

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: council@oberon.nsw.gov.au



OBERON COUNCIL

ATTACHMENTS

Minutes of Previous Meeting

Ordinary Council Meeting

20 December 2016

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: council@oberon.nsw.gov.au



UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 20 December 2016

Commencing at 5.30pm
at the Oberon Council Chambers

Page 1 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

Agenda Items	page
1. OPENING OF MEETING	4
2. ACKNOWLEDGEMENT OF COUNTRY	4
3. PRAYER	4
4. RECORD OF ATTENDANCE	4
5. DECLARATIONS OF INTEREST	4
6. GENERAL AND CIVIC PRESENTATIONS	5
7. COMMUNITY PRESENTATIONS AND QUESTIONS	5
8. CONFIRMATION OF MINUTES	5
13.01 DEVELOPMENT APPLICATION 10.2016.8.1 SKODA AND TATRA MUSEUM	6
13.03 DA 10.2016.74.1 – REVIEW OF DETERMINATION	7
13.05 FAUGHA BALLAUGHA ROAD – BITUMEN SEAL REQUEST	7
9. MAYORAL MINUTE AND REPORT	8
09.01 MAYORAL MINUTE AND REPORT	8
09.02 MAYORAL MINUTE APPOINTMENT OF GENERAL MANAGER	8
10. NOTICES OF MOTIONS	9
10.01 NOTICE OF MOTION – BEACONSFIELD ROAD	9
10.02 NOTICE OF MOTION – TILSBURY LANE	10
10.03 NOTICE OF MOTION – WORK AT THE COMMON	10
11. COUNCILLOR AND DELEGATES REPORTS	11
11.01 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING	11
11.02 CENTROC BOARD MEETING DELEGATES REPORT	11
12. COMMITTEE REPORTS	11
12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE	11
12.02 HERITAGE COMMITTEE	12
13. REPORTS FOR DECISION	12
13.02 DEVELOPMENT APPLICATION 10.2016.84.1 – SHED AND ATTACHED CARPORT	12
13.04 SKODA AND TATRA MUSEUM – REQUEST FOR ASSISTANCE	13
13.06 BRACKEN GLEN LANE – LAND ACQUISITION	13
13.07 PF OLSEN – REQUEST IN-KIND SUPPORT JEREMY ROAD BURRAGA	14
13.08 COMMUNITY BUILDING PARTNERSHIP GRANT	14
13.09 CENTROC ROAD SIGNS CONTRACT	15
13.10 2016/2017 ROADS TO RECOVERY PROGRAM DELIVERY AMENDMENTS	15
13.11 RESTART NSW FUNDING DEED – OBERON SEWERAGE TREATMENT PLANT UPGRADE	16
13.12 POLICIES	16
13.13 MUDGEE STONE COMPANY – OBERON WHITE GRANITE QUARRY – REQUEST FOR COMMUNITY CONSULTATIVE COMMITTEE REPRESENTATIVE	17
13.14 PLANNING PROPOSAL – RE1 & RE 2 PUBLIC RECREATION ZONES	17
13.15 OBERON ARTS COUNCIL – CARE & MAINTENANCE AGREEMENT	18
13.16 LOCAL GOVERNMENT REMUNERATION TRIBUNAL	19
13.17 DEVELOPMENT OF A MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS	19

13.18	REQUEST FOR SUPPORT – OBEBON TARANA HERITAGE RAILWAY – MINIATURE RAILWAY PROJECT.....	19
13.19	ROAD NAMING – ROAD OFF O’CONNELL PLAINS ROAD.....	20
13.20	CENTRAL NSW TOURISM	20
13.21	ADVERTISING CENTRAL WEST LIFESTYLE	21
13.23	COMMUNITY SURVEY 2016	21
14.	REPORTS FOR INFORMATION	22
14.01	MONTHLY ACTIVITY REPORT – DEPUTY GENERAL MANAGER	22
14.02	MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING.....	22
14.03	MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES	22
14.04	STATEMENT OF INVESTMENTS	23
14.05	GRANTS MONTHLY UPDATE	23
14.06	CODE OF CONDUCT STATISTICS FOR 2015/16.....	23
14.07	LIBRARY AUDIT	24
14.08	RMS PEDESTRIAN INFRASTRUCTURE AROUND SCHOOLS GRANT	24
14.09	WATER AND SEWER PLANT REPORT.....	24
14.10	ABERCROMBIE ROAD PROJECT UPDATE	25
15.	URGENT BUSINESS.....	25
16.	CLOSED SESSION / CONFIDENTIAL REPORTS	26
16.01	PROPERTY & LAND DEVELOPMENT – O’CONNELL LAND FOR RECREATION GROUND	27
13.22A	LATE REPORT – LEGAL CHALLENGE UPDATE	27
17.	CLOSURE OF MEETING	28

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 Clr Ian Doney.

