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OBERON COUNCIL

*Unconfirmed Minutes
Oberon Council Ordinary Meeting
Tuesday 18 June 2013
5.30pm Burruga Sport and Recreation Club,
Lloyd Street, Burruga*

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General Manager

Mayor

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01 Opening of Meeting

File No: Governance/Meetings/Ordinary

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

02 Acknowledgement of Country and Prayer

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.

The Meeting was opened in prayer by Pastor Andy Godden.

03 Record of Attendance

File No: Governance/Meetings/Ordinary

Members	Mayor John McMahon (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 Clr Kathy Sajowitz
Officers	Alan Cairney, General Manager Gary Wallace, Director of Planning and Development Aruna Wickramasinghe, Director of Works and Engineering Sharon Swannell, Executive Coordinator
Apologies	Nil

05 Presentations

Nil

06 Questions from the Public

Mr Chris O'Neill addressed Council in relation to Report Item 12.02, as follows:

- Groundwater vulnerability concerns can be addressed at Development Application stage with site specific conditions put in place.
- With reference to the NSW Office of Water letter dated 18 June 2013 the issue of bore location in relation to on-site sewerage disposal buffer distance of 250m can be less as set out in the Murray Darling Water Sharing Plan if a hydrological study is completed.
- The plan received from the NSW Office of Water shows that there are only 14 registered bores in the Titania Estate, which equates to 20% of the properties.
- A variety of lot sizes with a minimum of 1ha gives flexibility to test and capture a wider portion of the market.
- Advice he received from the Department of Planning is that they will do what they can to get the process completed and get this LEP gazetted. He considers this is a very minor change of 1ha minimum and 2ha average.

Mr David McKibbon asked the following questions and comments:

1. Why is Council pursuing an Urban Conservation Area (UCA) in O'Connell when none existed in the 1998 LEP?
2. The areas designated in the O'Connell UCA is farming land, and why does Council want to put heritage controls over farming land?
3. He believes that the UCA is a new control over largely farming land, and is not a continuation of a previous control.
4. What controls and regulations will apply if Council puts a UCA in place?
5. When Council lists heritage buildings in the LEP the owners are asked if they are prepared to have their building listed. Why haven't the owners of land in the UCA been given the same right of refusal?
6. Will Council pay ongoing costs for maintenance of conditions which may be imposed?
7. Would Councillors like these controls put over their land without having right of refusal?
8. Council has the ability to delete the UCA and leave it as per the 1998 LEP and to only include nominated buildings.

The Planning and Development Director addressed the questions presented by Mr McKibbon and advised that Schedule 3, Part 2 of the 1998 LEP includes an Urban Conservation Area. The new LEP aims to clarify the identified area on a map. Controls for the UCA will be dictated by a new Development Control Plan.

The Mayor asked Mr McKibbon how he would respond to the statement that the UCA was first established in 1974?

Mr McKibbon advised that the National Trust did a heritage survey in 1974 and established the list of buildings that were included in the 1998 LEP. They also provided a map with a circle on. He contends that the map showing the circle did not carry into the 1998 LEP and there is no map contained in that document.

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12.01 DISCLOSURES OF INTERESTS - DRAFT LOCAL ENVIRONMENTAL PLAN

File No: Land Use and Planning/Land Management/LUS/LEP
 Author: Alan Cairney, General Manager

Summary

The Division of Local Government has issued a Circular (12-28) which specifies that there is an exemption from compliance with the requirements of the pecuniary interest provisions at meetings in relation to the adoption of principal local environmental plans.

The following report item 12.02 recommends Council endorsement of the draft Oberon Local Environmental Plan and in addition Section 451 of the *Local Government Act 1993* requires that a special disclosure be made **before** the commencement of the meeting and that the special disclosure in the form prescribed by the regulations and must be **laid on the table** at the meeting and also **recorded in the minutes**.

Moved: Doney
 Second: Lord

That the tabling of the Form of Special Disclosure of Pecuniary Interest by Councillors be recorded in the Minutes.

