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## UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Tuesday 19 June 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.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

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## 3. PRAYER

The Meeting was opened in prayer by Pastor Jo Korman.

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## 4. RECORD OF ATTENDANCE

Members      Mayor Kathy Sajowitz (in the Chair)  
                  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      Deputy Mayor Kerry Gibbons

Moved:         Capel  
Second:        McKibbin

That the apology be noted for the leave of absence of Councillor Kerry Gibbons.

Carried 01 190618

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## 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

A presentation was provided by Phillip Haynes regarding Fluoride. Phillip showed a video titled Fluoride Causes Cancer - Dr Dean Burk Ph.D and then spoke about the findings contained in the video. Phillip advised there are now 52 studies linking fluoride to lower IQ levels. At the public meetings Phillip had stated there are 4 dentists in Lithgow, there are 8. The Project ran a story about fluoridation and reported that dentists are no longer seeing as many patients from Lithgow, the increase in the number of dentists may explain this. Phillip also commented on the increase in toxins in the environment and increased cancer rates. The volume of water that is drunk from that which is proposed to be fluoridated is such a small amount, around 97% of the water will pollute the environment. Phillip also commented on possible increased terrorism potential due to fluoridation. Phillip stated that the rate of fluoridation for drinking water is 1ppm and the rate for 1080 poison is 23ppm so there is not a large tolerance between what is deemed safe and the level that is toxic. Phillip also commented on a study carried out in 2015 in New Zealand of 5 – 8 year old children which showed no difference in tooth decay. He questioned the legality of adding fluoride to drinking water and sited “Marions Case” as an example of the right to refuse treatment. Phillip advised that fluoridation is illegal and the Oberon Council could be sued, he believes this will soon be tested in law. Phillip also advised that in his research he has discovered that when fluoride is added to water they add a polymer to the water to stop corrosion in pipes. Although Phillip commented he was not sure of the exact chemistry it is not good for health to add another toxin in the end.

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## 7. QUESTIONS FROM THE PUBLIC

Rosy Ward raised again the question of the water treatment plant and water reticulation in the Oberon township and asked what are the metal components comprised of in pipes, joiners/bends, solders etc. and the overall percentages in relationship to the works at the Water Treatment Plant and Water Reticulation system. If you start at the treatment plant and follow the course of water reticulation to residential homes what is the age of these works, existing from the 1960's to the Water Treatment Plant installed in 2002 and to present in 2018? What percentage is made from asbestos cement and what is the size of the pipes? Other than mentioned in the CSP what advice have residents received about the asbestos removal from time to time? Are the council aware of “foreseeably being liable” in the advent of taking steps leading to NSW Health granting Council approval to fluoridate or directing Oberon Council to fluoridate, before Council has undertaken the work of replacing all the asbestos cement pipes and lead fittings in Oberon's water reticulation system. Council could foreseeably be liable because it is well known – and Council now is informed that fluoridated water more readily dissolves the lead in lead pipe fittings and is more likely to cause release of asbestos fibres from asbestos cement water pipes (including bio contaminants) into drinking water. Foreseeable results would be loss or injury to Oberon residents due to lead poisoning or asbestos induced cancers.

The Mayor advised that the questions have been noted and Council has previously been provided these questions in writing and a response will be provided in writing.

Brian Dellow commented on the presentation provided by Phillip Haynes and in particular the comments about 1080 being related to fluoride. Brian advised that this is chemically incompatible. The poison 1080 is tied up in the molecule and there is no connection between fluoride and 1080. He also commented that in relation to toxins in water, there is already chlorine added to water. Chlorine is a toxic compound, there is no connection to chloride. He also asked about the relevance of raising examples in New Zealand, there are plenty of examples of studies being done in Australia. He also asked about the relevance of showing a 40 year old documentary from the USA when we have plenty of research in Australia.

