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CONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 15 August 2017

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 5.30pm.

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 Sister Maureen Schiemer.

4. RECORD OF ATTENDANCE

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

Staff Gary Wallace, General Manager
 Lynette Safranek, Finance and Community Services Director
 Chris Schumacher, Works and Engineering Director
 Shane Wilson, Planning and Development Director
 Sharon Swannell, Executive Coordinator

Apologies Clr Jill Evans

Moved: Francis
Second: Gibbons

That apologies be received and noted for the non-attendance of Clr Jill Evans.

Carried 01 150817

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary - Nil

Non-Pecuniary - Nil
Significant

Non-Pecuniary - Nil
Less than
Significant

6. GENERAL AND CIVIC PRESENTATIONS

Nil

7. COMMUNITY PRESENTATIONS AND QUESTIONS

Mr John Deren, 24 Balfour Street addressed Council in relation to complaints he has made in relation to his neighbours dog, water run off from the neighbouring property and an illegal pool. Mr Deren commented that the complaints have now been ongoing for 8 – 9 months and asked what is going on. He is concerned that he hasn't been kept in the loop.

The General Manager responded advising that Council is pursuing the matters and as previously advised to Mr Deren some matters in relation to the investigation that Council would not disclose to an objector as part of its investigations. Mr Deren will be advised of the outcome once the matter is finalised.

Mr Alan Laing, 215 Baileys Lane addressed Council in relation to the proposed closure of a section of Baileys Lane. Mr Laing provided background information in relation to the extension of Baileys Lane which was undertaken in 2007. The road is now fully formed until it meets Mr Hunt's land. Mr Laing advised that Mr Hunt locks the gate to shut off access to this road. Flooding regularly occurs and the only access for emergency services during times of flood is via Adams Lane through to Baileys Lane. Mr Laing would like to see a permanent solution for Council to acquire the Crown Road, construct the final section of Baileys Lane for an all weather access for residents. He suggested a cattle grid/gate combination be incorporated at the junction of Adams Lane and Baileys Lane would be preferable.

Mr David McMurray addressed Council, as it is the last meeting of the current Council he thanked the Council for the work they have done during the term and congratulated the Council for their work during somewhat trying times.

Mr Neil O'Grady addressed Council on behalf of the Oberon Tigers. The Tigers may have an opportunity to host a semi-final or a grand final in coming weeks. As per last year's request the Tigers are seeking assistance with fencing for the semi-final and if a grand final is held in Oberon there would be additional requirements for mobile grandstands and security. The club is uncertain of when the event may happen as it is dependent on the results of games during finals. Mr O'Grady distributed a document which outlined the potential scenarios that may occur.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 18 July 2017

Moved: Morgan
Second: Doney

That the Minutes of the Ordinary Meeting held on 18 July 2017 be confirmed.

Carried 02 150817

Matters Arising from the Minutes

Nil

Page 4 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 15 August 2017.

Moved: Lord
Second: Doney

That report item 13.02 and 13.05 be brought forward and dealt with at this point in time.

Carried 03 150817

13.02 BAILEYS LANE PROPOSED CROWN ROAD CLOSURE

File No: Roads/RCI/Perm
Author: Chris Schumacher, Works and Engineering Director

Summary

Council has received notification from the Crown Lands department regarding an application lodged with them with intent of a private land holder to close an unformed section Baileys Lane which traverses their parcel of land in DP 757042 linking Adams Lane with the already formed section of Baileys Lane.

Moved: McCarthy
Second: Gibbons

Council object to the current application to close the unformed section of Baileys Lane across DP 757042.

Carried 04 150817

Moved: McCarthy
Second: Gibbons

Council advise the Crown Lands Department in writing of its objection prior to 1 September 2017.

Carried 05 150817

Moved: McCarthy
Second: Gibbons

Council consider its position in the future construction of the unformed section of Baileys Lane across DP757042 as a potential future extension to link the full length of Baileys Lane with Adams Lane.

