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UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting
Tuesday 20 March 2018

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 Clr Ian Doney.

4. RECORD OF ATTENDANCE

Members Mayor Kathy Sajowitz (in the Chair)
 Deputy Mayor Kerry Gibbons
 Clr Don Capel
 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 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. PRESENTATIONS

Nil

7. QUESTIONS FROM THE PUBLIC

Sam Lord congratulated Council on the progress that has been made with the Local Government NSW Unrateable Land Working Party having successfully carried a motion at the LG NSW Annual Conference held in December. This is something that the Council has been chasing for years and it is great to see progress.

Chris Freeman, Private Investigator living in the Oberon area commented about the discussions that have been held regarding fluoride. He commented that Council has received everything that needs to be expressed. Chris expressed concern that the nature of meetings held was clandestine and there is a level of bureaucracy taking over the process. He also further commented about the Council resolution from the February Ordinary Meeting to join a Joint Organisation and expressed his misgivings about the process and that in his opinion it is a covert takeover.

Veronika Cvitanovic spoke about the fluoride review and health issues associated with this. NSW Health say it is good for teeth, there are people who live in Oberon specifically due to the fact there is no fluoride in the Oberon water. Four years ago the issue was debated extensively and the fact that NSW Health has written to Council should be no reason to revisit something that was decided so recently. We fought hard to stay independent during the merger process and we should maintain our position about fluoride. If Council does decide to review it again it will use significant Council resources. We should do things with those resources that are best for town and will make a difference.

Robin Wiseman spoke about items that she has become aware of. Robin commented about an "Ice" epidemic in our community. She would like to see it bought out to the wider community via education as many are unaware of drug problems. Children in these environments are in danger and need to know where they can turn to. The community needs to speak up and bring to a discussion. Robin also commented that members of the community that believe there are people in Council being swayed by other peoples agendas. We have Councillors who worked hard, who are honest and independent, and have always respected peoples opinions and she believed that had changed.

The Mayor invited Robin to meet with her at any time to discuss her concerns.

8. CONFIRMATION OF MINUTES

Ordinary Meeting 20 February 2018

Moved: McKibbin
Second: Doney

That the Minutes of the Ordinary Meeting held on 20 February 2018 be confirmed.

Carried 01 200318

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 Kathy Sajowitz, Mayor

Summary

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

Moved: McKechnie
Second: Gibbons

That Report Item 09.01 is received as information.

Carried 02 200318

10. NOTICES OF MOTIONS

Nil

11. COUNCILLOR AND DELEGATES REPORTS

11.01 OBERON ARTS COUNCIL

File No: Community Relations/Community Consultation/Oberon Arts Council
Author: Mayor Kathy Sajowitz and General Manager, Gary Wallace

Summary

An update of the recently held Arts OutWest Meeting was provided by the Oberon Arts Council.

Moved: Capel
Second: Kellam

That report item 11.01 is received as information.

Carried 03 200318

11.02 COUNTRY MAYORS ASSOCIATION GENERAL MEETING – FRIDAY 2 MARCH 2018

File No: Government Relations/Regional Liaison/Council Mayors Association
Author: Mayor Kathy Sajowitz

Summary

On March 2 2018 General Manager Gary Wallace and I attended the NSW Country Mayors Association (NSWCMA) General Meeting held at NSW Parliament House in Macquarie St Sydney. There were 70 Council Representatives in attendance.

Moved: McKibbin
Second: Kellam

That report item 11.02 is received as information.

Carried 04 200318

**11.03 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING –
18 FEBRUARY 2018**

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

Summary

Mayor Kathy 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: Capel
Second: Lyon

That report item 11.03 is received as information.

Carried 05 200318

**11.04 CHIFLEY LOCAL AREA COMMAND COMMUNITY SAFETY PRECINCT
COMMITTEE MEETING – 5 MARCH 2018**

File No: Community Services/Service Provision/ Police Services (Community Precinct)
Author: Mayor Kathy Sajowitz

Summary

General Manager Gary Wallace and I attended a Chifley Local Command Meeting in Bathurst on Monday March 5 2018.