Keith Sullivan spoke about fluoridation and advised he has always remained neutral in this matter however, he is not happy with the attitude of some people telling us as a community what's good for us. He advised he cannot find a study undertaken that credibly discounts the no side. From a civil rights perspective, fluoridation is forced medication. Keith added he wants to see an expert opinion that addresses the issues raised so the community can make up their own minds. If the Health Department thinks it's such a good idea why haven't they legislated fluoride, they want Council to take the kick from the community.

Hardy Draheim asked a number of questions in relation to fluoride as follows:

What chemical exactly is proposed to be added and at what rate? Is it natural occurring fluoride, sodium fluoride, fluoro silicic acid, sodium fluorosilicate and is it 0.7ppm or 1ppm? Are there any heavy metals in this product? Will it be added to the dam or tank? Where does it come from? Who supplies it? How does it get to Oberon – by road, which ones? What does it cost?

Hardy also asked about the legal aspects of fluoridation - the phrases "ought to have known", "could reasonably be expected to" and "foreseeably liable" play an important role in today's world

1. Should Council 'ought to have known' about the risks when Fluoride and Asbestos cement water pipes are in prolonged contact? Same applies to lead fittings? Will Council be 'foreseeably liable' dealing with a lethal Asbestos, Lead and Fluoride cocktail?
2. Council should 'have reasonably been expected' to obtain the back up data from NSW Health supporting Jenny James' public comments about Oberon children have twice as much dental decay as Bathurst? When will Council demand the supporting survey results from NSW Health?
3. Council 'ought to have known about' the continuing serious misleading misconduct by Secretary of Health Elizabeth Koff and Chief Medical Officer Kerry Chant letting Ms. James publish what she is not authorised to do so - Unless she got explicit permission but where is this permission? When will Council demand confirmation - or an apology - by NSW Health about these statements?
4. Surely Council would be aware of potential claims under Common Law as there is no indemnity for Council or individual councillors? How will Council deal with future claims – make all ratepayers pay for them?
5. Council 'ought to have obtained' clarification on why adding Fluoride to drinking water is not covered under the Therapeutic Goods Act 1989? In particular which of the 4 listed exceptions apply – if any – and what are the reasons to accept or reject those 4?
6. Did Council obtain a manufacturing licence for adding Fluoride as per the Therapeutic Goods Act PRIOR to voting on this motion?
7. Should Council 'ought to have known' that adding Fluoride will contravene the National Environmental Management Plan from Jan 2018? The lack of full scientific certainty is not sufficient anymore to reject or postpone measures.

Mr Draheim advised he will provide a copy of his questions in writing and a response will be provided.

Alan Jones from Lithgow addressed Council in relation to the impact of fluoridation in Lithgow. Alan advised there had been clinical studies done by NSW Health which showed 27% of children had fluorosis prior to adding fluoride to the water supply. It also showed the children's teeth were better than the state average but they still decided to add fluoride. The difference is parents who want to improve their children's dental health, not fluoride. Alan advised he will circulate a copy of his presentation to Councillors.

Chris Freeman spoke about sodium fluoride and how well penetrated we already are from food and beverages that contain fluoride. The upper limit is 4 mg/day so a person who drinks three standard cups of tea per day is already over the limit, chicken nuggets contain 14mg. Chris feels the town has been under attack from propaganda. He questioned has Council received any statistics that support the claims being made that Oberon has twice the dental decay of fluoridated areas. He also asked has Council commissioned NSW Health to undertake a survey. According to the NSW Water Unit 19 councils in NSW have documented dosing issues in their plants. I am concerned about the community health and costs.

The Mayor responded that Council has not commissioned any poll or passed any information to NSW Health.