Carried 06 150817

13.05 OBERON TIGERS RUGBY LEAGUE CLUB REQUEST FOR ASSISTANCE

File No: Recreation & Cultural Services/Event Management/Sporting & Cultural Events/2016
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Oberon Tigers Rugby League Club Inc. has written to Council requesting assistance with Semi Finals Ground requirements.

Moved: Doney
Second: McCarthy

That Council provide \$1,000 of in kind support to the Oberon Tigers Rugby League Club to host a Semi Final in Oberon.

Amendment Moved: Doney
Second: McCarthy

That Council provide up to \$4,000 of cash or in kind support to the Oberon Tigers Rugby League Club to host a Semi Final in Oberon and that the General Manager and Mayor are to consider further requests as the competition progresses.

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

Moved: Doney
Second: McCarthy

That Council provide up to \$4,000 of cash or in kind support to the Oberon Tigers Rugby League Club to host a Semi Final in Oberon and that the General Manager and Mayor are to consider further requests as the competition progresses.

Carried 07 150817

9. MAYORAL MINUTE AND REPORT

09.01 MAYORAL MINUTE AND REPORT

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

Summary

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

Moved: Gibbons
Second: Francis

That Report Item 09.01 is received as information.

Carried 08 150817

10. NOTICES OF MOTIONS

Nil

11. COUNCILLOR AND DELEGATES REPORTS

11.01 CENTROC TOURISM WORKSHOP – 2 AUGUST 2017

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

Summary

On August 2 2017 I attended the second Centroc Tourism Workshop at the Japanese Gardens, Cowra

As stated in previous reports, Central West NSW Tourism (CWNSWT) ceased operation on June 30 this year. Along with twelve other CW Councils Oberon agreed to be part of a new Centroc driven CW Tourism Group and became a financial member. All remaining assets of CWNSWT have been transferred to the new organisation. Ms Lisa Ditchfield formerly employed by CWNSWT is now employed by the Centroc Organisation.

Moved: Lord
Second: Morgan

That Oberon Council participate in the 2017 Unearth Campaign and allocate \$7,000 from the Tourism/Economic Development restricted funds to this project.

Carried 09 150817

11.02 UPPER MACQUARIE COUNTY COUNCIL MEETING – 4 AUGUST 2017

File No: Environmental Management/Meetings/Upper Macquarie County Council
Author: Clr John Morgan and Clr Neil Francis

Summary

The most recent meeting of the Upper Macquarie County Council was held on Friday 4 August 2017 at the Council offices in Kelso. The meeting was attended by Council's delegates Clr John Morgan and Clr Neil Francis.

Moved: Morgan
Second: Francis

That report item 11.02 is received as information.

Carried 10 150817

12. COMMITTEE REPORTS

Nil

13. REPORTS FOR DECISION

13.01 CONTRACT FOR SUPPLY AND DELIVERY OF BITUMEN EMULSION

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

Author: Chris Schumacher, Works & Engineering Director

Summary

This report seeks Council's determination for continued participation in the regional procurement of bitumen emulsion and cold mix through Central NSW Councils (Centroc) Compliance and Cost Savings program and Supply Management Team.

Centroc will be seeking a 'Request for Tenders' (RFT), to identify suitable providers to supply (1) Bitumen Emulsion and (2) Cold Mix for the period 1 March 2018 – 28 February 2020 with an option for a 12 month extension. The two RFTs will be run concurrently, however will be separate contracts.

The following report provides more background advice regarding both Centroc's Compliance and Cost Savings Program and the regional purchase of bitumen emulsion cold mix.

Moved: Doney
Second: Gibbons

That:

1. In principle Oberon Council agree to participate in the two regional contracts for the procurement of bitumen emulsion and cold mix for the period 1 March 2018 – 28 February 2020 with an option for a 12 month extension.
2. The Council's Works and Engineering Director provide Centroc with advice accordingly.