Moved: McKibbin
Second: Capel

That report item 11.04 is received as information.

Carried 06 200318

11.05 UNRATEABLE LAND WORKING PARTY MEETING – 1 MARCH 2018

File No: Governance/Meeting/Unrateable Land Working Party
Author: Mayor Kathy Sajowitz

Summary

General Manager Gary Wallace and I attended the second formal Unrateable Land Working Party Meeting on March 1 2018 at LGNSW Offices in Sydney.

Moved: McCarthy
Second: Gibbons

That report item 11.05 is received as information.

Carried 07 200318

11.06 CENTROC BOARD MEETING

File No: Governance/Meetings/CENTROC
Author: Cllr Mark Kellam

Summary

Councillor Kellam and General Manager, Gary Wallace attended the Centroc Board Meeting on February 22 in Condobolin. This report summarises the activities discussed at the meeting.

Moved: Kellam
Second: Gibbons

That report item 11.06 is received as information.

Carried 08 200318

12. COMMITTEE REPORTS

12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE

File: Governance/Meetings/Local Emergency Management Committee
Author: Chris Schumacher, Technical Services Director

Summary

Minutes of the Local Emergency Management Committee Meeting held on 12 February 2018 are submitted for Council's information and consideration.

Moved: McCarthy
Second: Kellam

That the Minutes of the Local Emergency Management Committee Meeting held on 12 February 2018 are received as information.

Carried 09 200318

12.02 OBERON SPORTS FACILITIES COMMITTEE

File: Governance/Meetings/Oberon Sports Facilities Committee
Author: Chris Schumacher, Technical Services Director

Summary

The Oberon Sports Facilities Committee meeting scheduled for 21 February 2018 was not held due to lack of a quorum.

Moved: McCarthy
Second: McKibbin

That Council receive as information that the Oberon Sports Facilities Committee meeting scheduled for 21 February 2018 was not held due to lack of a quorum.

Carried 10 200318

12.03 TRAFFIC ADVISORY LOCAL COMMITTEE

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

Summary

Minutes of the Traffic Advisory Local Committee held on 15 February 2018 are submitted for Council's information and consideration.

Moved: Gibbons
Second: Kellam

That the Minutes of the Traffic Advisory Local Committee meeting held on 15 February 2018 are received as information.

Carried 11 200318

12.04 HERITAGE COMMITTEE

File: Governance/Meetings/Heritage Committee
Author: Shane Wilson Planning and Development Director

Summary

Minutes of the Heritage Committee held on 26 February 2018 submitted for Council's information and consideration.

Moved: McCarthy
Second: Doney

That:

1. The Minutes of the Heritage Committee held on 26 February 2018 received as information.
2. Council support the potential listing of the Local Heritage listing of the Chimney Stack at Burruga through normal process unless the item is of immediate threat of loss.
3. Council write to the owners of Ramsgate asking if they could maintain the property as it is a significant Heritage item in Oberon's main street.

Carried 12 200318

13. REPORTS FOR DECISION

13.01 WELLFEST OBERON REQUEST FOR FINANCIAL ASSISTANCE

File No: Governance/Ordinary/March 2018

Author: Lynette Safranek, Finance & Community Services Director

Summary

Council has received a request from the Wellfest Oberon Committee for financial assistance with excess insurance coverage and equipment hire for the event being held on 23 March 2018.

Moved: Kellam
Second: Lyon

That Council provide financial assistance up to \$1,370.38 to the Wellfest Oberon, and \$500 for insurance excess if required.

Carried 13 200318

13.02 OBERON RUGBY LEAGUES CLUB – CHANGE ROOM RENOVATIONS

File No: Recreation and Cultural Services/Maintenance/Facilities-Sporting Fields

Author: Chris Schumacher, Technical Services Director & Shane Wilson Panning & Development Director

Summary

This report is further to Oberon Tigers Rugby Leagues Club written request for Oberon Council consideration to the upgrade the existing change room facilities at the Oberon Rugby Leagues Club, Lowes Mount Road, Oberon.