The General Manager tabled the completed Forms and read out the following information:

Councillor	Pecuniary Interest	Matter giving rise to Pecuniary Interest
I Doney	Interest in Land 2071 O'Connell Road, O'Connell	Change in Zoning / Effect of change = NIL
J Evans	Interest in Land 47 Jenolan Street, Oberon	Change in Zoning / Effect of change = NIL
N Francis	Interest in Land "Valley View", 306 Emden Vale Road, 520, Emden Vale Road and 648 Emden Vale Road, Arkstone Interest in Land – Partnership "Valley View", 306 Emden Vale Road and 219 Emden Vale Road, Arkstone	Change in Zoning / Effect of change = NIL Change in Zoning / Effect of change = NIL
K Gibbons	Interest in Land 6 Prince Street, Oberon	Change in Zoning / Effect of change = NIL
S Lord	Interest in Land 53 Ross Street, Oberon Associated person has interest in land 10-12 Ross Street, Oberon 1 Kelly Place, Oberon	Change in Zoning / Effect of change = NIL Change in Zoning / Effect of change = NIL = Appreciable financial gain

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C McCarthy	Interest in Land 23 Fox Lane, Oberon 1105 O'Connell Road, Oberon 897 Lowes Mount Road, Oberon 25 Fox Lane, Oberon 130 Lowes Mount Road, Oberon	Change in Zoning / Effect of change = NIL = NIL = NIL = NIL = NIL
J McMahon	Interest in land 567 Chain of Ponds Road, Essington 17 Jenolan Street, Oberon	Change of Zoning / Effect of change = Appreciable financial gain = NIL
J Morgan	Interest in land 1480 Carlwood Road, O'Connell	Change of Zoning / Effect of change = Appreciable financial gain
K Sajowitz	Interest in land 69 Dudley Street, Oberon	Change in Zoning / Effect of change = NIL

Carried 01180613

**12.02 LAND USE STRATEGY & LOCAL ENVIRONMENTAL PLAN
SUMMARY OF SUBMISSIONS AND FINAL ENDORSEMENT**

File No: Land Use and Planning/Land Management/LUS/LEP
Author: Gary Wallace – Development & Planning Director

Summary

Oberon Council is currently in the process of developing a new comprehensive Local Environmental Plan (LEP) and an accompanying Land Use Strategy (LUS). This report seeks endorsement of the amended LUS together with the draft LEP.

Moved: Gibbons
Second: Sajowitz

That Council reaffirm the Large Lot Residential Zone for the O'Connell Development Area with a Minimum Lot Size of 10ha.

Carried 02180613

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

Votes For: Councillors McMahon, Gibbons, Francis, Morgan, Sajowitz, McCarthy, Lord, and Evans
Against: Councillor Doney

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Moved: Doney
Second: McCarthy

That Council reaffirm the proposed Urban Conservation Area in O'Connell.

Carried 03180613

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

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

Moved: McCarthy
Second: Lord

That Council confirm the Large Lot Residential Zone with a Minimum Lot Size of 1ha with an average of 2ha for Investigation Area 5 known as an extension of Titania Estate.

Amendment Moved: Sajowitz
Second: McMahon

That Council submit a proposal to the Department of Planning confirming a Large Lot Residential Zone with a Minimum Lot Size of 1ha with an average of 2ha for Investigation Area 5 known as an extension of Titania Estate and seek confirmation from the Department of Planning regarding the conditions that will possibly be applied to the LEP as a result of this proposal prior to endorsing this Investigation Area.

The amendment was withdrawn prior to being put. The original motion was then considered by Council.

Moved: McCarthy
Second: Lord

That Council confirm the Large Lot Residential Zone with a Minimum Lot Size of 1ha with an average of 2ha for Investigation Area 5 known as an extension of Titania Estate.

Carried 04180613

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

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

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Moved: Lord
Second: Sajowitz

That Council reaffirm the Large Lot Residential Zone and Minimum Lot Size of 2ha without reticulated services or a MLS of 4,000m² if fully services for Investigation Area 4 known as the Oberon Western Precinct.