Robyn Wiseman advised she has tabled seven papers and highlighted a brief summary of the items of interest. The papers are to do with cell stress and cell death. One paper from the Australian University RMIT speaks about children being adversely affected at 1ppm and bottle fed babies overdosing every day. It quotes hexafluorsilicic acid as one the one most commonly used for fluoridation of drinking water. Alzheimer's and Dementia figures are frightening as now we have an older generation born since 1957 who are in the age group and some younger being affected from what I understand. The amount of money the government is spending declared in the reports I have given are from my understanding only going to get worse. I am concerned for our generations behind me. The poisons in our food and water ways that are passed off as acceptable levels horrify me. The lead and asbestos in our water pipes carrying the tap water that comes into our homes. From my understanding fluoride will corrode the linings and then we will have those toxins going into our children, where do we stop. The Dental clinic in Oberon is half a day per fortnight, there are no figures to back up the statements being made. I ask the Councillors who vote to put fluoride into our tap water to sign a statement that fluoride is not going to adversely affect any of our growing children or any adults. If you won't sign this why not, please put your signature where your vote is.

Ian Brown spoke about the subdivision proposal for O'Connell. The proposal will affect the cultural landscape of the valley. Ian gave a brief outline of the history and aspects of O'Connell which is one of the oldest settlements west of the Blue Mountains. There are graves dating back to 1826 and one of the few remaining World War 1 Memorial Avenue of Trees. The natural environment needs to be preserved and more intensive development in this area would destroy the cultural landscape. Ian asked could each Councillor indicate the degree of their consideration of the cultural landscape during their deliberations and if it had any bearing on their final decision.

Sue Pangas from O'Connell addressed Council and commented the public meeting at O'Connell was attended by about 61 people. The majority of these people were not in favour of further large lot subdivision in O'Connell at this time. Nevertheless, one councillor spoke strongly against the meeting's opinion despite the fact that there has been a history of public meetings opposing large lot subdivision of farmland in O'Connell. Another councillor suggested that we let council know our opinions so we could help plan what happens in our community in the future. What confidence can the community have that their opinion is taken into account when it is so strongly opposed at a public meeting?

Marcus Croft addressed Council and advised that the O'Connell community is not totally against subdivision. They are attempting to protect the cultural heritage. The planning proposal doesn't appear to consider this and doesn't meet planning merit. There are a lack of services. Marcus asked why are Councillors ignoring professional opinion and catering to the desires of one person?

Cherie Brown addressed council and spoke about the concerns raised at the community meeting in O'Connell. Cherie commented that not one person spoke in favour of the proposed subdivision but many spoke against it. The O'Connell community has been saying for the last 15 years its not

against subdivision but it has reached saturation point. The Department of Primary Industry and the Western Planning disapproved, the only opinion taken into account was RMS. When are the expert opinions going to be listened to and acted upon?

David Walker from Geolyse addressed Council in relation to the proposal. The Department of Planning has granted gateway approval and one of the steps in this process is community consultation. David has reviewed the gateway proposal and there are no significant issues, O'Connell is growing at 2 ½ times the rate of Oberon. There is currently 2 – 4 years supply of land there. They have also not paid attention to the land on all surrounding sides which is RU5. The gateway approval has failed to acknowledge the pathway to allow it to proceed without a further Land Use Strategy. Council has concerns regarding how it would proceed and Geolyse are currently working through a similar issue in Orange. David advised they have a meeting scheduled with the Minister tomorrow and because of concerns regarding condition 1 will be seeking a formal review of the gateway approval. David asked Councillors to defer any decision until the review runs its course and sought a letter of support from Council for the review to be undertaken.

Iain McPherson spoke about the O'Connell community and commented the community meetings are a good opportunity for all Councillors to hear the community views as the Councillors are our representatives and will make a decision which affects the whole community. When the LEP was last modified there was in initial proposal for a huge number of lots to be created. After community consultation the Council established a certain number of lots balancing the needs of the community and future development. We have enough subdivision, any more would forever change the whole community. We are custodians of one of the most historic places in the State. The National Trust register talks about its unique quality linked by the O'Connell Avenue, it is a special place and we are custodians for this. In 20 – 30 years we will say why did it happen, what have we lost. We need to protect this piece of Oberon now. Heritage is important, it gives us our sense of place. It is also an economic asset, it will be a point of difference which makes people want to come and visit the area.