Moved: McKechnie
Second: Gibbons

That Oberon Council allocate \$14,300 toward the upgrades to the change room facilities at the Oberon Rugby Leagues Ground to be funded from a reallocation of the previously allocated Town Improvement Fund lighting project.

Carried 14 200318

13.03 OBERON COMMON – CAR PARK UPGRADE OFF CURTIS STREET

File No: Parks and Reserves/Service Provision/Oberon Common

Author: Chris Schumacher, Technical Services Director

Summary

This report is further to Councils request for a report to be considered on the costs associated with bitumen sealing of the existing gravel car park off Curtis Street, Oberon.

Moved: McCarthy
Second: Lyon

That Oberon Council allocate \$ 47,948.11 from Council Town Improvement Reserves, providing for bitumen asphalt and the construction of three (3) masonry block tree bed garden surrounds for the future planting of suitable trees to be determined by the Oberon Common Working Party.

Carried 15 200318

13.04 HEAVY VEHICLE SAFETY & PRODUCTIVITY PROGRAM

File No: Roads/Maintenance/Roads-General
Author: Chris Schumacher, Technical Services Director

Summary

This report seeks Oberon Councils endorsement for additional Council reserved funding to be allocated toward one of the two proposed project grant submissions to the 2018/2019 Heavy Vehicle Safety & Productivity Program.

Moved: McCarthy
Second: Gibbons

That:

1. Council endorse the submission of the \$500,000 Road Improvement project for Abercrombie Road from the start of the 100 kph speed zone (south of Oberon Cemetery) to 221 Abercrombie Rd (Suntop Property) a length of 900m. This project will be 50% funded from the Regional Road Block Grant.
2. Council allocate \$260,000 from current Section 94 Rural Roads Reserves and combine it with the 2018/2019 SRV funding of \$140,000 to make a combined project submission of \$400,000, 50% of project funding allocation toward road improvement works on the Campbell's River Road at Campbell's River.
3. That Council continue to pursue other options for the establishment of realignment and an all weather crossing at the Campbells River on Campbells River Road whilst improving line of sight. This should be done in parallel with the application noted in 2 above. If the Heavy Vehicle Safety and Productivity Program Grant is approved this be reviewed and suitable funding options be considered.

Carried 16 200318

13.05 STRONGER COUNTRY COMMUNITIES FUND ROUND 2

File No: Governance/Meetings/Ordinary/March 2018
Author: Gillian Salmon, Grants Coordinator; Lynette Safranek, Finance & Community Services Director

Summary

Council has been advised that the adjusted Round Two funding allocation from the Stronger Country Communities Fund (SCCF) is \$1,230,618. This report outlines key changes to the Guidelines for Round Two applications and the information requirements for non-council applications from community organisations, including sporting clubs. Applications for Round 2 close on 4 May 2018.

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Moved: Kellam
Second: Capel

That Council:

1. Set a cut off date of Friday 13 April 2018 for non-council applications to Council, and
2. Consider all project proposals against the fund criteria and the merits of each project for both Council and non-Council prior to proceeding to the application stage.

Carried 17 200318

13.06 OBERON KERBSIDE WASTE COLLECTION CONTRACT – T2018/1

File No: Waste Management/Contracts
Author: Shane Wilson - Planning & Development Director

Summary:

The current Oberon kerbside waste collection contract has expired and therefore a tender for a new contract must be called. It is proposed that the new contract will be for an initial period of three (3) years with a further two (2) year extension available. Given the fact that the contract cost will be in excess for \$150,000, Council must determine the proposed method of tendering in accordance with the requirements of Clause 166 of the Local Government Regulation 2005.

Moved: McCarthy
Second: Capel

That Council nominate the selective tendering method as prescribed in accordance with Clause 166(b) of the Local Government Regulation 2005 for the Oberon kerbside waste collection tender – T2018/1.

