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OBERON COUNCIL

UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 17 October 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 Lay Pastor Andrew Trafford.

4. RECORD OF ATTENDANCE

Members Mayor Kathy Sajowitz (in the Chair)
 Deputy Mayor Kerry Gibbons
 Clr Ian Doney
 Clr Mark Kellam
 Clr Brenda Lyon
 Clr Clive McCarthy
 Clr Mick McKechnie
 Clr Andrew McKibbin

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

Apologies Clr Don Capel

Moved: McCarthy
Second: McKibbin

That apologies be received and accepted for the non-attendance of Clr Don Capel.

Carried 01 171017

5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

6. PRESENTATIONS

The Annual Financial Statements were presented by Chris Clayton, Director Financial Audit Services, Audit Office of NSW and John Thompson, Audit Partner, Crowe Horwarth Auswild.

7. QUESTIONS FROM THE PUBLIC

Nil

8. CONFIRMATION OF MINUTES

Ordinary Meeting 21 September 2017

Moved: Doney
Second: McCarthy

That the Minutes of the Ordinary Meeting held on 21 September 2017 be confirmed.

Carried 02 171017

Matters Arising from the Minutes

Nil

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: Kellam
Second: McKechnie

That Report Item 09.01 is received as information.

Carried 03 171017

10. NOTICES OF MOTIONS

Nil

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING

File No: Economic Dev/OBTA
Author: Mayor Kathy Sajowitz

Summary

Councillor Sajowitz attended the last meeting of the Oberon Business & Tourist Association. A copy of the minutes of the meeting are provided for Council's information.

Moved: Lyon
Second: McKibbin

That report item 11.01 is received as information.

Carried 04 171017

12. COMMITTEE REPORTS

Nil

13. REPORTS FOR DECISION

13.01 DEVELOPMENT APPLICATION 10.2017.68.1 – 14 LOT SUBDIVISION 978 BEACONSFIELD ROAD, BLACK SPRINGS

File No: PR4-1269
Author: Shane Wilson, Planning and Development Director

Summary

A Development Application for a proposed 14 Lot subdivision has been received and is referred to Council for support in accordance with Clause 4.6 exceptions to development standards of the Oberon Local Environmental Plan, 2013 (LEP 2013). The proposed subdivision aims to create one of the one lots being less than the Minimum Lot Size (MLS) of 100 hectares as required within the RU1 Primary Production zone.

Council has assumed Secretary's concurrence to approve variations under Clause 4.6 of the Oberon LEP 2013 up to 10% of the required minimum lot size in the RU1 Zone.

Moved: McCarthy
Second: Gibbons

That Council:

1. Approve the variation to Clause 4.6 - Exceptions to development standards of LEP 2013 for proposed Lot 13, development consent can be granted.

2. Approve a Deferred Commencement for Development Application 10.2017.68.1 for a 14 lot subdivision at Lots 12 and 14-17 DP 1201954, Lot 4 DP 1185361, Lot 1 DP 853742 and Lot 73 DP 757034 being 978 Beaconsfield Road, Black Springs in accordance with conditions attached.
3. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 05 171017

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, Kellam, Lyon, McKechnie, McCarthy, McKibbin and Gibbons
Against: Councillors Doney

13.02 DEVELOPMENT APPLICATION 10.2017.76.1 – THREE LOT SUBDIVISION

File No: PR4-1269

Author: Shane Wilson, Planning and Development Director

Summary

A Development Application for a proposed Lot subdivision has been received and is referred to Council for support in accordance with Clause 4.6 exceptions to development standards of the Oberon Local Environmental Plan, 2013 (LEP 2013). The proposed subdivision aims to create one of the one lots being less than the Minimum Lot Size (MLS) of 2 hectares as required within the R5 Large Lot Residential zone.

Council has assumed Secretary's concurrence to a approve variations under Clause 4.6 of the Oberon LEP 2013 up to 10% of the required minimum lot size in the R5 zone.