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## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 15 May 2018

Moved: Capel  
Second: Kellam

That the Minutes of the Ordinary Meeting held on 15 May 2018 be confirmed.

Carried 02 190618

### Matters Arising from the Minutes

Nil

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Moved: Doney  
Second: Capel

That report item 13.01 be brought forward and dealt with at this point in time.

Carried 03 190618



**13.01 PLANNING PROPOSAL – 2519 O’CONNELL ROAD**

File No: PR186-2519

Author: Shane Wilson - Planning & Development Director

**Summary:**

Director Regions, Western Planning Services considered and determined the planning proposal, having regard to the planning proposal, information provided by Council and Department of Planning and Environment assessment report. This resulted in a conditional gateway determination being approved, as detailed within this report.

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Moved: McCarthy  
Second:

That Council consider the gateway determination and subsequent conditions and determine its preferred direction based upon the information contained within the report.

The motion lapsed for want of a seconder.

Clr Doney foreshadowed a new motion.

Moved: Doney  
Second:

That Council note the direction for major strategic planning work (LEP) to address inconsistencies in the proposal and requests appropriate discussion, time and resources to address this task.

The motion lapsed for want of a seconder.

A further motion was foreshadowed by Clr McKibbin.

Moved: McKibbin  
Second: McKechnie

That the matter be deferred due to the amount of material received and the implications to Council until such times as the formal review being proposed by the proponent is complete.

Carried 04 190618

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, Capel and McKibbin  
Against: Councillor Doney

## 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.

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Moved: McKibbin  
Second: McCarthy

That Report Item 09.01 is received as information.

Carried 05 190618

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## 10. NOTICES OF MOTIONS

### 10.01 NOTICE OF MOTION – OBERON'S DENTAL ISSUE

File No: Water Supply/Reporting/Fluoridation  
Author: Clr Brenda Lyon

#### Summary

Seeking to establish the extent of the dental issue in Oberon.

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Moved: Lyon  
Second: McCarthy

That Council resolves not to proceed with the fluoridation of the town water supply until the extent of the problem has been quantified by adequate local research.

Further that the Council commit to an appropriate and adequate means of collecting the required data and if necessary formulate a plan of action acceptable to the majority of the community to address any issue relating to dental health that arises as the result of the survey.

The motion was put and lost.

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## 11. COUNCILLOR AND DELEGATES REPORTS

### **11.01 OBERON BUSINESS & TOURISM ASSOCIATION MEETING – 24 APRIL 2018 AND 9 MAY 2018**

File No: Economic Development/OBTA  
Author: Clr Don Capel

#### **Summary**

The Oberon Business and Tourism Association met on Wednesday April 24, at the Oberon Golf Club and for a dinner meeting on May 9, again at the Oberon Golf Club. The April meeting was attended by the Mayor Cr Sajowitz, Cr Capel and the General Manager, Gary Wallace.

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Moved: Capel  
Second: McKibbin

That report item 11.01 is received as information.

Carried 06 190618

### **11.02 UPPER MACQUARIE COUNTY COUNCIL MEETING – 4 MAY 2018 AND EXTRAORDINARY MEETING – 1 JUNE 2018**

File No: Environmental Management/Meetings/Upper Macquarie County Council  
Author: Clr Andrew McKibbin

#### **Summary**

The most recent meeting of the Upper Macquarie County Council was held on Friday 4 May 2018 and 1 June 2018 at the Council offices in Kelso. The meetings were attended by Council's delegates Clr Andrew McKibbin and Clr Don Capel.

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Moved: McKibbin  
Second: Kellam

That report item 11.02 is received as information.

Carried 07 190618

### **11.03 CENTRAL NSW JOINT ORGANISATION INAUGURAL MEETING AND CENTROC BOARD MEETING**

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

#### **Summary**

Along with General Manager Gary Wallace I attended the Centroc Board Meeting at Parliament House Sydney on May 24 2018. Incorporated into this meeting was the inaugural meeting of the newly formed Central NSW JO. Minister Paul Toole sponsored the meeting.