4. RECORD OF ATTENDANCE

Members Mayor Kathy Sajowitz (in the Chair)
 Deputy Mayor Kerry Gibbons
 Clr Ian Doney
 Clr Jill Evans
 Clr Neil Francis (from 5.34pm)
 Clr Sam Lord
 Clr Clive McCarthy
 Clr John Morgan

Staff Lynette Safranek, Acting General Manager
 Gary Wallace, Deputy General Manager
 Chris Schumacher, Works and Engineering Director
 Sharon Swannell, Executive Coordinator

Apologies Nil

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

6. GENERAL AND CIVIC PRESENTATIONS

Presentation of Annual Financial Statements by Chang Chow, Senior Manager (Audit and Assurance), Aanika Grant, Senior Auditor and John Thompson, Audit Partner from Crowe Horwath.

7. COMMUNITY PRESENTATIONS AND QUESTIONS

None received.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 15 November 2016

Moved: Francis
Second: Doney

That the Minutes of the Ordinary Meeting held on 15 November 2016 be confirmed.

Carried 01 201216

Matters Arising from the Minutes

Nil

Extraordinary Meeting 25 November 2016

Moved: McCarthy
Second: Morgan

That the Minutes of the Extraordinary Meeting held on 25 November 2016 be confirmed.

Carried 02 201216

Matters Arising from the Minutes

Nil

Extraordinary Meeting 30 November 2016

Moved: McCarthy
Second: Lord

That the Minutes of the Extraordinary Meeting held on 30 November 2016 be confirmed.

Carried 03 201216

Matters Arising from the Minutes

Nil

Page 5 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

Moved: Francis
Second: Doney

That report items 13.01, 13.03 and 13.05 be bought forward and dealt with at this point in time.

Carried 04 201216

13.01 DEVELOPMENT APPLICATION 10.2016.8.1 SKODA AND TATRA MUSEUM

File No: PO38-1-15
Author: Jaclyn Burns, Health and Building Manager

Summary

An application for a Museum on land described as Lot 7 Section A in DP 2364 and Lot 1 in DP 1142153 known as 1-15 North Street, Oberon 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.”

During the notification period submissions were received from adjoining land owners.

Moved: Morgan
Second: McCarthy

That:

1. Council approve Development Application 10.2016.8.1 for a museum on land described as Lot 7 Section A in DP 2364 and Lot 1 in DP 1142153 known as 1-15 North Street, Oberon in accordance with the 79C Assessment contained within this report; and
2. That Council request John Holland consider addressing the upgrade of the shared access with all lease holders to ensure the site operations do not create a dust nuisance for adjoining land owners.
3. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 05 201216

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

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

13.03 DA 10.2016.74.1 – REVIEW OF DETERMINATION

File No: Property/PO49-15

Author: Gary Wallace, Deputy General Manager

Summary

This report requests Council to consider a review of determination for a refusal issued at it November 2016 Ordinary Council Meeting.

Moved: Morgan
Second: McCarthy

That:

1. Council defer demolition proceedings until after the February 2017 Ordinary Meeting to give the owner of the land has had an opportunity to supply additional information to Council which will include how the applicant will address the height violation.
2. Council outline the reasons for the determination of refusal these being:
 - The development did not meet the requirements of the Oberon DCP 2001
 - The development did not adequately address amenity issues
 - The development was not in the public interest.
3. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 06 201216

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

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

Clr Doney abstained from voting on the matter.

13.05 FAUGHA BALLAUGHA ROAD – BITUMEN SEAL REQUEST

File No: Roads/R24

Author: Chris Schumacher, Works & Engineering Director

Summary

Local Resident Ken Maddison has made representations through correspondence to Oberon Council for sectional bitumen sealing of the road adjacent to his residence located at 90 Faugha Ballaugh Road.

Moved: McCarthy
Second: Lord

That Council consider a request to bitumen seal adjacent to 90 Faugha Ballaugh Road.