Moved: McKechnie
Second: McCarthy

That Council:

1. Approve the variation to Clause 4.6 - Exceptions to development standards of LEP 2013 for proposed Lot 3, development consent can be granted.
2. Grant conditional APPROVAL for Development Application 10.2017.76.1 for a 3 lot subdivision at Lots 77 & 78 DP 805063, known as 13 Marks Crescent and 62 Fairview Drive, Oberon in accordance with Section 80 of the Environmental Planning & Assessment Act 1979.
3. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 06 171017

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, Kellam, Doney, Lyon, McKechnie, McCarthy, McKibbin and Gibbons
Against: Nil

Page 6 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday 17 October 2017.

13.03 DEVELOPMENT APPLICATION 10.2016.29.1 – 13 LOT (STAGED) RURAL RESIDENTIAL SUBDIVISION

File No: PR1-1488

Author: Shane Wilson – Planning & Development Director

Summary

An application for a rural residential subdivision development comprising thirteen (13) Torrens Title allotments has been lodged on land described as Lot 12 in DP 1008295, being known as 1488 Mutton Falls Road O'Connell. This application is referred to Council for determination in accordance with Part H.4.2 of the Development Control Plan (DCP) 2001. Part H.4.2 of the DCP requires:

“Where it is considered a development proposal will generate significant community interest, Council may arrange a public meeting so that:

- *Details of the proposal can be more fully explained;*
- *Community concerns can be discussed; and*
- *Conflicts can be identified and possibly resolved.*

Part H.3.10 of the Development Control Plan (DCP) 2001 requires:

“In determining applications Council and/or delegated officers of Council, will consider all submissions before the application is determined.”

The application was notified between 21 April 2016 and 12 May 2016. During the notification period a total of Three (3) submissions were received from surrounding land owners.

Moved: McCarthy
Second: Gibbons

That:

1. Council approve Development Application 10.2016.29.1 for a proposed thirteen (13) allotment subdivision of Lot 12 in DP 1008295, being known as 1488 Mutton Falls Road O'Connell in accordance with the conditions contained within this report.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 07 171017

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, Kellam, Lyon, McKechnie, McCarthy, McKibbin and Gibbons
Against: Councillors Doney

13.04 2016/17 FINANCIAL STATEMENTS

File No: Governance/Ordinary/October 2017

Author: Lynette Safranek, Finance & Community Services Director

Summary

The 2016/17 Financial Statements are showing a surplus of \$4 million, inclusive of Capital Grants. The Statement of Cash Flows on page 8 of the Financial Statements shows the total cash, cash equivalents and investments at \$13.4 million which is made up of \$1.6m cash and \$11.8m in term deposits.

Moved: Kellam
Second: Doney

That:

1. In accordance with Section 413 (3) the annual financial report:
 - Is in accordance with the Local Government Act 1993 (as amended) and the Regulations made there under; the Australian Accounting Standards and professional pronouncements; and the Local Government Code of Accounting Practice and Financial Reporting.
 - presents fairly the Council's operating result and financial position for the year, and accords with Council's accounting and other records; and
 - Council is not aware of any matter that would render this report false or misleading in any way.
2. That the Financial Statements for the year ended 30 June 2017 be accepted and be made available for submission to the Auditor General's Office and the Office of Local Government.

Carried 08 171017

13.05 WATER WRITE OFF – ASSESSMENT NO. 12364531

File No: PR187.1300

Author: Chris Schumacher, Works and Engineering Director; Lynette Safranek Finance & Community Services Director

Summary

Oberon suffered one of its coldest mornings on Saturday 22 July 2017, resulting in several water service and delivery issues, predominately a burst residential water service line and meter at the property of assessment 12364531.

Moved: McKibbin
Second: McKechnie

That Council:

1. Write off the residential water consumption of 136kL on Assessment 12364531 due to the unforeseen damage sustained from the severe frost Saturday 22 July 2017.
2. Issue a water account to the resident for water consumed, on historical averages, totalling consumption of 17kL or \$48.96.

