education
Author: Gary Wallace Acting General Manager

Summary

Council has received a request to nominate a delegate to serve on the Oberon Health Council.

Moved: Morgan
Second: Sajowitz

That Mayor Kathy Sajowitz be appointed as delegate to the Oberon Health Council.

Carried 18 151116

13.07 REVIEW OF MODEL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT

File No: Government Relations/Local and Regional Liaison/OLG
Author: Gary Wallace, Acting General Manager

Summary

The Office of Local Government has issued Circular 16-42 providing information about the review of the Model Code of Conduct and procedures for the Administration of the Model Code of Conduct.

Moved: McCarthy
Second: Lord

That Council receive and note the information and provide any information to be included in a submission to the Acting General Manager before 30 November 2016.

Carried 19 151116

13.08 ANNUAL REPORT 2015/16

File No: Government Relations/Local and Regional Liaison/OLG
Author: Gary Wallace Acting General Manager

Summary

As part of Council's statutory obligations it is required to prepare an Annual Report.

A copy of Council's Annual Report for the year ended 30 June 2016 will be provided to Councillors at the Ordinary Council Meeting.

Moved: Morgan
Second: Francis

That the Annual Report for the year ended 30 June 2016 be received for information and the report be included on the Council's website and forwarded to the Minister.

Carried 20 151116

13.09 DELEGATIONS OF AUTHORITY – ACTING GENERAL MANAGER

File No: Government Relations/Local and Regional Liaison/OLG
Author: Gary Wallace Acting General Manager

Summary

In accordance with Section 377 (1) of the Local Government Act Council may by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than those listed in that section.

Moved: Doney
Second: McCarthy

That the Delegations to the Acting General Manager be endorsed as tabled by Council.

Carried 21 151116

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 October 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 22 151116

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

Moved: Morgan
Second: Doney

That:

1. Report item 14.02 is received as information.
2. That \$35,000 be allocated from General Fund to finalise minor widening and drainage works on the unsealed section of Carlwood Road.

Carried 23 151116

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

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

Moved: Lord
Second: McCarthy

That report item 14.03 is received as information.

Carried 24 151116

14.04 GRANTS MONTHLY UPDATE

File No: Governance/Meetings/Ordinary/ Nov 2016

Author: Gillian Salmon, Grants Officer

Summary

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

Moved: Lord
Second: Doney

That report item 14.04 is received as information.

Carried 25 151116

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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 October 2016.

Moved: Gibbons
Second: Francis

That report item 14.05 is received as information.

Carried 26 151116

14.06 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register

Author: Lisa Koleda, Management Accountant

Summary

Reporting the Statement of Investments as at 31 October 2016.

Moved: Morgan
Second: McCarthy

That report item 14.06 is received as information.

Carried 27 151116

14.06 WATER SUPPLY & SEWERAGE SERVICING STRATEGY REPORT

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Works and Engineering Director.

Summary

This report provides information based on recent investigation of existing water and sewer infrastructure capacity and options for servicing outlying greenfield development areas around Oberon, including the West Oberon Development Area (WODA).

Moved: McCarthy
Second: Doney

That report item 14.06 is provided as information and a copy of the Oberon Township Development Water Supply and Sewerage Servicing Report be forwarded to Councillors.

Carried 28 151116

14.07 OBERON COMMUNITY TRANSPORT UPDATE

File No: Governance/Meetings/Ordinary/November 2016

Author: Lynette Safranek, Finance and Community Services Director

Summary

Oberon Community Transport has been a part of Lithgow Community Transport for 12 months. Lithgow, Cowra and Oberon Community Transport groups were merged with CareWest on 1 October 2016, following funding restrictions imposed by Transport NSW. Lithgow Community Transport held its last AGM on 19 October 2016.

Moved: McCarthy
Second: Morgan

That report item 14.07 is received as information.

Carried 29 151116

14.08 LATE REPORT - AUDITED FINANCIAL STATEMENTS FOR 2015/16

File No: Governance/Meetings/Finance Committee/November 2016

Author: Lynette Safranek, Finance and Community Services Director

Summary

Insert summary

Moved: McCarthy
Second: Morgan

That:

1. The Audited Financial Statements for the year ended 30 June 2016 and the Auditors Reports be noted and made available for public comment.
2. Council note the requirements under Section 23A of the Local Government Act have been complied with in this matter.