Page 7 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

Amendment Moved: McCarthy
Second: Gibbons

That Council consider a request to upgrade the road in preparation to seal a section of Faugha Ballaugha Road and seek a contribution from the landowner to complete the seal.

The amendment was put and won, the amendment becomes the motion.

Moved: McCarthy
Second: Gibbons

That Council consider a request to upgrade the road in preparation to seal a section of Faugha Ballaugha Road and seek a contribution from the landowner to complete the seal.

Carried 07 201216

Moved: Gibbons
Second: Francis

Council make application to the Roads & Maritime Services seeking authorisation to place heavy vehicle load limits on Faugha Ballaugha Road to prevent heavy vehicles, limiting nuisance dust conditions.

The motion was put and lost.

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

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

Summary

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

Moved: Lord
Second: Morgan

That report item 09.01 is received as information.

Carried 08 201216

09.02 MAYORAL MINUTE APPOINTMENT OF GENERAL MANAGER

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

Summary

Council resolved at an Extraordinary Meeting held November 25 2016 to “Appoint Lynette Safranek to act in the position of General Manager pursuant to S336 (1) of the Local Government Act 1993 until the appointment of a General Manager pursuant to S334 of the Local Government Act”.

Page 8 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

As was the case with council's last appointment and relevant to Section 23(a) Guidelines I have determined that a recruitment process should be commenced with the assistance of an independent facilitator. I have approached Blackadder Associates who specialise in local government recruitment. They have indicated that Mr Alan McCormack could undertake the process. Mr McCormack was the Interim General Manager engaged by Oberon Council several years ago. I have received a proposal from the Group and advertising can start in January.

Moved: Morgan
Second: McCarthy

That council undertake a recruitment process through Blackadder Associates for the employment of a General Manager on a two year contract. A selection panel comprising the Mayor, Deputy Mayor, one councillor and an independent person is set up by the Mayor.

Carried 09 201216

10. NOTICES OF MOTIONS

10.01 NOTICE OF MOTION – BEACONSFIELD ROAD

File No: R4
Author: Cllr Clive McCarthy

Summary

A section of road on Beaconsfield Road was left unsealed to gain the benefit of good gravel and this has now all been used.

Moved: McCarthy
Second: Gibbons

That Oberon Council use funds from Gravel Pit Reserve to complete short section of unsealed roadway.

Amendment Moved: McCarthy
Second: Gibbons

That council defer the matter pending the provision of a report outlining the costings.

The amendment was put and won, the amendment becomes the motion.

Moved: McCarthy
Second: Gibbons

That council defer the matter pending the provision of a report outlining the costings.

Carried 10 201216

10.02 NOTICE OF MOTION – TILSBURY LANE

File No: R46

Author: Cllr Clive McCarthy

Summary

Seeking additional funding for works on Tilsbury Lane.

Moved: McCarthy

Second: Doney

That Oberon Council use \$20,000 from restricted road funds to fund drainage of 450mm piping along the first 2km of road length on Tilsbury Lane Eastern end.

Carried 11 201216

Moved: McCarthy

Second: Doney

Oberon Council also use on return trips where possible from Abercrombie Hill Gravel Site, the gravel to be stored for further gravelling on the west end of Tilsbury Lane when maintenance schedule begins.

Carried 12 201216

10.03 NOTICE OF MOTION – WORK AT THE COMMON

File No: Parks and Reserves/Design & Construction/Landscaping

Author: Cllr Clive McCarthy

Summary

Seeking additional funding for works at the Common.

Moved: McCarthy

Second: Evans

That Oberon Council use funds from 2016/17 Town Improvement fund of approximately \$15,000 for concrete gutter to start carpark and land drainage of western side only from Curtis Street to the two new shelters.

Carried 13 201216

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING

File No: Economic Dev/OBTA
Author: Clr Sam Lord

Summary

Councillor Sam Lord attended the Annual General Meeting and General Meeting of the Oberon Business and Tourism Association held on 16 November 2016 at the Oberon Golf Club.

Moved: Lord
Second: McCarthy

That report item 11.01 is received as information.

Carried 14 201216

11.02 CENTROC BOARD MEETING DELEGATES REPORT

File No: Government Relations/Local and Regional Liaison/Centroc
Author: Mayor Kathy Sajowitz

Summary

Acting General Manager, Gary Wallace and I attended the Centroc Board meeting at Parliament House Canberra on 24 November 2016. Member for Calare, Mr Andrew Gee hosted the gathering and his office staff assisted the Centroc team with organising the meeting which was in my opinion one of the most informative and well organised Centroc Board Meetings I have attended. I personally thanked the Mr Gee and his staff for their efforts.