Carried 09 171017

13.06 SEWERAGE PROJECT- EAST OBERON RETICUALTION

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

Summary

As part of the Councils undertaking to investigate options to connect existing residential blocks in East Oberon with Reticulated Sewer formal engineering investigation has now been completed by Hunter H2O with recommendations for Councils consideration.

Moved: Doney
Second: McKibbin

That

1. Council undertake consultation with the community, including home owners in East Oberon, in accordance with Council's Community Engagement Strategy and the project document seeking feedback on the Options study for reticulation of the East Oberon project.
2. Council hold a community meeting with residents of East Oberon and potentially affected landowners to allow for the options study to be presented and considered by the community.
3. No decision on the Oberon East Project be considered by Council until after appropriate community consultation being undertaken and the outcomes of that consultation being tabled at a future Council meeting

Carried 10 171017

Clr McCarthy and Clr McKechnie requested their vote against the motion be recorded.

13.07 PROPOSAL - PROJECT MANAGEMENT FOR OBERON SEWERAGE CONTINUATION WATEROZ

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

Summary

Council is in receipt of a proposal from WaterOz for the continuation of Project Management works associated with the two major Oberon Sewerage projects currently being undertaken through the Infrastructure for NSW Program (INSW).

Moved: Kellam
Second: Sajowitz

That Council enter into an agreement to continue with the professional services of WaterOz for the period the next 12 month period up to 30 September 2018.

Carried 11 171017

13.08 ROAD NAMING – ROADS OFF BRACKEN GLEN LANE

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

Summary

This report is further to the recent Council advertisement inviting public submissions for road naming for the recently completed subdivision off Bracken Glen Rd, Oberon.

Moved: Doney
Second: McKibbin

That in accordance with the NSW Road Naming Policy, it is recommended that Council endorse road names for the four (4) new bitumen roads that are part of the new subdivision off Bracken Glen Lane as follows:

- Glendalough Rd
- Dickson Cl or PI
- Tiger Cl or PI
- Scott Cl or PI

Carried 12 171017

13.09 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 Crown Roads within the Westmoreland and Essington areas.

Moved: McKibbin
Second: McCarthy

That Council has no objection to the closure of these sections of Crown Road, File ref: 11/10534 and 17/06944 provided that no properties are left without legal and practical access.

Carried 13 171017

13.10 MEMORANDUM OF UNDERSTANDING (MOU) OBERON CORRECTIONAL CENTRE

File No: Legal Services/Agreements
Author: Gary Wallace, General Manager

Summary

A revised Memorandum of Understanding (MOU) between Oberon Council and the Oberon Correctional Centre has been developed.

Moved: McKibbin
Second: McKechnie

That Council endorse the agreement with the Oberon Correctional Centre as detailed in the Memorandum of Understanding.

Carried 14 171017

13.11 OBERON QUARRIES PTY LTD – MAINTENANCE/REPAIR CONTRIBUTIONS

File No: Roads
Author: Chris Schumacher, Works and Engineering Director & Lynette Safranek Finance & Community Services Director

Summary

The report is to advise councillors of the requirement to draw on “Externally Restricted” funds under the “Developer Contributions” for capital road work improvements to Titania Road and Titania Road/Edith Road intersection.

Moved: Gibbons
Second: McCarthy

That Council transfer \$450,000 from the externally restricted funds for the purposes of capital road improvements on Titania Road.

Carried 15 171017

13.12 PROPOSED AUDIT AND RISK COMMITTEE

File No: Legal Services/Agreements
Author: Gary Wallace, General Manager

Summary

To advise Council of a proposed new Audit Committee proposed to be implemented by Council in conjunction with Lithgow City Council.

Moved: McKibbin
Second: Kellam

That:

1. Council agree to the establishment of an Audit Committee in partnership with Lithgow City Council.
2. Council adopt the draft Terms of Reference for the Audit Committee attached to this report.

Carried 16 171017

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 September Council Meeting. Items including Human Resources and Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings, and planned activities.

Moved: Doney
Second: McKibbin

That report item 14.01 is received as information.

