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## UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Tuesday 18 March 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 5.28pm.

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## 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.

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## 3. PRAYER

The Meeting was opened in prayer by Sister Maureen Schiemer.

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## 4. RECORD OF ATTENDANCE

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
Staff	Alan Cairney, General Manager Gary Wallace, Planning and Development Director Aruna Wickramasinghe, Works and Engineering Director Lynette Safranek, Finance and Community Services Director Sharon Swannell, Executive Coordinator
Apologies	Nil

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## 5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

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## 6. GENERAL AND CIVIC PRESENTATIONS

Nil

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## 7. COMMUNITY PRESENTATIONS AND QUESTIONS

Veronika Cvitanovic asked why there is no correspondence in relation to fluoridation included in this business paper?

The General Manager advised that a full report will be provided to Council at the conclusion of the community consultation process and that copies of all relevant correspondence will be made available at that time.

Veronika Cvitanovic then asked why the community has not yet been formally advised of the proposal to fluoridate the Oberon water supply.

The Mayor advised that the community has been informed and that community consultation is currently taking place. This included a Public Information Session and two Community Forums.

Phillip Haynes asked Council to write to the NSW Department of Health and ask have they ever done a risk assessment, a health impact statement or an environmental impact statement in relation to fluoridation of water supplies.

The Mayor advised that this question will be forwarded the NSW Health along with any relevant questions received at the Community Forums.

Phillip Haynes also commented that he had asked a question at the Public Information Session about who is ultimately liable if something goes wrong and people are overdosed with fluoride. Phillip asked that this question also be forwarded to the NSW Health.

Janet Poole asked who will be answering questions at the Community Forums?

The Mayor advised that questions will be taken on notice and forwarded to the NSW Health for a response.

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## 8. CONFIRMATION OF MINUTES

### **Ordinary Meeting 18 February 2014**

ATTACHED are the Minutes of the Ordinary Council Meeting held on 19 February 2014.

Moved:           McCarthy  
Second:          Doney

That the Minutes of the Ordinary Meeting held on 19 February 2014 be confirmed.

Carried 01 180314

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General Manager

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Mayor

## Matters Arising from the Minutes

Nil

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## 9. MAYORAL MINUTE AND REPORT

### 09.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Clr John McMahon, Mayor

#### Summary

This report summaries the main activity for the Mayor since reported to the February Council Meeting.

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Moved:       McCarthy  
Second:      Francis

That Report Item 09.01 is received as information.

Carried 02 180314

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## 10. NOTICES OF MOTIONS

Nil

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## 11. COUNCILLOR AND DELEGATES REPORTS

### 11.01 WOMEN IN LOCAL GOVERNMENT – CENTROC WORKING GROUP

File No: Government Relations/Local and Regional Liaison/Centroc

Author: Clr Kathy Sajowitz

#### Summary

Providing details of the first meeting of the Women in Local Government Central NSW Councils (Centroc) Working Group Meeting held on 27 February 2014. Clr Sajowitz was nominated to the Working Group by the Centroc Board.

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Moved:       Sajowitz  
Second:      Evans

That delegates report item 11.01 is received as information.

Carried 03 180314

It was noted that Councillors had acknowledged that Executive Coordinator Sharon Swannell was nominated for a Women in Local Government Award. A copy of the nomination will be circulated to Councillors.

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### **11.02 CENTROC BOARD MEETING – BATHURST 27 FEBRUARY 2014**

File No: Government Relations/Local and Regional Consultation/Centroc  
Author: Mayor John McMahon and Jenny Bennett, Centroc

#### **Summary**

The Mayor, Councillor John McMahon and General Manager, Alan Cairney attended the Centroc Board Meeting held in Bathurst on 27 February 2014.

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Moved: Sajowitz  
Second: Francis

That delegates report item 11.02 is received as information.

Carried 04 180314

### **11.03 OBERON PLATEAU TOURISM ASSOCIATION (OPTA)**

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

#### **Summary**

The Oberon Plateau Tourism Association (OPTA) was held on Monday 10 March 2014. The minutes of the meeting were not available at the time of preparing this report.

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Moved: Lord  
Second: Gibbons

That delegates report item 11.03 is received as information.

Carried 05 180314

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## **12. COMMITTEE REPORTS**

### **12.01 OBERON YOUTH COUNCIL**

File: Governance/Meetings/Oberon Youth Council  
Author: Hanna Bates, Community Services Assistant

#### **Summary**

Minutes of the inaugural Oberon Youth Council meeting held on 4 March 2014 is submitted for Council's information and consideration.