Moved: Sajowitz
Second: McCarthy

That report item 11.02 is received as information.

Carried 15 201216

12. COMMITTEE REPORTS

12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE

File: Governance/Meetings/Traffic Advisory Local Committee
Author: Chris Schumacher, Works and Engineering Director

Summary

Minutes of the Local Emergency Management Committee Meeting held on 14 November 2016 are submitted for Council's consideration.

Moved: McCarthy
Second: Morgan

That the minutes of the Local Emergency Management Committee held on 14 November 2016 be received as information.

Carried 16 201216

12.02 HERITAGE COMMITTEE

File: Governance/Meetings/Heritage Committee
Author: Gary Wallace, Acting General Manager

Summary

Minutes of the Heritage Committee held on 28 November 2016 submitted for Council's information and consideration.

Moved: McCarthy
Second: Gibbons

That:

1. The Minutes of the Heritage Committee held on 28 November 2016 received as information.
2. The Heritage Committee seeks addition funding from Council to erect a sign in the Porters Retreat Cemetery depicting the names of those interned in the Private Cemetery noting that Council has previously allocated \$381.70 to create a sign for the Private Cemetery on properties know as "Coote Hill" and "Mary Vale" and have it erected on the Abercrombie Road reserve.

Carried 17 201216

13. REPORTS FOR DECISION

13.02 DEVELOPMENT APPLICATION 10.2016.84.1 – SHED AND ATTACHED CARPORT

File No: Property/PO40-67
Author: Health and Building Surveyor, Kerry Davison

Summary

A Development Application has been received for the construction of a shed and attached carport at 67 Oberon Street, Oberon. Variation to Development Control Plan (DCP) 2001 is sought, with particular reference to Part C.6.4 – "Carports and Garages."

Moved: McCarthy
Second: Gibbons

That

1. Delegation is granted to the Acting General Manager to vary Part C.6.4 – “Carports and Garages” of the Oberon Development Control Plan 2001 associated to Development Application 10.2016.84.1 for the construction of a shed and attached carport at Lot E in DP 385819, 67 Oberon Street, Oberon.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 18 201216

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

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

13.04 SKODA AND TATRA MUSEUM – REQUEST FOR ASSISTANCE

File No: PO38-1-15
Author: Gary Wallace, Deputy General Manager

Summary

This report seeks Councils interest in providing financial assistance in the development of the Skoda & Tatra Museum. This report is to be tabled.

Moved: Doney
Second: McCarthy

That:

1. Council defer a decision in relation to the request and have an onsite meeting to evaluate its possible support for this project.
2. Council continue to support and assist the Skoda & Tatra Museum though ongoing grant applications for the development.

Carried 19 201216

13.06 BRACKEN GLEN LANE – LAND ACQUISITION

File No: Roads/R185
Author: Chris Schumacher, Works & Engineering Director

Summary

Request has been received from Calare Civil Consultancy on behalf of the developer of Bracken Glen Subdivision seeking permission for a small section of land on the eastern side of the Oberon Cemetery for road widening purposes.

Moved: Gibbons
Second: McCarthy

That:

1. Council at no charge dedicate the 826.54 sq/m of cemetery land for the purposes of a new road reserve at no cost to the developer.
2. Any vegetation required to be removed shall be at the developers full cost, including the replacement of any ornamental tree's should they be earmarked for removal.
3. The developer shall be responsible for all survey, legal and land transfer costs including full replacement of same type fencing along the eastern side of the Oberon Cemetery.

Carried 20 201216

13.07 PF OLSEN – REQUEST IN-KIND SUPPORT JEREMY ROAD BURRAGA

File No: Roads/R254
Author: Chris Schumacher, Works & Engineering Director

Summary

PF Olsen pine harvesting contractors have requested further in-kind support during 2016/2017 from Oberon Council to assist with ongoing road maintenance of Jeremy Road, Burraga.

Moved: McCarthy
Second: Francis

That:

1. Council support PF Olsen with in-kind support in the form of providing gravel product from its Claytons Pit for use only upon Jeremy Road.
2. That PF Olsen be responsible for transporting and laying of gravel on Jeremy Road at their full cost.

Carried 21 201216

It was noted that in the fifth paragraph of the staff report the location should read corner of Isabella and Campbells River Road, not Abercrombie Road as indicated in the report.