Carried 05180613

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

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

Moved: McCarthy
Second: Evans

1. That Council endorse the draft Oberon Local Environmental Plan 2013 and associated maps, including changes recommended in this report and motions passed at this meeting for submission to the Department of Planning and Infrastructure under the provisions of the former Section 68 of the Environmental Planning & Assessment Act 1979.
2. That Council endorse the Oberon Land Use Strategy 2011, including amendment 2012 for submission to the Department of Planning and Infrastructure as a supporting document to the draft Oberon Local Environmental Plan 2013.
3. That the draft Plan be known as the Oberon Local Environmental Plan 2013.
4. That a public notice be placed on Council's website informing the community of the adoption of the draft Local Environmental Plan 2013 and Land Use Strategy 2011 including amendment 2012.
5. That Council endorse actions in this report, for dealing with development applications that are determined prior to the Oberon Local Environmental Plan 2013 EP taking effect.

Carried 06180613

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

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

04 Declarations of Interest

Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Non-Pecuniary Significant	-	Nil
Non-Pecuniary Less than Significant	-	Nil

Note: Item 12.01, page 5 and 6 of the Minutes lists the Special Disclosure of Pecuniary Interest made by Councillors.

07 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 21 May 2013

Moved: Lord
Second: Francis

That the Minutes of the Ordinary Meeting held on 21 May 2013 be taken as read and confirmed.

Carried 07180613

Matters Arising from the Minutes

Nil

08 Mayoral Minute and Report

08.01 MAYORAL MINUTE AND REPORT

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

Summary

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

Moved: McCarthy
Second: Evans

That Report Item 08.01 is received as information.

Carried 08180613

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09 Councillor/Delegates Reports

09.01 NOTICE OF MOTION – REFERENDUM – CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

File No: Governance/Meetings/Ordinary
Author: Councillor Kathy Sajowitz

Summary

The Prime Minister, the Hon Julia Gillard MP, has recently announced the Government's intention to proceed with a referendum on the financial recognition of Local Government in the Australian Constitution in conjunction with the 14 September 2013 Federal Election.

Moved: Sajowitz
Second: Evans

That:

- Council support the Australian Local Government Association position in regard to the referendum to be held September 14 2013 on the question of Federal recognition of Local Government in the Australian Constitution
- Council circulate a media release to encourage Oberon residents to vote "yes" for Federal recognition of Local Government in the referendum to be held on 14 September 2013
- A letter be sent to the Premier of NSW, the Hon Barry O'Farrell, requesting him to support Federal recognition of Local Government, as he promised in the last State election campaign
- A letter be sent to the Minister for Local Government, the Hon Don Page, requesting him to support Federal recognition of Local Government as he stated he would on the ABC program Stateline in September 2011
- Copies of both letters be sent to the State Member for Bathurst, Mr Paul Toole MP, and the Federal Member for Calare, the Hon. John Cobb also requesting their support in this matter

Carried 09180613

09.02 NOTICE OF MOTION – HUNTING IN STATE FORESTS AND NATIONAL PARKS

File No: Recreation and Cultural Services/Liaison/Community
Author: Mayor John McMahan

Summary

Council has previously considered several reports regarding Hunting in State Forest areas around the Oberon Local Government Area and resolved to seek a complete exclusion of recreational shooting from the Forests of the Oberon LGA during mushrooming season.

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Moved: McMahon
Second: Morgan

That the Game Council of NSW be invited to meet with Council and representatives from the rural areas of the Oberon LGA.

That Council reaffirm its position that it is seeking a complete exclusion of recreational shooting from the State Forests in the Oberon LGA during mushrooming season.

Further that Council seek the establishment of permanent exclusion areas for hunting in State Forests and National Parks in areas identified as being in close proximity to dwellings and public roads.

Carried 10180613

09.03 OBERON TIMBER COMPLEX COMMUNITY CONSULTATIVE COMMITTEE

File No: Governance/Oberon Timber Complex Community Consultative Committee
Author: Alan Cairney, General Manager

Summary

Councillor Sajowitz and the General Manager attended the last meeting of the Oberon Timber Complex Community Consultative Committee held on 17 April 2013.

Moved: McCarthy
Second: Sajowitz

That report item 09.03 is received as information.

Carried 11180613

09.04 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 and General Manager, Alan Cairney attended the last meeting of the Chifley Local Area Command Community Safety Precinct Committee, held on Monday 3 June 2013 at Lithgow.