Carried 18 200318

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 February 2018 Council Meeting. Items including Human Resources and Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings and planned activities.

Moved: McKibbin
Second: Doney

That report item 14.01 is received as information.

Carried 19 200318

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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 February Council Meeting.

Moved: McCarthy
Second: McKibbin

That report item 14.02 is received as information.

Carried 20 200318

14.03 MONTHLY ACTIVITY REPORT – TECHNICAL SERVICES

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Technical Services Director

Summary

Providing a summary of the work activities in the Technical Services Department for the month of February 2018 and including scheduled work for the coming month of March 2018.

Moved: Capel
Second: Gibbons

That report item 14.03 is received as information.

Carried 21 200318

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 February 2018, plus planned activities for the upcoming months.

Moved: Doney
Second: Kellam

That report item 14.04 is received as information.

Carried 22 200318

14.05 GRANTS MONTHLY UPDATE

File No: Governance/Grants/ March 2018

Author: Gillian Salmon, Grants Coordinator; Lynette Safranek, Finance & Community Services Director

Summary

This report provides a summary of Grant Funding applications and submissions, both internal and external, during February 2018.

Moved: McKibbin
Second: McKechnie

That report item 14.05 is received as information.

Carried 23 200318

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 28 February 2018.

Moved: Kellam
Second: McKibbin

That report item 14.06 is received as information.

Carried 24 200318

14.07 WATER AND SEWER PLANT REPORT

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Technical Services Director & Richard Robinson, Sewer & Water Plant Operator.

Summary

This report provides a summary Water & Waste Water Activity for the month of February 2018.

Moved: Capel
Second: Gibbons

That report item 14.07 is received as information.

Carried 25 200318

14.08 PLANNING LEGISLATION CHANGES

File No: Environment Management/General

Author: Shane Wilson - Planning & Development Director

Summary:

The update to the Environmental Planning and Assessment Act 1979 (the Act) came into effect on the 1 March 2018. The reason is the major overhaul of the EP&A Act was the fact that it's almost 40 years old and had been amended over 150 times.

To make the Act easier to navigate and understand, the Act:

- Now has a structure of 10 principal parts, with decimal numbering of all provisions.
- It moves some detailed provisions to schedules and the regulations where appropriate.
- Updates the language of the objects of the Act while maintaining their substance.

Moved: McCarthy

Second: McKibbin

That report item 14.08 is received as information.

Carried 26 200318

14.09 OBERON INDEPENDENT LIVING UNITS

File No: Council Properties/Self-Care Units/General

Author: Shane Wilson – Planning & Development Director

Summary

This report provides Council with concept designs of the proposed Oberon Independent Living Units, which are to be located upon the Curtis Street site.

Moved: Doney

Second: Capel

That Council receive and consider the concept designs of the proposed Oberon Independent Living Units.

Carried 27 200318

15. URGENT BUSINESS

Moved: Sajowitz

Second:

That late report items 13.07 and 13.08 be received and considered at this point in time.

Carried 28 200318

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13.07 LATE REPORT - OBERON SEWERAGE PROJECTS REPORT

File No: Waste Management/Design and Construction/Waste Management Facilities
Author: Chris Schumacher, Technical Services Director

Summary

This late report is with reference to the current status of Infrastructure for NSW (INSW) Oberon Sewerage Projects for both the Oberon Sewerage Treatment Plant and the East Oberon Sewerage Reticulation options investigation.

Moved: McKibbin
Second: Kellam

That:

1. Council nominate the Open Tendering method as prescribed in accordance with Clause 166(a) of the Local Government Regulation 2005 for the Oberon STP Concept Design and Review of Environment Factors (Tender No. T2018/2).

Carried 29 200318

2. Council undertake further consultation with Oberon East property owners outlining options available to the assessment of existing systems and provide further information to Council prior to any decision being reached.