Moved: Sajowitz  
Second: McCarthy

That the Minutes of the Oberon Youth Council held on 4 March 2014 be received as information and that Council adopt the Committee's recommendations:

1. That the Oberon Youth Council acknowledges the Aims, Structure of the Oberon Youth Council and Support provided by Oberon Council, and
2. The Oberon Youth Council confirms that meetings will be held in the months of March, May, July, September, and November with separate working party meetings held with Council members of the Youth Council Working Party and Council staff to progress activities and events proposed by the Oberon Youth Council and ratified by Oberon Council.
3. That the Oberon Youth Council will assist Oberon Council and Evans Community Centre with the Seniors Expo on Saturday 15 March at the Oberon High School.
4. That Oberon Council approve the OYC holding a sports day and/or disco on Friday 11 April as part of the activities to celebrate Youth Week 2014.

Carried 06 180314

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## 13. REPORTS FOR INFORMATION

### 13.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

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

#### Summary

This Report Item summaries the main activity by for the General Manager during February including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional Issues, and details of planned activity for the coming months.

### 13.02 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 February.

### 13.03 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING

File: Governance/Meetings/Ordinary  
Author: Aruna Wickramasinghe, Works and Engineering Director; Ian Tucker, Works Manager

#### Summary

Providing a summary of the major work carried out in the Works and Engineering Department for February 2014.

### **13.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES**

File No: Financial Management/Financial Reporting/Periodic Reports  
Author: Lynette Safranek, Finance and Community Services Director

#### **Summary**

Providing a summary of major work within the Finance and Community Services Department during February 2014.

### **13.05 STATEMENT OF INVESTMENTS**

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

#### **Summary**

Reporting the Statement of Investments as at 28 February 2014.

### **13.06 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 February to 28 February 2014.

### **13.07 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 February 2014, a list of the dates where the Mayor's column (Council News) has been published and a sample of Media Articles where Council is mentioned.

### **13.08 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.

### **13.09 UPCOMING MEETINGS**

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

#### **Summary**

A calendar of upcoming meetings is provided for information.



Moved: McCarthy  
Second: Morgan

That report item 13.01 to 13.09 is received as information.

Carried 07 180314

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## 14. REPORTS FOR DECISION

### 14.01 SWIMMING POOL ROOF ENCLOSURE – DA 10.2013.70.1

File No: PO14-1-31

Author: Mark Dicker, Health and Building Manager

#### Summary

A Development Application for the construction of a Swimming Pool Enclosure is referred to Council for determination.

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Moved: McCarthy  
Second: Sajowitz

That Council approve Development Application 10.2013.70.1 for a Swimming Pool Enclosure at Lot 2 DP: 904155, 1-31 Cunynghame Street, Oberon in accordance with the conditions contained within this report with the exception of Condition 4 as it is a duplicate of Condition 7.

Carried 08 180314

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

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

### 14.02 REGIONAL PROCUREMENTS INITIATIVE - 2016 COUNCIL ELECTION

File No: Governance/Meetings/Ordinary/Reports for Decision

Author: Lynette Safranek, Finance and Community Services Director

#### Summary

Most Councils use the Australian Electoral Commission (AEC) exclusively for election services. Section 296 of the Local Government Act has recently been amended to include:

*An election arrangement for the Electoral Commissioner to administer all elections of a Council can be entered into if:*

- (a) *the Council resolves at least 18 months before the next ordinary election of Councillors that such an arrangement is to be entered into, and*

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(b) *the arrangement is entered into no later than 15 months before the next ordinary election of Councillors.*

March 2015 is 18 months before the next local government elections in September 2016. Regional Procurements Initiative (RPI) a division of Hunter Council is going to tender late in 2014 and have invited Centroc members to participate.

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Moved: Morgan  
Second: Evans

That Oberon Council participate in a regional tender for election services run by Centroc and Regional Procurement Initiative (Hunter Councils).

Carried 09 180314

### **14.03 B DOUBLE ROUTE ASSESSMENT REVIEW**

File No: Roads/Permits/Oversize Loads

Author: Aruna Wickramasinghe, Works & Engineering Director and Alan Cairney, General Manager

#### **Summary**

At the 20 August 2013 Council Meeting approval was given for applications by the Forestry Corporation of NSW for a six designated local roads/routes for 25m B Double Restricted Access Vehicle (RVA) Routes subject to identified deficiencies being addressed.

Subsequently applications for three of the routes were withdrawn, by Forestry Corporation, due to extensive improvements required to address the deficiencies.

Since then there has been further discussion and inspections of some of these routes with Councillors, representatives of the Forestry Corporation and local contractors about the requirements to rectify the identified deficiencies.

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Moved: Morgan  
Second: Gibbons

That Council provide an "in principle" support for use of 23 metre B-Doubles with a maximum gross weight of 57 tonne for use on the three designated local roads/routes listed below for a 4 month trial period subject to the following:

- Sewells Creek Road – Mayfield to Greywacke
- Faugha Ballaugha Road – Lowes Mount to Hillside Forest
- Beaconsfield Road – Jacaranda to Wangarra

1. The Works and Engineering Director to reassess these applications for restricted road conditions and request for further information from Forestry Corporation as required and to address any deficiencies;
2. Work on all intersections of Forestry Corporation roads and Council local roads/routes to address the identified deficiencies will be at the direct expense of the Forestry Corporation;

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3. Use of the three designated local roads/routes be restricted to exclude the times when school buses will be using those roads/routes;

The motion was put and lost.

