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UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 21 October 2014

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 5.32pm.

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 Rev. Dan Henby.

4. RECORD OF ATTENDANCE

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

Staff Gary Wallace, Planning and Development Director
Chris Schumacher, Works and Engineering Director
Rodney Wallace, Acting Works and Engineering Director
Lynette Safranek, Finance and Community Services Director
Sharon Swannell, Executive Coordinator

Apologies Mayor John McMahon
Alan Cairney, General Manager

Moved: McCarthy
Second: Evans

That apologies be received and accepted for the non-attendance of Mayor John McMahon, Clr Neil Francis and General Manager Alan Cairney.

Carried 01 211014

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Councillor Doney declared an interest in Report Item 13.11. Clr Doney is the adjoining landholder.
Non-Pecuniary Significant	-	Nil
Non-Pecuniary Less than Significant	-	Nil

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Clr Sajowitz asked if there is a Director standing in for the General Manager during his absence and who do we address our enquiries to during the meeting?

Clr Gibbons advised that there was no-one acting in the General Manager's role and questions should be directed through the Chair.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 16 September 2014

Moved: McCarthy
Second: Morgan

That the Minutes of the Ordinary Meeting held on 16 September 2014 be confirmed.

Carried 02 211014

Matters Arising from the Minutes

Nil

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary
Author: Clr John McMahon, Mayor

Summary

This report summarises the main activity for the Mayor since reported to the September Council Meeting.

Moved: McCarthy
Second: Lord

That Report Item 09.01 is received as information.

Carried 03 211014

Moved: McCarthy
Second: Lord

That item 13.03 be bought forward and dealt with at this point in time.

Carried 04 211014

13.03 DEVELOPMENT APPLICATION 10.2014.62.1 – FREE RANGE PIGGERY

File No: PR186-706
Author: Jaclyn Burns, Health and Building Manager

Summary

A development application for a free range piggery 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.”

The proposed development also requires a variation to Part A.2.6 (f), of Development Control Plan 2001 (DCP) which requires that a 500m buffer be provided from the footprint of operations associated to any Intensive Livestock Agricultural developments.

Moved: McCarthy
Second: Sajowitz

That Council vary Part A.2.6 (f) of the Development Control Plan and approve Development Application 10.2014.62.1 for a free range piggery on Lot 41 in DP 712608, 706 O’Connell Road, Oberon in accordance with the Section 79C Assessment and conditions contained within this report.

Carried 05 211014

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In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

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

10. NOTICES OF MOTIONS

Nil

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OPTA

File No: Economic Development/Visitor Information Centre/OPTA
Author: Clr Sam Lord

Summary

The Oberon Plateau Tourism Association (OPTA) meeting was held on Monday 8 September 2014. Oberon Council was represented by Mayor John McMahon and Councillor Sam Lord.

Moved: Lord
Second: Sajowitz

That report item 11.01 is received as information.

Carried 06 211014

11.02 UPPER MACQUARIE COUNTY COUNCIL MEETING

File No: Environmental Management/Meetings/Upper Macquarie County Council
Author: Clr John McMahon, Mayor

Summary

Councillor Francis and the Mayor, Clr John McMahon are delegates to the Upper Macquarie County Council.

Moved: McCarthy
Second: Morgan

That delegate report item 11.02 is received as information.

Carried 07 211014

11.03 CHIFLEY LOCAL AREA COMMAND COMMUNITY SAFETY PRECINCT COMMITTEE MEETING

File No: Community Services/Service Provision/Police Services (Community Precinct)
Author: Alan Cairney, General Manager

Summary

Mayor John McMahon, General Manager, Alan Cairney and community representative Leanne Barlow attended the last meeting of the Chifley Local Area Command Community Safety Precinct Committee, held on Monday 1 September 2014 in Lithgow.

Moved: Evans
Second: Sajowitz

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

Carried 08 211014

11.04 OBERON ARTS COUNCIL

File No: Community Relations/Community Consultation/Oberon Arts Council
Author: Alan Cairney, General Manager

Summary

The Mayor, Councillor McMahon and the General Manager are Council's delegates to the Oberon Arts Council (OAC) and attended the meeting held on 23 September 2014.