Moved: Doney
Second: Morgan

That report item 09.04 is received as information.

Carried 12180613

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General Manager

Mayor

09.05 CENTROC BOARD MEETING – PARLIAMENT HOUSE - 23 MAY 2013

File No: Government Relations/Local and Regional Consultation/Centroc
Author: Mayor John McMahon and Alan Cairney, General Manager

Summary

Mayor John McMahon and General Manager, Alan Cairney attended the Centroc Board Meeting held at Parliament House on Thursday 23 May 2013.

Moved: Francis
Second: Lord

That report item 09.05 is received as information.

Carried 13180613

Moved: Doney
Second: McCarthy

That a letter be written to Centroc and State Government urging the pursuit of greater efficiencies of rail transport to the Central West.

Carried 14180613

09.06 OBERON BUSINESS ASSOCIATION

File No: Community Relations/Community Consultation/Oberon Business Association
Author: Alan Cairney, General Manager

Summary

Councillor McMahon and the General Manager are Council's delegates to the Oberon Business Association (OBA) and details are provided of the Association meetings held on 1 May and 3 June 2013.

Moved: Lord
Second: Gibbons

That delegate's report item 09.06 is received as information.

Carried 15180613

09.07 OBERON PLATEAU TOURISM ASSOCIATION

File No: Economic Development/Visitor Information Centre/Oberon Plateau Tourism Association
Author: Alan Cairney, General Manager

Summary

The Mayor, Councillor John McMahon attended the Association meeting held on 13 May 2013.

Moved: Morgan
Second: Francis

That delegate's report item 09.07 is received as information.

Carried 16180613

10 Inwards Correspondence

10.01 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 May 2013 to 31 May 2013. A copy of correspondence received will be available to be viewed at the Ordinary Council Meeting. If Councillors have any questions regarding correspondence items please address them with the relevant Director.

Moved: Evans
Second: Francis

That Report Item 10.01 is received as information.

Carried 17180613

11 Reports for Information

11.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary
Author: Alan Cairney, General Manager

Summary

The Report Item summaries the main activity for the General Manager for May 2013 including Human Resources and Workplace Health & Safety, Executive Support matters including Council and Committee Meetings, Community Activity, Regional Matters and details of planned activity for the coming months.

Moved: McCarthy
Second: Morgan

That report item 11.01 is received as information.

Carried 18180613

11.02 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL

File: Government Relations/Publications/Independent Local Government Review Panel
Author: Alan Cairney, General Manager

Summary

To provide an update on the Independent Local Government Review Panel (the Panel) Regional Councils Workshops and the Community Hearings held on 5 June 2013 as part of the consultation process associated with the Panel's progress report - Future Directions for NSW Local Government – Twenty Essential Steps. Submissions to the Panel close on 28 June with a final report due in September 2013.

Moved: McCarthy
Second: Evans

That report item 11.02 is received as information.

Carried 19180613

11.03 MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT

File: Governance/Meetings/Ordinary
Author: Gary Wallace

Summary

Providing details of major work within the Planning and Development Department for May.

Moved: Doney
Second: Evans

That report item 11.03 is received as information.

Carried 20180613

11.04 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING

File: Governance/Meetings/Ordinary
Author: Aruna Wickramasinghe, Works & Engineering Director, Ian Tucker, Works Manager, and Clive Cawthorne, Relief Works Engineer

Summary

Providing a summary of the major work carried out in the Works and Engineering Department for May 2013.

Moved: Gibbons
Second: Lord

That report item 11.04 is received as information.

Carried 21180613

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11.05 MONTHLY ACTIVITY REPORT - FINANCE AND COMMUNITY SERVICES

File: Financial Management/Financial Reporting/Periodic Reports
Author: Alan Cairney, General Manager, Kathy Beesley, Community Services Coordinator, David Mead, Finance Coordinator and Timothy Booth, Management Accountant

Summary

A summary of the major work carried out in Finance and Community Services in May 2013.

Moved: McCarthy
Second: Sajowitz

That report item 1105 is received as information.