Carried 17 171017

14.02 MONTHLY ACTIVITY REPORT – PLANNING & DEVELOPMENT DEPT.

File No: Governance/Meetings/Ordinary
Author: Shane Wilson, Planning and Development Director

Summary

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

Moved: McCarthy
Second: McKechnie

That report item 14.02 is received as information.

Carried 18 171017

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 September 2017 and including scheduled work for the coming month of October 2017.

Moved: Gibbons
Second: Kellam

That report item 14.03 is received as information.

Carried 18 171017

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 September 2017, plus planned activities for the upcoming months.

Moved: Doney
Second: McCarthy

That report item 14.04 is received as information.

Carried 19 171017

14.05 GRANTS MONTHLY UPDATE

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

Summary

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

Moved: Gibbons
Second: McCarthy

That report item 14.05 is received as information.

Carried 20 171017

Moved: Sajowitz

That Council determine a priority listing for applications for the Stronger Country Communities Fund as follows:

1. New Skate Park at Oberon Common
2. Village Playground and Park Renewal
3. BBQ's on the Fish
4. Footpaths to Fitness
5. Covered Grandstands at Oberon Recreation Ground
6. Infrastructure Improvements at Oberon Golf Course

Carried 21 171017

14.06 STATEMENT OF INVESTMENTS

File No: Financial Management/Investments/Register
Author: Lisa Koleda, Management Accountant; Lynette Safranek, Finance & Community Services Director

Summary

Reporting the Statement of Investments as at 30 September 2017.

Moved: McKibbin
Second: McKechnie

That report item 14.06 is received as information.

Carried 22 171017

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 September 2017.

Moved: Doney
Second: Gibbons

That report item 14.07 is received as information.

Carried 23 171017

14.08 ISABELLA CEMETERY - LEGAL ACCESS

File No: Public Health/Cemeteries/Isabella Cemetery
Author: Chris Schumacher, Works and Engineering Director

Summary

This report provides an update in relation to ongoing negotiations for a legal 'Right of Carriageway' (ROW) across an existing unsealed road located on Lot 200 (DP1017394) to provide access to the Isabella Cemetery.

Moved: Gibbons
Second: McKibbin

That report item 14.08 is received as information.

Carried 24 171017

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 TENDERS – HYDRAULIC EXCAVATOR

File No: Plant Equipment and Stores/Acquisition/Purchase
Author: Chris Schumacher, Director of Works & Engineering

This item is classified CONFIDENTIAL under section 10A(2)(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

(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 TENDERS – MOTOR GRADER

File No: Plant Equipment and Stores/Acquisition/Purchase
Author: Chris Schumacher, Director of Works & Engineering

This item is classified CONFIDENTIAL under section 10A(2)(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

(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: McCarthy
Second: McKibbin

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 25 171017

Council moved into Closed Session at 8.09pm. Members of the public present left the meeting at this point in time.

16.01 TENDERS – HYDRAULIC EXCAVATOR

File No: Plant Equipment and Stores/Acquisition/Purchase
Author: Chris Schumacher, Director of Works & Engineering

Moved: Doney
Second: McCarthy

That the Tender from Westrac Pty Ltd to supply a 323 FL Excavator be accepted for the tendered price in accordance with the report and the trade-in from Westrac Pty Ltd of the 2007 Caterpillar 324 DL in accordance with the report be accepted.

Carried 26 171017

16.02 TENDERS – MOTOR GRADER

File No: Plant Equipment and Stores/Acquisition/Purchase
Author: Chris Schumacher, Director of Works & Engineering

Moved: Gibbons
Second: McCarthy

That the Tender from Westrac Pty Ltd to supply 1 x CAT 12M Motor Grader for the tendered price in accordance with the report and the trade-in from Westrac Pty Ltd of the 2008 Caterpillar 12M Grader in accordance with the report be accepted.

Carried 27 171017

Open Council resumed at 8.25 pm.

The Mayor advised that resolutions 26 171017 and 27 171017 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 8.25pm.

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

Tuesday 21 November 2017 commencing at 5.30pm in the Oberon Council Chambers, 137 Oberon Street, Oberon.