Moved: Sajowitz
Second: McCarthy

That delegate's report item 11.04 is received as information.

Carried 09 211014

12. COMMITTEE REPORTS

Nil

13. REPORTS FOR DECISION

**13.01 NSW LOCAL GOVERNMENT REFORM PROCESS
FIT FOR THE FUTURE**

File No: Government Relations / State Liaison / Office of Local Government
Author: Alan Cairney, General Manager

Summary

NSW Premier Mike Baird and Local Government Minister Paul Toole have issued Media Releases announcing funding of up to \$1billion "to help strengthen communities and ensure Councils as Fit for the Future".

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This is the NSW Governments response to the final reports by the Independent Local Government Review Panel and the Local Government Acts Taskforce. Details about the Fit for the Future reform program are available on this website www.fitforthefuture.nsw.gov.au.

The Mayor and General Manager have attended briefing sessions conducted by the NSW Office of Local Government (OLG) where details were provided on the key aspects of the Fit for the Future reform program and incentive package. All Councils are required to respond and make a submission by 30 June 2015.

The Report Item includes details about a proposed Central West Joint Organisation (JO) and seeks endorsement for Centroc (Central West Regional Organisation of Councils) to participate as a "Pilot" JO.

Moved: Doney
Second: Evans

1. That Council note the Fit for the Future Reform process as the NSW Governments response to the final reports by the Independent Local Government Review Panel and the Local Government Acts Taskforce;
2. That Council advise the Office of Local Government of its endorsement to be part of the Central West Joint Organisation and further that Council support Centroc as a Pilot Joint Organisation;

Carried 10 211014

13.02 DEVELOPMENT APPLICATION 10.2014.67.1 – ADDITIONS TO PRE-SCHOOL

File No: PO34-2-4

Author: Jaclyn Burns, Health and Building Manager

Summary

An application for additions to the existing Oberon Pre-School has been received and is referred to Council in accordance with Part D.4.1 of Development Control Plan (DCP) 2001, which requires a minimum side boundary setback of 4.5 metres. The proposed development has a side boundary setback of 3.7 metres.

Moved: Sajowitz
Second: McCarthy

That Council provide delegation to the Planning and Development Director to vary Part D.4.1 of the Oberon Development Control Plan 2001 associated to Development Application 10.2014.67.1 for extensions to the Oberon Pre-School building located at Lot 1 in DP: 758805 Section 46, being 2-4 King Street, Oberon.

Carried 11 211014

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

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

13.04 DEVELOPMENT APPLICATION 10.2014.78.1 – RESIDENTIAL GARAGE

File No: Property/PO63-12
Author: Kerry Davison, Health and Building Surveyor,

Summary

A Development Application has been received for the construction of a residential garage at 12 Parkes Street, Oberon. A variation to Development Control Plan (DCP) 2001 is sought, with particular reference to Part C.6.4 – “Carports and Garages” of the Oberon Development Control Plan 2001 (DCP) which states that the maximum total floor area of garages and or carports is to be 60m², the proposal is for a garage which is 85m².

Moved: Lord
Second: McCarthy

That delegation is granted to the Planning & Development Director to vary Part C.6.4 “*Carports and Garages*” of the Oberon Development Control Plan 2001 associated to Development Application 10.2014.78.1 for the construction of a new residential garage at Lot 3 in DP 1112869, 12 Parkes Street, Oberon.

Carried 12 211014

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

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

13.05 OBERON LEP 2013 MINOR ERRORS – PLANNING PROPOSAL

File No: Land Use and Planning\Planning\LEP Local Environmental Plan
Author: Gary Wallace, Planning & Development Director

Summary

A Planning Proposal has been prepared to rectify minor mapping issues that have been found from the implementation of LEP 2013. The two minor errors include Heritage Item mapping and a minor boundary adjustment to the O’Connell Urban Conservation Area (UCA)

Moved: Doney
Second: Sajowitz

That Council support the Planning Proposal to rectify minor inconsistency between mapping and the written instrument for current heritage items and forward the document to the Department of Planning & Environment under the Gateway (Section 73(A)) process.