Carried 11 150817

13.03 PROPOSED CROWN ROAD CLOSURES

File No: Roads/RCI/Perm

Author: Chris Schumacher, Works and Engineering Director

Summary

Council has received notification of the intent to close a number of Crown Roads within the Essington and Walbrook areas.

Moved: McCarthy
Second: Gibbons

That Council has no objection to the closure of these sections of Crown Road, File ref: 17/06946, and File ref: 16/09152 provided that no properties are left without legal and practical access.

Carried 12 150817

13.04 DEVELOPMENT SERVICING PLAN OBERON WATER & SEWERAGE

File No: Sewerage and Drainage/Sewerage General
Author: Chris Schumacher Works & Engineering Director

Summary

This report seeks Councils support to adopt the new 'Developer Servicing Plan' (DSP) in accordance with section 64 of the Local Government Act. The plan was on public exhibition for 30 working days, as required by the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 306 (3) of the *Water Management Act, 2000*. There were no submissions received during the exhibition period.

Moved: Doney
Second: Morgan

That:

1. The new Developer Servicing Plan be adopted by Council with the inclusion of the new Sewer Zone Map and implemented as part of Councils 2017/2018 Operational Plan.
2. Until such time the Hunter H2O Options Study is complete and formal consultation has been undertaken with East Oberon Residents, the DSP zoning charges for sewer in Zone B be capped at \$0.00.

Carried 13 150817

13.06 COUNCIL MEETING DATE SEPTEMBER 2017

File No:
Author: Gary Wallace, General Manager

Summary

As a result of the potential outcomes of the 2017 Local Government elections being finalised by 15 September 2017 it is proposed to hold the first meeting of the new Council on Thursday 21 September 2017 to allow for the Business Paper to be provided to the new Council in a statutory time.

Moved: McCarthy
Second: Lord

That Council move the September Ordinary Council Meeting from Tuesday 19 September 2017 to Thursday 21 September 2017.

Carried 14 150817

13.07 SUPPORT FOR RUN AGAINST VIOLENCE

File No: S:/Community Services/Service Provision/Community Support
Author: Lynette Safranek, Finance & Community Services Director

Summary

Council has been approached by Brad Smithers and the Run Against Violence (RAV) team for support with the solo ultramarathon run. The run is over 1300km from Broken Hill to Sydney in the 'Steps Together Ultramarathon' to give a voice to the often silent victims of family violence – the children. RAV is a not-for-profit organisation run completely by volunteers.

Moved: Gibbons
Second: Morgan

That Council provide support of \$200 toward the Run Against Violence volunteers dinner during their stay in Oberon.

Carried 15 150817

13.08 UPDATED LEAVE POLICY 2103

File No: Governance/Policies/2017 Reviews
Author: Lynette Safranek, Finance & Community Services Director

Summary

Leave Policy 2103 has been amended in accordance with the Local Government (State) Award 2017. It has also been through the Oberon Council Consultative Committee.

Moved: McCarthy
Second: Gibbons

That Council approve Leave Policy 2103 as provided to the meeting.

Carried 16 150817

13.09 BLACK SPRINGS PUBLIC SCHOOL READING PROGRAM

File No: Financial Management/Section 356 Donations
Author: Lynette Safranek, Finance & Community Services Director

Summary

The Black Springs Public School thought they had submitted an application for their Reading Comprehension Program during the Section 356 Funding Program but discovered after the event that it had not arrived at Council for consideration. The school would like to apply for support from Council for this program.

Moved: Francis
Second: Lord

That Council approve a contribution of \$500 as part of the Section 356 Funding Program for the Black Springs Public School Reading Comprehension Program.

Carried 17 150817

13.10 CUMBERLAND COUNCIL SISTER CITY REQUEST

File No: Economic Development/Sister City
Author: Gary Wallace, General Manager

Summary

Correspondence has been received from the Cumberland Council seeking Council's confirmation of whether it continues to welcome a Sister City arrangement. Oberon Council has previously had a Sister City arrangement with the former Auburn City Council.