13.08 COMMUNITY BUILDING PARTNERSHIP GRANT

File No: Property/PO14.1-31
Author: Chris Schumacher, Works & Engineering Director

Summary

To advise Council in the success of the Community Building Partnership Grant Application directly associated for the upgrading of landscape facilities, front of Oberon Pool Complex.

Moved: Morgan
Second: McCarthy

That:

1. Council accept the Community Building Partnership Grant and commit 50% allocation (\$14,042) from the Town Improvement reserves.
2. That the Acting General Manager be authorised to execute the funding deed associated with the acceptance of this grant.

Carried 22 201216

13.09 CENTROC ROAD SIGNS CONTRACT

File No: Roads/Maintenance/Road Signs and Street Lighting
Author: Chris Schumacher, Works and Engineering Director

Summary

This report seeks Council's resolve to participate in a regional purchase of road signs through the Central NSW Councils (Centroc) Compliance and Cost Savings Program.

Council has participated in Centroc's regional contract for the purchase of road signs for the past 12 years and Council's continued support is requested for the next contract which will commence 1 October 2017.

The following report provides more background advice regarding both Centroc's Compliance and Cost Savings Program and the regional purchase of road signs.

Moved: Doney
Second: Lord

That:

1. Council support the Centroc initiative and continue to participate in a Regional road signs contract.
2. That the Acting General Manager be authorised to sign contract documents on Councils behalf.

Carried 23 201216

13.10 2016/2017 ROADS TO RECOVERY PROGRAM DELIVERY AMENDMENTS

File No: Roads/Programs/Roads to Recovery
Author: Chris Schumacher, Works and Engineering Director

Summary

This report seeks Councils endorsement to amend the 2016/2017 Roads to Recovery delivery program.

Moved: Gibbons
Second: Francis

That Council endorse the 2016/2017 Roads to Recovery program changes as follows:

1. Dog Rocks Road Bitumen Sealing 2.9km - \$225,000
2. Dog Rocks Road – Mt Bathurst Section - \$175,000
3. Dog Rocks Road – NOA Project - \$232,000
4. Edith Road Repair Program Allocation - \$324,000

Carried 24 201216

Clr McCarthy and Clr Lord requested their vote against the motion be noted.

13.11 RESTART NSW FUNDING DEED – OBERON SEWERAGE TREATMENT PLANT UPGRADE

File No: Waste Management/Design and Construction/Waste Management Facilities
Author: Chris Schumacher, Works and Engineering Director

Summary

Infrastructure NSW (INSW) are seeking official endorsement from Oberon Council in accepting \$4.95 million of funding for the upgrade to Council Sewerage Treatment Plant and facilitation of a new reticulated sewerage system for residents of east Oberon.

Moved: Morgan
Second: Doney

That:

1. Council accept the offer in principle of \$4.95m for the upgrade to Council Sewerage Treatment Plant, and East Oberon Sewer Reticulation; and
2. Council be provided a report at the February 2017 Council meeting to provide further details of the funding Deed Disbursements and how Council can fulfil this project by matching dollar for dollar.

Carried 25 201216

13.12 POLICIES

File No: Governance/Policies
Author: Lynette Safranek, Acting General Manager

Summary

The Risk Management and Contract Management policies have been updated and are provided for review by Council.

Moved: Doney
Second: Gibbons

That Council approve the updated Risk Management and Contract Management policies.

Carried 26 201216

13.13 MUDGEE STONE COMPANY – OBERON WHITE GRANITE QUARRY – REQUEST FOR COMMUNITY CONSULTATIVE COMMITTEE REPRESENTATIVE

File No: PR259-94
Author: Gary Wallace, Deputy General Manager

Summary

This report requests Council to nominate a Councillor to sit on the Mudgee Stone Company Oberon White Granite Quarry Community Consultative Committee.

Moved: Lord
Second: Doney

That Cllr McCarthy be nominated to sit on the Mudgee White Rock Quarry Community Consultative Committee.

Carried 27 201216

13.14 PLANNING PROPOSAL – RE1 & RE 2 PUBLIC RECREATION ZONES

File No: Land Use & Planning/Planning/LEP
Author: Jaclyn Burns, Health and Building Manager

Summary

Council is in receipt of a request from the Department of Primary Industries – Lands on behalf of the Oberon Showground Trust in relation to allowing camping at the Oberon Showgrounds during special events. One of the issues that has arisen is the zoning of the showground site as R1 General Residential under the *Oberon Local Environmental Plan 2013* (LEP). Use of the land as a “camping ground” is prohibited under the R1 General Residential zone which means that Council cannot allow use of the showground facilities for camping associated with special events.