Carried 30 200318

13.08 OBERON COMMUNITY ENGAGEMENT FRAMEWORK AND STRATEGY

File No: Governance/Ordinary/March 2018
Author: Lynette Safranek, Finance & Community Services Director

Summary

This late report is seek support from Council to public exhibit Council's draft Roadmap to Sustainable Engagement – Community Engagement Framework & Strategy 2018.

Moved: Capel
Second: McKibbin

That Council place on public exhibition for a period of 28 days the draft Community Engagement Framework & Strategy 2018.

Carried 31 200318

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 MAYORAL MINUTE – GENERAL MANAGER MID YEAR REVIEW

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

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:

(a) Personnel matters concerning particular individuals (other than Councillors)

16.02 WATER WRITE-OFF REQUEST – ACCOUNT 12365705

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

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:

Section 10A (2)

(b) the personal hardship of any resident or ratepayer.

16.03 PROPERTY & LAND DEVELOPMENT – INDUSTRIAL ESTATE

File No: File No: Governance/Ordinary/Confidential
Author: Shane Wilson – Planning & Development 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.

16.04 LEGAL MATTER

File No: PR201-582

Author: Shane Wilson – Planning & Development 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:

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

16.05 EXPRESSION OF INTEREST – LAND MATTER

File No: Governance/Ordinary/Confidential

Author: Gary Wallace, General Manager

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

16.06 WATER WRITE OFF REQUEST - ASSESSMENT 12368643

File No: Governance/Ordinary/March 2018

Author: Chris Schumacher, Technical Services Director

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:
Section 10A (2)

(b) the personal hardship of any resident or ratepayer.

Moved: Capel
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 32 200318

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Council moved into Closed Session at 8.18pm. Members of the public present left the meeting at this point in time.

16.01 MAYORAL MINUTE – GENERAL MANAGER MID YEAR REVIEW

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

Moved: Sajowitz
Second:

That the Mayor, Deputy Mayor and General Manager sign the Six Month Performance Agreement Review including the ratings and comments, the document to then be placed in the General Manager's personnel file.

Carried 33 200318

16.02 WATER WRITE-OFF REQUEST – ACCOUNT 12365705

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

Moved: Doney
Second: Capel

That Council write off the residential water and sewer consumption as outlined in the tabled report for Assessment 12365705 as the ratepayers are pensioners.

Carried 34 200318

16.03 PROPERTY & LAND DEVELOPMENT – INDUSTRIAL ESTATE

File No: File No: Governance/Ordinary/Confidential
Author: Shane Wilson – Planning & Development Director

Moved: McKibbin
Second: Doney

That Council consider the offer to purchase the land and provide the General Manager with an appropriate delegation to negotiate.

Carried 35 200318

16.04 LEGAL MATTER

File No: PR201-582
Author: Shane Wilson – Planning & Development Director

Moved: Gibbons
Second: McKibbin

That Council authorise the General Manager to approve appropriate legal action to be undertaken.

Carried 36 200318

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16.05 EXPRESSION OF INTEREST – LAND MATTER

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

Moved: Kellam
Second: Capel

That Council delegate to the Mayor and General Manager the authority to engage with the proponent pertaining to the land swap and report back to Council any additional information provided after initial contact.

Carried 37 200318

16.06 WATER WRITE OFF REQUEST - ASSESSMENT 12368643

File No: Governance/Ordinary/March 2018
Author: Chris Schumacher, Technical Services Director

Moved: McKechnie
Second: McCarthy

That Council write off the residential water and sewer consumption as outlined in the tabled report for Assessment 12368643 as the ratepayers are pensioners.

Carried 38 200318

Open Council resumed at 9.01 pm.

The Mayor advised that resolutions 33 200318, 34 200318, 35 200318, 36 200318, 37 200318 and 38 200318 were made while the meeting was closed to the public. There were no members of the public present.

16. CLOSURE OF MEETING

The Mayor declared the meeting closed at 9.01pm.

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

Tuesday 17 April 2018
commencing at 5.30pm

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