Moved: McCarthy  
Second: Capel

That report item 11.03 is received as information.

Carried 08 190618

#### **11.04 OBERON ARTS COUNCIL**

File No: Community Relations/Community Consultation/Oberon Arts Council  
Author: Mayor Kathy Sajowitz

##### **Summary**

Councillor Sajowitz attended the last meeting of the Oberon Arts Council Committee.

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Moved: Capel  
Second: Doney

That report item 11.04 is received as information.

Carried 09 190618

#### **11.05 COUNTRY MAYORS ASSOCIATION MEETING – FRIDAY 1 JUNE 2018**

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

##### **Summary**

On June 1 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 approximately seventy Council Representatives in attendance.

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Moved: McKibbin  
Second: Kellam

That report item 11.05 is received as information.

Carried 10 190618

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## 12. COMMITTEE REPORTS

### 12.01 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 17 May 2018 are submitted for Council's information and consideration.

Moved: Kellam  
Second: McKibbin

That the Minutes of the Traffic Advisory Local Committee meeting held on 17 May 2018 are received as information.

Carried 11 190618

## 13. REPORTS FOR DECISION

### 13.02 DEVELOPMENT APPLICATION 10.2018.38.1 – ADDITIONS AND ALTERATIONS TO AN EXISTING DWELLING

File No: Property/PO4-22  
Author: Health and Building Surveyor, Kerry Davison

#### Summary

A Development Application has been received for additions and alterations to an existing dwelling at 22 Balfour Street, Oberon with particular reference Part C.5.5 – “Building Height Plane”.

Moved: McKibbin  
Second: Doney

That:

1. Council vary Part C.5.5 – “Building Height Plane” of its current DCP 2001 associated to Development Application 10.2018.38.1 for additions and alterations to an existing dwelling at Lot 30, Section D in DP 2364, being known as 22 Balfour Street, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 12 190618

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, Doney, Capel and McKibbin  
Against: Nil

**13.03 CENTRAL NSW JOINT ORGANISATION – DRAFT CODE OF MEETING PRACTICE & CHARTER**

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

**Summary**

On 24 May 2018 Oberon Council, together with 10 other Local Government Authorities held the inaugural meeting of the Central NSW Joint Organisation at Parliament House in Sydney. This report seeks Councils endorsement of the Draft Code of Conduct, Charter and note the Board Meeting Agenda and Minutes.

Moved: Capel  
Second: McCarthy

That Council:

1. Provide comment to the General Manager regarding the Draft Code of Meeting Practice for the Central NSW Joint Organisation of Councils and should no comment be received by 30 June 2018 provide feedback to the Central NSW JO indicating its endorsement.
2. Provide comment to the General Manager regarding the Draft Charter for the Central NSW Joint Organisation and should no comment be received by 30 June 2018 provide feedback to the Central NSW JO indicating its endorsement.

Carried 13 190618

**13.04 COMMUNITY STRATEGIC PLAN**

File No: Governance/Integrated Planning and Reporting/Community Strategic Plan  
Author: Gary Wallace, General Manager; Lynette Safranek, Finance & Community Services Director; Chris Schumacher, Works & Engineering Director; and Shane Wilson, Planning and Development Director

**Summary**

The Draft Oberon Community Strategic Plan and associated documents were placed on Public Exhibition from 16 May to 14 June 2018. Community Meetings were held at Black Springs, Burruga, O'Connell and Oberon during the public exhibition period. During the exhibition period, Council received three written submissions.

Moved: Kellam  
Second: Capel

That Council:

1. Endorse the Community Strategic Plan as placed on Public Exhibition and additional explanatory note.
2. Resolve to implement a new Community Strategic Plan, with the assistance of Donna Galvin Consulting and Reflect Reframe Transform, and the involvement of community members, by December 2018.
3. Adopt the 2018/19 Operational Plan incorporating changes outlined within the report and any variation deliberated at the meeting.