A potential solution to this is to incorporate the RE1 Public Recreation zone into the LEP with “camping grounds” as being permissible with consent and rezone the Oberon Showground site to RE1 Public Recreation. This land use and zoning approach is consistent with other LEPs in the district that have showground facilities zoned RE1 Public Recreation.

As part of this proposal, it has been considered by Council staff as opportunistic to also consider applying the RE1 Public Recreation zone to other parks, reserves and recreation facilities across the Oberon Council area at the same time. The changes include land from the following zones; General Industrial, Primary Production, Village and General Residential. Further, other areas that can be addressed using this proposal include the current residential land that the Oberon Golf Club leases.

Moved: Morgan
Second: Sajowitz

That:

1. Council support the planning proposal in principle to amend the *Oberon Local Environmental Plan 2013* to incorporate the RE1 Public Recreation Zone into the plan and identify permissible compatible land uses, excluding the Oberon Rugby League Ground (site 6),
2. As part of the proposal to include the RE1 Public Recreation zone, that Council seek to rezone identified public recreation, open space and parkland areas to the RE1 Public Recreation zone,
3. Council support the planning proposal in principle to amend the Oberon Local Environmental Plan 2013 to incorporate the RE2 Private Recreation Zone into the plan and identify permissible compatible land uses,
4. Council authorise the Acting General Manager to submit the attached planning proposal to the Department of Planning and Environment requesting Gateway Determination in accordance with the requirements of section 56 of the *Environmental Planning and Assessment Act 1979*, and
5. Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.

Carried 28 201216

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

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

13.15 OBERON ARTS COUNCIL – CARE & MAINTENANCE AGREEMENT

File No: Community Relations/Community Consultation/Oberon Arts Council
Author: Gary Wallace, Deputy General Manager

Summary

This report requests Councils formalisation and responsibility for the care and maintenance of the Public Art works installed at the Common by Oberon Arts Council since 2008.

Moved: Doney
Second: Lord

That Council:

1. Agree to ongoing maintenance of approved projects undertaken by the Oberon Arts Councils.
2. Request that any works undertaken by the Oberon Arts Council within the Common (or other land owned by Council) be undertaken in consultation with Council staff to protect the integrity of the work and the Common.

Page 18 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

3. Establish a maintenance fund of up to \$10,000 for ongoing projects undertaken by the Oberon Arts Council in the 2017/18 Operational Plan.
4. Delegate to the Acting General Manager and the Mayor to formulate an agreement with the Oberon Arts Council to assist in maintenance of current and future community projects.

Carried 29 201216

13.16 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

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

Summary

The NSW Government has commenced a review into the Local Government Remuneration annual determination for 2017

Moved: Doney
Second: McCarthy

That Council receive and note the information and provide any information to be included in a submission to the Acting General Manager before 25 January 2017.

Carried 30 201216

13.17 DEVELOPMENT OF A MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS

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

Summary

The Office of Local Government has issued Circular 16-46 providing information about the development of a Model Code of Meeting Practice for Local Councils in NSW.

Moved: McCarthy
Second: Gibbons

That Council receive and note the information and provide any information to be included in a submission to the Acting General Manager, before 13 January 2017.

Carried 31 201216

13.18 REQUEST FOR SUPPORT – OBERON TARANA HERITAGE RAILWAY – MINIATURE RAILWAY PROJECT

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

Summary

Council is in receipt of a request from the Oberon Tarana Heritage Railway (OTHR) seeking assistance in establishing a permanent miniature train track at the Oberon Railway Station.

Page 19 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

Moved: Doney
Second: McCarthy

That Council:

1. Give 'in principle' support to Oberon Tarana Heritage Railway for the development of a miniature train track within the State listed Heritage Railway precinct
2. Advocate and provide assistance to OTHR in securing grant funding for the project
3. Delegate to the Acting General Manager, Mayor and Deputy Mayor authority to secure an appropriate location for the proposed development

Carried 32 201216

13.19 ROAD NAMING – ROAD OFF O'CONNELL PLAINS ROAD

File No: Roads/Naming/Roads and Lanes
Author: Chris Schumacher, Works and Engineering Director

Summary

At the 16 August 2016 Ordinary meeting of Council it was resolved to formally name the unnamed section of road that runs off O'Connell Plains Road "McKibbin Road". This report outlines the reasons why the road cannot be named McKibbin Road and seeks endorsement from Council for the new road name of Warego Road.