Carried 13 211014

13.06 LIBRARY INFRASTRUCTURE GRANT

File No: Governance/Ordinary/2014
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Public Library Infrastructure Grant is open until the end October for submissions. This year the emphasis is on projects that meet the needs of regional areas to position libraries as community hubs, including appropriate co-locations that increase use of public space and technology usage.

Moved: Sajowitz
Second: Lord

That Council use the previous plans drawn up for the Library and Community Centre as a basis for a \$100,000 submission to the Public Library Infrastructure Grant.

Carried 14 211014

13.07 OBERON YOUTH COUNCIL YOUTH MUSIC FESTIVAL

File No: Governance/Ordinary/2014
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Oberon Youth Council held an Informal Briefing Session to discuss the proposed Youth Music Festival on 31 December 2013. It is now proposed to hold the Youth Music Festival and Family Picnic on Saturday 24 January 2015 at the Oberon Showground.

Moved: McCarthy
Second: Sajowitz

That Council approve the Oberon Youth Council holding a Youth Music Festival and Family Picnic on Saturday 24 January 2015 at the Oberon Showground.

Carried 15 211014

**13.08 SUPPORT FOR GRANT APPLICATION
SEATING AT THE OBERON RUGBY LEAGUE FIELD**

File No: Governance/Meetings/October 2014

Author: Lynette Safranek, Finance & Community Services Director

Summary

The Oberon Rugby League Club is proposing to submit a grant application for spectator seating at the football ground. The NSW Sports and Recreation Facility Grant is currently open until 31 October 2014. Grants are capped at \$25,000 with a 50% or more contribution by the organisation to the project which can include voluntary labour, donated materials, equipment or other resources.

Moved: Sajowitz
Second: Morgan

That Council support the Oberon Rugby League Club submitting an application for seating on the field for spectators and that Council provide a 25% contribution in-kind towards this project.

Carried 16 211014

13.09 2013/14 FINANCIAL STATEMENTS and AUDITORS REPORT

File No: Governance/Ordinary/2014

Author: Lynette Safranek, Finance & Community Services Director

Summary

The 2013/14 Annual Financial Statements have been finalised and the Auditor's Report has been received and copies distributed to all Councillors. Additional copies will be available for the public and also placed on the Oberon Council website www.oberon.nsw.gov.au.

The Report Item provides details of the Operating Results and general financial position. It is intended to present to the public the Financial Statements and Auditors Report to the Ordinary Council Meeting on 18 November 2014.

Moved: Morgan
Second: Sajowitz

1. That Council notes that in accordance with Section 413 (3) the annual financial report:
 - a. Is in accordance with the Local Government Act 1993 (as amended) and the Regulations made there under; the Australian Accounting Standards and professional pronouncements; and the Local government Code of Accounting Practice and Financial Reporting.
 - b. Presents fairly the Council's operating result and financial position for the year, and accords with Council's accounting and other records; and
 - c. Council is not aware of any matter that would render this report false or misleading.
2. That the Annual Financial Statements and the Auditors Report be presented to the public at the Ordinary Council Meeting to be held on Tuesday 18 November 2014.

Carried 17 211014

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13.10 JEREMY ROAD, BURRAGA – UPGRADE TO COUNCIL ROAD

File: Governance/Meetings/Ordinary

Author: Rodney Wallace, Acting Works and Engineering Director

Summary

A report items was considered at the September Council Meeting with details of a proposal to upgrade Jeremy Rd, Burraga, following a request by PF Olsen who is operating a private forest plantation and are about to commence harvesting.

Council decided to consult with the Traffic Advisory Local Committee (RMS and Police Representatives) in relation to the safety of the proposed realignment of the Jeremy Road intersection and that a further report is provided to the October Ordinary Council Meeting in relation to proposed upgrades on Jeremy Road.

The report provides options for Council to consider for upgrading Jeremy Rd.

Moved: McCarthy
Second: Lord

1. That Council approve expenditure of \$20,000 on the graveling of Jeremy Rd, providing PF Olsen supply gravel free of royalty, with locations, width, thickness etc. to be determined in consultation with PF Olsen.
2. That Council support an application to RMS for a 60kph speed limit to be imposed for 600m of Arkstone Road, in the proximity of the intersection with Jeremy Rd.
3. That Council agree to PF Olsen sealing the steep winding section of Jeremy Rd at their cost to 4m wide only without imposing the minimum standards for gravel thickness or bitumen application subject to an appropriate Memorandum of Understanding being agreed by PF Olsen for them to carry out satisfactory maintenance to the sealed section for a period of 5 years.