4. Adopt the 2018/19 Long Term Financial Plan as set out in this report.
5. Adopt the 2018/19 Fees & Charges per changes indicated in this report.
6. Adopt the 2018/19 Rating Structure as set out in this report.
7. Adopt the 2018/19 Infrastructure Asset Management Plan as set out in this report.
8. Provide all persons who made a submission with feedback on their submission.

Carried 14 190618

It was noted that the venue for the Community Meeting held in O'Connell on Wednesday 23 May 2018 was the O'Connell RFS Building.

### **13.05 VILLAGE IMPROVEMENT FUNDS**

File No: Governance/Ordinary/June 2018

Author: Lynette Safranek, Finance & Community Services Director

#### **Summary**

The Burruga and District Community Association has written to Council to request the use of 2016/17 and 2017/18 allocation of Village Improvement Funds during the 2018/19 financial year to complete the project being undertaken at the Burruga Sports and Recreation Club.

The Black Springs Progress Association has written to Council to request that use of the 2017/18 and 2018/19 Village Improvement Funds for an all weather car park at the front of the Black Springs Community Hall.

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Moved: McCarthy  
Second: Kellam

That Council:

1. Approve carry over of the balance of \$4,500 of 2017/18 Village Improvement funds to the 2018/19 financial year for use with the 2018/19 \$5,000 allocation, for the project currently underway at the Burruga Sports and Recreation Club, and
2. Approve carry over of the unused \$5,000 of 2017/18 Village Improvement funds to 2018/19 financial year, to combine with the \$5,000 allocation of 2018/19 funds for the installation of a car park at the front of the Black Springs Community Hall.

Carried 15 190618

### **13.06 RELATED PARTY DISCLOSURE POLICY REVIEW**

File No: Governance/Policies

Author: Lynette Safranek, Finance & Community Services Director

#### **Summary**

In accordance with the Australian Accounting Standard 124, the Related Party Disclosures and Policy are required to be reviewed annually.

Moved: McKibbin  
Second: Doney

That Council approve the Related Parties Disclosures Policy 2220.

Carried 16 190618

### **13.07 UNIFORM POLICY**

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

#### **Summary**

Council's Uniform Policy 2107 has been updated, was presented to the Consultative Committee at its meeting in September 2017, and is presented to Council for ratification. This policy outlines the assistance providing to all staff for a Council Uniform.

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Moved: Doney  
Second: Capel

That Council approve the Uniform Policy 2107 as provided to the meeting.

Carried 17 190618

### **13.08 COUNCIL SECTION 355 COMMITTEES**

File No: Governance/Meetings/Committees General  
Author: Gary Wallace General Manager

#### **Summary**

There are a number of Section 355 Committees. This report seeks the confirmation of the community representatives appointed to these Committees.

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Moved: Kellam  
Second: Doney

That:

1. Council confirm its community delegates to the Section 355 Committees for a period of 2 years.
2. Council seek additional interest for both the Sports Facilities and Community Services Committees from local organisations with a further report provided to Council upon completion.

Carried 18 190618



**13.09 BLACK SPRINGS COMMUNITY ASSOCIATION – COUNCILLOR/S DELEGATE**

File No: Governance/Ordinary/June 2018

Author: Lynette Safranek, Finance & Community Services Director

**Summary**

Council is in receipt of a request from the newly formed Black Springs Community Association seeking interest from Oberon Council to have a delegate, or delegates sit on the Association.

Moved: McCarthy

Second: McKibbin

That Councillor Gibbons and Councillor Capel be nominated as delegate to sit on the Black Springs Community Association.