Moved: Gibbons
Second: Morgan

That in accordance with the NSW Road Naming Policy, it is recommended that Council endorse '*Warego Road*' for the newly constructed 545m section of un-named road that runs off O'Connell Plains Road.

Carried 33 201216

13.20 CENTRAL NSW TOURISM

File No: Economic Development/Regional Tourism
Author: Gary Wallace, Deputy General Manager

Summary

This report seeks Council's interest in becoming a member of the Central NSW Tourism organisation.

Moved: Lord
Second: Doney

That approval be given to becoming a member of the Central NSW Regional Tourism Organisation.

Carried 34 201216

13.21 ADVERTISING CENTRAL WEST LIFESTYLE

File No: Economic Development/Tourism Development
Author: Gary Wallace, Deputy General Manager

Summary

This report seeks Councils interest in participating in advertisement in the Central West Lifestyle magazine for the coming year.

Moved: Lord
Second: Doney

That:

1. Council undertake an advertising campaign in the Central West Lifestyle Magazine for the next twelve months
2. Council seek interest from the Oberon Business and Tourism Association in partnering in an advertising campaign for the coming 12 months
3. Council delegate this function to the Acting General Manager to facilitate the campaign
4. The allocation of these funds be taken from within general expenditure

Carried 35 201216

Moved: Sajowitz
Second:

That report item 13.22 be deferred for consideration at the end of the meeting following Closed Council.

Carried 36 201216

13.23 COMMUNITY SURVEY 2016

File No: File No: Governance/Ordinary/Confidential
Author: Lynette Safranek, Acting General Manager

Summary

This report contains preliminary results from the Oberon Council Community Survey 2016 prepared and conducted by IRIS Research. A full report on the analysis of the Survey will be tabled at the February 2017 Ordinary Council Meeting. 62.5% of residents gave Council a high level of overall satisfaction rating.

Moved: McCarthy
Second: Morgan

That report item 13.23 is received as information.

Carried 37 201216

Page 21 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

General Manager

Mayor

14. REPORTS FOR INFORMATION

14.01 MONTHLY ACTIVITY REPORT – DEPUTY GENERAL MANAGER

File No: Governance/Meetings/Ordinary
Author: Gary Wallace, Deputy General Manager

Summary

This report item summaries the main activity by the Deputy General Manager since the November 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.

In terms of consistency information from the Executive Co-Ordinator department will be provided within this activity report.

Moved: McCarthy
Second: Morgan

That report item 14.01 is received as information.

Carried 38 201216

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

Moved: McCarthy
Second: Francis

That report item 14.02 is received as information.

Carried 39 201216

14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Meetings/Ordinary/December 2016
Author: Lynette Safranek, Acting General Manager/Finance and Community Services Director

Summary

This report provides a summary of work within the Finance and Community Services Department during November 2016, plus planned activities for the upcoming months.

Moved: McCarthy
Second: Francis

That report item 14.03 is received as information.

Carried 40 201216

14.04 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register
Author: Lisa Koleda, Management Accountant

Summary

Reporting the Statement of Investments as at 30 November 2016.

Moved: Morgan
Second: McCarthy

That report item 14.05 is received as information.

Carried 41 201216

14.05 GRANTS MONTHLY UPDATE

File No: Governance/Meetings/Ordinary/December 2016
Author: Gillian Salmon, Grants Officer

Summary

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

Moved: McCarthy
Second: Francis

That report item 14.05 is received as information.

Carried 42 201216

14.06 CODE OF CONDUCT STATISTICS FOR 2015/16

File No: Governance/Meetings/Ordinary/December 2016
Author: Lynette Safranek, Acting General Manager

Summary

Council has complied with the Office of Local Government's compliance requirement to submit Code of Conduct statistics for the period 1 September 2015 to 31 August 2016.

Moved: Doney
Second: Gibbons

That report item 14.06 is received as information.

Carried 43 201216

14.07 LIBRARY AUDIT

File No: Community Services/Library
Author: Lynette Safranek, Acting General Manager

Summary

State Library NSW conducted a Library Audit at the Oberon Library in October 2016. This audit is pleasing and acknowledgement of the current level of service that is being provided to the community, as well as enthusiasm regarding the pending expansion into the Community Hub.