Carried 30 151116

15. URGENT BUSINESS

Moved: Doney
Second: Francis

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council:

- Notice of Intention to issue a Performance Improvement Order – Financial Statements

Carried 31 151116

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Moved: Doney
Second: Morgan

That Council acknowledge receipt of a Notice of Intention to issue a Performance Improvement Order from the Hon Paul Toole MP, Minister for Local Government and endorse the reply and Councils submission in response to the matter.

Carried 32 151116

16. CLOSED SESSION / CONFIDENTIAL REPORTS

16.01 TENDER 2016/1 – GRAVEL CRUSHING SERVICES 2016-2018

File No: Governance/Ordinary/Confidential
Author: Chris Schumacher, Works & Engineering Director

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

- (d) Commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council, or
 - (iii) Reveal a trade secret

16.02 CITIZEN OF THE YEAR AWARDS

File No: Community Relations/Awards
Author: Sharon Swannell, Executive Coordinator

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)

16.03 SERVICE NSW

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Acting General Manager

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.

16.04 PROPERTY & LAND DEVELOPMENT – INDUSTRIAL ESTATE

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Acting General Manager

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.

16.05 WATER WRITE-OFF REQUEST – ACCOUNT 12369541

File No: Governance/Ordinary/Confidential
Author: Chris Schumacher, Works & Engineering Director

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

- (d) Commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council, or
 - (iii) Reveal a trade secret

Moved: Gibbons
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 33 151116

Council moved into Closed Session at 7.36pm. Members of the public present left the meeting at this point in time.

16.01 TENDER 2016/1 – GRAVEL CRUSHING SERVICES 2016-2018

File No: Governance/Ordinary/Confidential
Author: Chris Schumacher, Works & Engineering Director

Moved: McCarthy
Second: Gibbons

That:

1. Council accept the tender pricing submission from 'Complete Crushing Services' for a period of up to 3 years from 1 December 2016 to 30 December 2018.
2. Council authorise the Acting General Manager and the Works & Engineering Director to execute contract documents.

Carried 34 151116

16.03 SERVICE NSW

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Acting General Manager

Moved: Doney
Second: Lord

That report item 16.03 be received and noted.

Carried 35 151116

16.04 PROPERTY & LAND DEVELOPMENT – INDUSTRIAL ESTATE

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Acting General Manager

Moved: McCarthy
Second: Gibbons

That Council delegate to the Acting General Manager to negotiate the sale of the 5m of land within the delegated limits stipulated by Council.

Carried 36 151116

16.05 WATER WRITE-OFF REQUEST – ACCOUNT 12369541

File No: Governance/Ordinary/Confidential

Author: Chris Schumacher, Works & Engineering Director

Moved: McCarthy
Second: Morgan

That:

1. Council write off \$1,466.40 in accordance with Council's Policy 2201; and
2. Based on the historic water consumption averages over the last 12 months, the applicant is provided with an averaged water account of \$53.20 for water consumption.

Carried 37 151116

16.02 CITIZEN OF THE YEAR AWARDS

File No: Community Relations/Awards

Author: Sharon Swannell, Executive Coordinator

Moved: Doney
Second: Francis

That:

1. Australia Day Awards be made in the following categories:
 - a. Citizen of the Year
 - b. Young Citizen of the Year (18 years and under)
 - c. Sportsperson of the Year
 - d. Young Sportsperson of the Year (18 years and under)
 - e. Sports Team of the Year
 - f. Community Event of the Year
 - g. Volunteer or Volunteer Group of the Year
2. That an invitation be extended to all award nominees, Councillors and Management Staff and their partners to meet the Australia Day Ambassador and partner at a function on the evening of 25 January 2017.
3. That the 2017 Australia Day Celebrations be held at the Oberon Showground Hall.

Carried 38 151116

Moved: Morgan
Second: Lord

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

Carried 39 151116

Open Council resumed at 8.07pm.

The Mayor advised that resolutions 34 151116, 35 151116, 36 151116, 37 151116, and 38 151116 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 8.07pm.

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

Tuesday 20 December 2016
commencing at 5.30pm

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