Carried 22180613

11.06 STATEMENT OF BANK BALANCES AND INVESTMENTS

File: Financial Management/Investments/Register
Author: Timothy Booth, Management Accountant

Summary

Reporting to Council the Statement of Bank Balances and Investments as at 31 May 2013.

Moved: McCarthy
Second: Gibbons

That report item 11.06 is received as information.

Carried 23180613

11.07 MEDIA

File No: Information Management/Information and Communications/Media Releases
Author: Sharon Swannell, Executive Assistant

Summary

The Report Item provides a list of Media Releases issued during May 2013, a list of the dates where the Mayor's column (Council News) has been published and a sample of Media Articles where Oberon Council is mentioned.

Moved: Francis
Second: Lord

That report item 11.07 is received as information.

Carried 24180613

11.08 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.

Moved: Morgan
Second: Lord

That report item 11.08 is received as information.

Carried 25180613

11.09 UPCOMING MEETINGS

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

Summary

A calendar of upcoming meetings is provided for information.

Moved: Lord
Second: Francis

That report item 11.09 is received as information.

Carried 26180613

12 Reports for Decision

Item 12.01 and 12.02 were dealt with previously in the meeting.

12.03 DEVELOPMENT APPLICATION – 10.2013.23.1 - SHED

File No: PO49-37
Author: Health and Building Manager, Mark Dicker

Summary

A development application has been received for the construction of a shed at 37 Scotia Avenue, Oberon. A variation to Councils 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 shed which is 157.5m².

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Moved: McCarthy
Second: Gibbons

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 10.2013.11.1 for the construction of a new shed at Lot 4 in DP 1063995, 37 Scotia Avenue Oberon.

Carried 27180613

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

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

12.04 COMMITTEE STRUCTURE – SECTION 355 COMMITTEES

File No: Governance/Meetings

Author: Alan Cairney, General Manager and Sharon Swannell, Executive Coordinator

Summary

A decision was made at the April Council Meeting to review Council’s Section 355 Committees and other Council Committees with an intention to delete some Committees, absorb some into other Committees and others to operate as “working groups” and/or to report to Council through a Departmental Director.

The respective Committees were to be consulted with and suggested changes discussed and issues reported to Council in June prior to any changes being implemented.

Moved: Doney
Second: McCarthy

1. That Council confirm the structure of its Section 355 Committees as follows:
 - a. Heritage Committee – with the existing role and Charter;
 - b. Oberon Community Services Committee – with an expanded Charter to include senior and youth activities and community transport issues previously carried out by the Community Transport (Section 355 Advisory) Committee;
 - c. Oberon Sports Facilities Committee – with the existing role and Charter;
 - d. Seniors Welfare Committee – with the existing role and Charter;
2. That the roles and Charter of these Committees be reviewed in April 2014;

Carried 28180613

Moved: Evans
Second: Gibbons

That the Chair of these Committees be a Councillor appointed by Council:

- a. Councillor McCarthy be appointed Chair of the Heritage Committee,
- b. Councillor Sajowitz be appointed Chair of the Oberon Community Services Committee,
- c. Councillor Gibbons be appointed Chair of the Oberon Sports Facilities Committee,
- d. Councillor Morgan be appointed Chair of the Seniors Welfare Committee

Carried 29180613

12.05 SKODA AND TATRA REGISTER – PROPOSED MUSEUM

File No: Economic Development/Tourism Promotion
Author: Alan Cairney, General Manager

Summary

The Skoda and Tatra Register is proposing to establish a Museum in Oberon to permanently display vehicles and associated memorabilia. The report seeks an “in principle” support from Council for the proposed Museum.

Moved: McCarthy
Second: Lord

That Council agree “in principle” to assisting and facilitating the establishment of a permanent Museum in Oberon by the Skoda and Tatra Register.

Carried 30180613

13 Committee Reports

There are no Committee Reports listed for consideration.

14 New Business of an Urgent Nature Admitted by Council

Nil

15 Closed Session 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.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on Tuesday 16 July 2013 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

The Meeting closed at 7.44pm.

Confirmed this _____ day of _____ 2013.

General Manager

Mayor

General Manager

Mayor