Moved: Francis
Second: McCarthy

That Council receive report 14.07 as information.

Carried 44 201216

14.08 RMS PEDESTRIAN INFRASTRUCTURE AROUND SCHOOLS GRANT

File No: Governance/Ordinary/December 2016
Author: Chris Schumacher, Works & Engineering Director

Summary

Grant funding has been offered to Oberon Council following its successful application through the RMS 'Pedestrian Infrastructure Around Schools Program'.

Moved: McCarthy
Second: Doney

That Council receive report 14.08 as information.

Carried 45 201216

14.09 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 November 2016.

Moved: McCarthy
Second: Gibbons

That report item 14.09 is received as information.

Carried 46 201216

14.10 ABERCROMBIE ROAD PROJECT UPDATE

File No: Governance/Ordinary/December 2016
Author: Chris Schumacher, Works & Engineering Director

Summary

An updated summary of road construction outlining activities completed to date and tasks planned for forward works early 2017.

Moved: McCarthy
Second: Gibbons

That Council receive report 14.10 as Information.

Carried 47 201216

15. URGENT BUSINESS

Moved: Sajowitz
Second:

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

- Endorsement of decisions by the then Acting General Manager, Gary Wallace between 18 October 2016 and 22 November 2016.
- Tabling of letter from Office of Local Government

Carried 48 201216

Moved: Sajowitz
Second: McCarthy

That Council reaffirm endorsement of all operational decisions made by the then Acting General Manager, Gary Wallace between the period 18 October 2016 and 22 November 2016.

Carried 49 201216

Moved: Sajowitz
Second: McCarthy

That Council note the content of correspondence tabled from the Hon Paul Toole MP dated 16 December 2016 in relation to the Notice of Intention to Issue a Performance Improvement Order dated 8 November 2016 in relation to the Council's Audited Financial Statements.

Carried 50 201216

Page 25 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 Dec 2016.

16. CLOSED SESSION / CONFIDENTIAL REPORTS

16.01 PROPERTY & LAND DEVELOPMENT – O'CONNELL LAND FOR RECREATION GROUND

File No: File No: Governance/Ordinary/Confidential
Author: Gary Wallace, Deputy 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.

13.22a LATE REPORT – LEGAL CHALLENGE UPDATE

File No: Governance/Boundaries Commission Review/Legal Challenge
Author: Gary Wallace, Deputy 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:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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 51 201216

Council moved into Closed Session at 9.31pm. There were no members of the public present at this point in time.

16.01 PROPERTY & LAND DEVELOPMENT – O’CONNELL LAND FOR RECREATION GROUND

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

Moved: McCarthy
Second: Doney

That Council:

1. Note the report and indicate to the owner that Council is not in a position to proceed with the request.
2. Reaffirm they only wish to proceed with the original offer.

Carried 52 201216

13.22a LATE REPORT – LEGAL CHALLENGE UPDATE

File No: Governance/Boundaries Commission Review/Legal Challenge
Author: Gary Wallace, Deputy General Manager

Moved: McCarthy
Second: Morgan

That Council note and receive the legal advice provided by Mr Peter King.

Carried 53 201216

Moved: McCarthy
Second: Gibbons

That delegation be given to the Deputy General Manager to negotiate the sale of the adjoining ground in the Albion Street Industrial Estate under a commercial arrangement.

Carried 54 201216

Moved: McCarthy
Second: Francis

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

Carried 55 201216

Open Council resumed at 10.06 pm.

The Mayor advised that resolutions 52 201216, 53 201216 and 54 201216 were made while the meeting was closed to the public. There were no members of the public present.

13.22 LATE REPORT – LEGAL CHALLENGE UPDATE

File No: Governance/Boundaries Commission Review/Legal Challenge
Author: Gary Wallace, Deputy General Manager

Summary

The following late report is provided as an update regarding current legal proceedings.

Moved: McCarthy
Second: Morgan

That Council:

1. Lodge an appeal in the NSW Supreme Court of Appeal in relation to the merger proposal.
2. Provide an additional allocation of \$40,000 to its current legal appeal fund from General Revenue to cover the costs of an appeal.
3. Resolve that the expenditure is required and warranted to enable Council to exercise its legitimate right to appeal.

Carried 56 201216

17. CLOSURE OF MEETING

The Mayor declared the meeting closed at 10.10 pm.

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

Tuesday 21 February 2017
commencing at 5.30pm

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