Carried 18 211014

Clr Morgan requested his vote against the motion be recorded.

Moved: McCarthy
Second: Morgan

That the acquisition of land to facilitate the relocation of the entrance to Jeremy Road from Arkstone Road be expedited.

Carried 19 211014

Clr Doney declared an interest in item 13.11. Clr Doney left the room at 6.41pm.

13.11 & 13.11A GRAVEL QUARRIES

File No: CouncilProp/Other

Author: Rodney Wallace, Acting Works and Engineering Director and Ian Tucker, Works Manager

Summary

At the August Council Meeting a decision was made to investigate the feasibility and a cost analysis of where savings could be made through the purchase of a gravel pit in the area.

This report items seeks to clarify some of the issues relating to existing gravel resources in use. Details are also included about the restoration of a disused gravel pit in the O'Connell area.

Moved: McCarthy

Second: Morgan

1. That Council endorse a gravel royalty of 50c per m³ being applied to all gravel which is used on State Roads, except for Oberon Quarries, and that a gravel royalty of 30c be applied to all other gravel pits and roadside deposits, as a charge to the job function, and this money be held in Reserve for existing gravel pit restoration and for the investigation into future resources.
2. That Council endorse the proposed treatment for the restoration of Doney's Pit with the use of the Gravel Pit Reserve funds and that \$36,250 be transferred from the fund toward the shortfall in the Regional Roads REPAIR Program.
3. That the feasibility of Council purchasing a gravel pit include an inspection of existing gravel quarries and a separate Councillor Workshop be arranged.

Carried 20 211014

Councillor Doney returned to the meeting at 6.49pm.

13.12 POLICY REVIEWS

File No: Governance/Policies

Author: Alan Cairney, General Manager

Summary

At the April Council Meeting a proposed project outline to have all Policy Reviews completed before the end of 2014 was presented along with a strategy involving each Department Director, and the General Manager, taking a shared responsibility for reviewing each Policy with the General Manager reporting proposed changes to Council.

Moved: Sajowitz
 Second: McCarthy

1. That the following Policies be deleted and removed from the Policy Register and Council Website:

Policy Description / Number	Summary of Reason for Deletion/Removal
2202 Mixed Development / Rating	Deletion Not required, this is legislated in the Local Govt Act.
3110 Release of Subdivision Certificates	Deletion Not required, this is legislated in the EP&A Act.
3119 Refund of Fees – Withdrawn DAs	Deletion This is an operational issues with refunds determined on merit by Director/GM.
3303 Sec 94 Contributions Car Parking	Deletion This is included in the Sec 94 Contribution Plan

Further that Policy 2117 be retained.

Carried 21 211014

Moved: Doney
 Second: Evans

1. That the following Policies be updated and amended as detailed within the report item.

Policy Description / Number	Summary of Update / Amendment
1103 Payment of Expenses etc.	Amendment Annual Review, changes to names of organisations, deletion of Oversea Travel, rewording of Postage, slight addition to Meals & Refreshments and note about Hardware and incidental private use.
3602 Pool Supervision	Amendment Changing the age for supervision from ten (10) to 12 years.

2. That Council note the progress to date as detailed within the report item.
3. That the following policies be reviewed and a further report be provided to Council in relation to changes requested.

2120 Replacement Fleet Vehicles	Amendment Remove details about Leasing Arrangements, this Policy is about procurement, management of Fleet Vehicles with updated guidelines to include diesel fuelled vehicles.
NEW POLICY Workplace Surveillance	Amendment / New Policy Document the arrangements for Workplace Security & Monitoring plus Guidelines for employees.

Carried 22 211014

13.13 FEES - RESTRICTED ACCESS VEHICLE ROUTE ASSESSMENT

File No:

Author: Alan Cairney, General Manager

Summary

When the draft Oberon Community Strategic Plan 2014 was formally placed on Public Exhibition the proposed Fees & Charges for 2014/15 contained an error for the Fee for assessing applications for Restricted Access Vehicle Routes. This Report Item addresses this error.