Moved: McCarthy  
Second: Doney

That Council provide an “in principle” support for use of 23 metre B-Doubles with a maximum gross weight of 57 tonne for use on the three designated local roads/routes listed below for a 4 month trial period subject to the following:

- Sewells Creek Road – Mayfield to Greywacke
  - Faugha Ballaugha Road – Lowes Mount to Hillside Forest
  - Beaconsfield Road – Jacaranda to Wangarra
1. The Works and Engineering Director to reassess these applications for restricted road conditions and request for further information from Forestry Corporation as required and to address any deficiencies;
  2. Work on all intersections of Forestry Corporation roads and Council local roads/routes to address the identified deficiencies will be at the direct expense of the Forestry Corporation;
  3. Use of the three designated local roads/routes be restricted to exclude the times when school buses will be using those roads/routes;
  4. That a permit system be investigated to strengthen the control of speed and operational issues.

Carried 10 180314

#### **14.04 SUPPLY OF WATER TO OBERON GOLF CLUB**

File No: PO47.107

Author: Aruna Wickramasinghe, Works and Engineering Director and Alan Cairney, General Manager

##### **Summary**

Representatives of the Oberon Golf Club met with the General Manager and Works & Engineering Director to discuss the water usage by the Club in maintaining the greens and tees. The annual allocation in the Operational Plan 2013/14 is \$10,000 of raw water supplied at cost. Due to the current weather conditions the water usage has almost exceeded the annual allocation.

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Moved: McCarthy  
Second: Gibbons

That the Water Allocation for the Oberon Golf Club be increased 18,518kl for 2013/14.

Carried 11 180314

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#### **14.05 SUNDRY DEBTOR WRITE OFF – ACCOUNT 212.01**

File No: PR188.54

Author: Lynette Safranek, Director Finance & Community Services; Denise Toohill, Revenue Officer

##### **Summary**

As part of the Land and Environment Court decision no. 41182 of 2008, PBM Caprime Pty Limited was ordered to pay costs of \$40,721.78 to Oberon Council. In attempting to obtain payment Council was advised that PBM Caprime Pty Limited had been placed in liquidation.

Moved: McCarthy  
Second: Lord

That in accordance with Council's Policy 2201, a write off of \$40,721.78 be approved.

Carried 12 180314

#### **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.

Councillor Doney asked following the questions from the public in relation to fluoridation, does Council have a Community Notification Policy?

The General Manager replied that Council has a Community Engagement Strategy which forms part of the Community Strategic Plan and outlines our methods of consulting with the community. The General Manager advised that we are considering putting all information requests and copies of correspondence on display at the Council Administration Centre, Oberon Library on the Oberon Council website.

Councillor Gibbons asked what strategy has been put in place to fix up the black spots for the 3D equipment being used on the O'Connell West Project, caused by the large number of pine trees on the eastern side of the road.

The Works and Engineering Director advised that we are conducting additional checks to ensure the survey equipment is working correctly. The removal of the trees will start next week.

## 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 TENDER 2013.49002 – EXTERNAL AUDIT SERVICES

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

Moved: McCarthy  
Second: Doney

That the report item be considered in a Closed Session of Council for the following reason:

This report item contains matters and information listed in Section 10A (2) of the Act:

- (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

Carried 13 180314

### 16.02 COUNCIL PROPERTY

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

Moved: McCarthy  
Second: Doney

That the report item be considered in a Closed Session of Council for the following reason:

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.

Carried 14 180314

Moved: McCarthy  
Second: Doney

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 15 180314

*Council moved into a Closed Session at 7.14pm, members of the public present left the meeting at this time.*

#### **16.01 TENDER 2013.49002 – EXTERNAL AUDIT SERVICES**

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

Moved: McCarthy  
Second: Doney

That Council note the contents of this report and appoint Intentis Chartered Accountants as External Auditor according to Tender 2013.49002 specification and associated documents.

Carried 16 180314

#### **16.02 COUNCIL PROPERTY**

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

Moved: McCarthy  
Second: Lord

That Council accept the offer contained in the report for proposed Lot 29 (2074m<sup>2</sup>) in the Albion Street Industrial Subdivision.

Carried 17 180314

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*Open Council resumed at 7.21pm.*

The Mayor advised that resolutions 16 180314 and 17 180314 were made by Council while the meeting was closed to the public. There were no members of the public present.

## 17. CLOSURE OF MEETING

The Meeting closed at 7.22pm.

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

Tuesday 15 April 2014  
commencing at 5.30pm

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