Moved: McCarthy
Second: Morgan

That Oberon Council confirm their wish to enter into a Sister City arrangement with Cumberland Council.

Carried 18 150817

13.11 END OF TERM REPORT – 2012 -2017 CSP

File No: Corporate Mgt/Community Strategic Plan
Author: Gary Wallace, General Manager

Summary

In 2012 Oberon Council introduced its first Community Strategic Plan. As part of its legal obligations Council is required to report back to its community as to the outcomes of the Plan. This end of term report outlines the achievements of Council through this period.

Moved: Doney
Second: McCarthy

That Council endorse the End of Term Report for the 2012-2017 reporting period.

Carried 19 150817

13.12 COUNCIL PRIORITY ROAD MATRIX – BITUMEN SEALING PROGRAM

File No: Roads/Maintenance/Roads General

Author: Prasanna Kariyawasam, Acting Works Manager

Summary

At the request of Council a Priority Road Matrix has been established previously outlining the Roads which Council sees as an important part of Prioritising and allocating future Capital Funding for the construction and bitumen sealing of Unsealed Roads.

Moved: Doney

Second:

That Council select and endorse one (1) of the five option tables attached as the future Council commitment to extending bitumen seal on current local unsealed roads.

The motion lapsed for want of a seconder.

Moved: McCarthy

Second: Gibbons

That the matter be held over until the new Council is formed in September to allow the new Council to properly consider the matter.

Carried 20 150817

14. REPORTS FOR INFORMATION

14.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary

Author: Gary Wallace, General Manager

Summary

This report item summaries the main activity by the General Manager since the July Council Meeting. Items including Human Resources and Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings, and planned activities.

Moved: Gibbons

Second: McCarthy

That report item 14.01 is received as information.

Carried 21 150817

14.02 MONTHLY ACTIVITY REPORT – PLANNING & DEVELOPMENT DEPT.

File No: Governance/Meetings/Ordinary

Author: Shane Wilson, Planning and Development Director and Gary Wallace, General Manager

Summary

This report item summaries the main activity in the Planning and Development Department since the July Council Meeting.

Moved: Lord
Second: McCarthy

That report item 14.02 is received as information.

Carried 22 150817

14.03 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 July 2017 and including scheduled work for the coming month of August 2017.

Moved: McCarthy
Second: Morgan

That report item 14.03 is received as information.

Carried 23 150817

14.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES

File No: Governance/Meetings/Ordinary

Author: Lynette Safranek, Finance and Community Services Director

Summary

This report provides a summary of work within the Finance and Community Services Department during July 2017, plus planned activities for the upcoming months.

Moved: McCarthy
Second: Gibbons

That report item 14.04 is received as information.

Carried 24 150817

14.05 STATEMENT OF INVESTMENTS

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

Summary

Reporting of Statement of Investments as at 31 July 2017.

Moved: Morgan
Second: Gibbons

That report item 14.05 is received as information.

Carried 25 150817

14.06 GRANTS MONTHLY UPDATE

File No: Governance/Grants/July 2017
Author: Gillian Salmon, Grants Coordinator

Summary

This report provides a summary of Grant Funding applications and submissions, both internal and external, during July 2017.

Moved: McCarthy
Second: Francis

That report item 14.06 is received as information.

Carried 26 150817

14.07 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 month of July 2017.

Moved: McCarthy
Second: Doney

That report item 14.07 is received as information.

Carried 27 150817

14.08 FIRE AND EMERGENCY SERVICES LEVY INQUIRY

File No: Governance/Meetings/Ordinary/August 2017

Author: Lynette Safranek, Finance & Community Services Director

Summary

Following the decision by the State Government to halt the Fire and Emergency Services Levy by Local Councils, an Inquiry into the fire and emergency services levy has been formed.

Moved: Gibbons
Second: McCarthy

That Report Item 14.08 is received as information.