Moved: McCarthy

Second: Sajowitz

That Council note the corrected Fee for the assessment of applications for Restricted Access Vehicle Routes as \$500 application fee and \$50 per km for each route.

Carried 23 211014

13.14 NETWASTE – TENDER FOR PROCESSING ORGANIC MATERIALS

File No: Waste Management/Planning

Author: Gary Wallace, Planning & Development Director

Summary

This report item seeks Council's formal endorsement to engage a Contractor to process garden organics and wood and material at the Oberon Waste Facility. Tenders were considered by the Netwaste Evaluation Panel and the Netwaste Steering Committee has endorsed David Earthmoving and Quarrying as the preferred Tenderer.

Moved: Sajowitz

Second: Lord

That Council enter into a Contract with Davis Earthmoving and Quarrying for the processing of garden organics, wood and timber materials.

Carried 24 211014

14. REPORTS FOR INFORMATION

14.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

This report item summaries the main activity by the General Manager during September including Human Resources and Workplace Health & Safety, Executive Support matters, Information Technology & Communications, Community Activity, Regional Issues, Executive Management Team, and details of planned activity for the coming months.

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General Manager

Mayor

14.02 MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT

File: Governance/Meetings/Ordinary
Author: Gary Wallace, Planning and Development Director

Summary

Providing details of major work within the Planning & Development Department for September.

14.03 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING

File: Governance/Meetings/Ordinary
Author: Rodney Wallace, Acting Works and Engineering Director and Ian Tucker, Works Manager

Summary

Providing a summary of the major work in the Works & Engineering Department for past month September 2014 plus planned work for the coming months.

14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Ordinary/2014
Author: Lynette Safranek, Finance and Community Services Director

Summary

This report provides a summary of major work within the Finance and Community Services Department during August 2014 plus planned activities for the following months.

14.05 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register
Author: Tim Booth, Management Accountant

Summary

Reporting the Statement of Investments as at 30 September 2014.

14.06 INTERIM IMPROVEMENT ACTION PLAN

File No: Corporate Management
Author: Alan Cairney, General Manager

Summary

An Interim Improvement Action Plan is in place to address concerns about current Work Practices associated with Road Construction on Local Sealed Roads. A number of initiatives have been implemented by the General Manager and the Works & Engineering Director (and Acting Director) and a monthly progress report is submitted with a reassessment of the Plan in December 2014.

14.07 COUNCILLOR REQUEST FORMS

File No: Governance/Councillors
Author: Alan Cairney, General Manager

Summary

Providing an update on the status of Councillor Request Forms submitted during the last month.

14.08 INWARDS CORRESPONDENCE

File No: Governance/Meetings/Ordinary
Author: Sharon Swannell, Executive Assistant

Summary

The Report Item provides a summary of incoming correspondence for the period 1 – 30 September 2014.

14.09 STATUS REPORT – ACTIONING COUNCIL DECISIONS

File No: Governance/Meetings/Ordinary
Author: Sharon Swannell, Executive Assistant

Summary

Providing details of the status in actioning Council decisions, with reference to the actual Resolution Number as shown in the Minutes for each Council Meeting.

13.10 MEDIA

File No: Information Management/Information and Communications/Media Releases
Author: Carolyn Hendry, Information and Communications Officer

Summary

The Report Item provides a list of Media Releases issued during September 2014 and a sample of Media Articles where Council is mentioned.

14.11 UPCOMING MEETINGS

File No: Governance/Meetings/Ordinary
Author: Sharon Swannell, Executive Assistant

Summary

A calendar of upcoming meetings is provided for information.

Moved: Doney
Second: Evans

That Report Items 14.01 to 14.11 be received as information.

Carried 25 211014

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.

There are no Closed Session Reports listed for Council's consideration.

17. CLOSURE OF MEETING

The Meeting closed at 7.54pm.

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

Tuesday 18 November 2014 commencing at 5.30pm
in the Oberon Council Chambers,
137 – 139 Oberon Street, Oberon.