Carried 28 150817

14.09 HIRE OF PLANT 2017/18

File No: Risk Management/Insurance/Contractors

Author: Chris Schumacher, Works & Engineering Director

Summary

Expressions of Interest were invited and rates have been received for the Comprehensive Hire of Plant on a contract basis for a period of eleven (11) months from 1 August, 2017. Quotations are assessed and recorded in the approved Plant Hire Schedule and contacted when plant items are required to cater for temporary fluctuations of workloads or where specialist items are required.

Moved: Gibbons
Second: Morgan

That report item 14.09 is received as information.

Carried 29 150817

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.

16.01 ROTARY CLUB MOU – ALTHEA TAMAR JOHNSON MEMORIAL TRUST

File No: Community Services/Service Provision/Aged Care Services
Author: General Manager – Gary Wallace

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

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

16.02 LAND SALE – OPERATIONAL LAND ABERCROMBIE RD

File No: PR187.1300
Author: Chris Schumacher, Works and Engineering Director

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

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

- (c) Information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**16.03 LAND PURCHASE CORNER ABERCROMBIE & CAMPELLS RIVER ROAD
BLACK SPRINGS**

File No: R191
Author: Works & Engineering Director, Chris Schumacher

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

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

Moved: Lord
Second: McCarthy

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 30 150817

Council moved into Closed Session at 6.56pm. Members of the public present left the meeting at this point in time.

16.01 ROTARY CLUB MOU – ALTHEA TAMAR JOHNSON MEMORIAL TRUST

File No: Community Services/Service Provision/Aged Care Services
Author: General Manager – Gary Wallace

Moved: McCarthy
Second: Morgan

That:

Council enter into a Memorandum of Understanding with the trust managers of the Althea Tamar Johnson Memorial Trust to spend the bequest on senior's low cost housing within Oberon.

Council accepts the offer from the Trust to partner with council and contribute the Trust Funds to the Curtis Street Project under the Memorandum of Understanding.

That the Memorandum of Understanding be limited to twelve months and should the monies not be utilised then the Trust be afforded the opportunity to reallocate the monies accordingly.

Council allocate \$20,000 from the sale of Hathaway Cottage to develop a design for additional accommodation for seniors on Curtis Street.

Carried 31 150817

16.02 LAND SALE – OPERATIONAL LAND ABERCROMBIE RD

File No: PR187.1300

Author: Chris Schumacher, Works and Engineering Director

Moved: Gibbons
Second: Morgan

That:

1. Council determine the sale of 2.1267ha of road reserve fronting 1300 Abercrombie Road, Oberon.
2. Council determine an appropriate price for the sale of the land in accordance with the valuation of OPTEON Group Pty Ltd.
3. The General Manager and Mayor be delegated authority to sign relevant legal documents associated with the transfer of the land.

Carried 32 150817

**16.03 LAND PURCHASE CORNER ABERCROMBIE & CAMPELLS RIVER ROAD
BLACK SPRINGS**

File No: R191

Author: Works & Engineering Director, Chris Schumacher

Moved: Gibbons
Second: Francis

That:

1. Council approve the sale of the land parcel on the Corner of Abercrombie and Campbell's River Road land for the value in accordance with the Opteon valuation.
2. That all costs associated with formalising the allotment including legal, survey, valuation and registration of the land shall be borne by the applicant.
3. Councils General Manager be authorised to sign and affix the Councils Common Seal to Contract of Sale.

Amendment Moved: Gibbons
Second: Francis

That the matter be deferred pending further discussion with the proponent and a further report be bought back to Council.

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

Moved: Gibbons
Second: Francis

That the matter be deferred pending further discussion with the proponent and a further report be brought back to Council.

Carried 33 150817

Open Council resumed at 7.45pm.

The Mayor advised that resolutions 31 150817, 32 150817 and 33 150817 were made while the meeting was closed to the public. There were no members of the public present.

17. CLOSURE OF MEETING

The Mayor declared the meeting closed at 7.45pm.

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

Thursday 22 September 2017
commencing at 5.30pm

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