Carried 19 190618

**13.10 OBERON COMMON TOILETS – REPLACEMENT CEILING**

File No: Parks and Reserves/Maintenance/Facilities

Author: Chris Schumacher Technical Services Director

**Summary**

This report seeks Council support and allocation of funding to replace the existing Gyprock lined toilet ceiling within the existing toilet amenity block at the Oberon Common.

Moved: Capel

Second: McKibbin

That Council allocate a further \$9,702 from current 2017/2018 Town Improvement reserves to replace toilet ceiling linings in the Oberon Common toilet facility to deter further vandalism.

Carried 20 190618

**13.11 MAYORAL AND COUNCILLOR FEES 2018/19**

File No: Governance/Ordinary/June 2018

Author: Lynette Safranek, Finance & Community Services Director

**Summary**

The Local Government Remuneration Tribunal (the Tribunal) determines an increase for mayoral and councillor fees each year in accordance with Sections 248 and 249 of the Local Government Act 1993.

Moved: McKechnie

Second: Doney

Council accept the 2.5% increase for Mayoral and Councillor Fees as set by the Local Government Remuneration Tribunal for the 2018/19 financial year.

Amendment Moved: Sajowitz  
Second: McKibbin

That Council not accept the 2.5% increase for Mayoral and Councillor Fees and maintain the status quo.

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

Moved: Sajowitz  
Second: McKibbin

That Council not accept the 2.5% increase for Mayoral and Councillor Fees and maintain the status quo.

Carried 21 190618

### **13.12 EAST OBERON SEWERAGE INSPECTIONS**

File No: Sewerage and Drainage/Inspections  
Author: Gary Wallace, General Manager

#### **Summary**

This report seeks Councils endorsement of an inspection program proposed to gather information on septic systems in the East Oberon area. The report seeks Council resolution to undertake the program.

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Moved: McCarthy  
Second: Kellam

That:

1. Council undertake the inspection program for the East Oberon area to gather information as to the current state of septic systems.
2. A report be brought back to Council outlining the results of the inspection for further consideration.

Carried 22 190618

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## **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 summarises the main activity by the General Manager since the May 2018 Council Meeting. Items include Human Resources, Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings, and planned activities.

Moved: Doney  
Second: Kellam

That report item 14.01 is received as information.

Carried 23 190618

#### **14.02 MONTHLY ACTIVITY REPORT – PLANNING & DEVELOPMENT DEPT.**

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

##### **Summary**

This report item summarises the main activity in the Planning and Development Department since the May Council Meeting.

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Moved: McKibbin  
Second: Capel

That report item 14.02 is received as information.

Carried 24 190618

#### **14.03 MONTHLY ACTIVITY REPORT – TECHNICAL SERVICES**

File: Governance/Meetings/Ordinary  
Author: Chris Schumacher, Technical Services Director

##### **Summary**

This report provides a summary of the completed and proposed works in the Technical Services area for the month of May and planned work for the month of June.

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Moved: Doney  
Second: McCarthy

That report item 14.03 be received as information.

Carried 25 190618

#### **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 May 2018, plus planned activities for the upcoming months.

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Moved: Capel  
Second: McKibbin

That report item 14.04 is received as information.

Carried 26 190618

#### **14.05 LEGAL AND CONSULTANCY FEES**

File No: Legal Services/Legal  
Author: Lynette Safranek, Finance & Community Services Director

##### **Summary**

This report outlines the Legal Fee transactions for the period 1 July 2017 to 31 March 2018.

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Moved: McCarthy  
Second: Capel

That Report 14.05 is received as information.

Carried 27 190618

#### **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 31 May 2018.

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Moved: McKibbin  
Second: Kellam

That Council receive report item 14.06 as information.

Carried 28 190618

#### **14.07 WATER AND SEWER PLANT REPORT**

File: Governance/Meetings/Ordinary  
Author: Chris Schumacher, Works and Engineering Director

##### **Summary**

Providing a summary of Oberon Council LGA water consumption and sewerage treatment processes for the month of May 2018 and WaterNSW outlook and Oberon dam activity update.

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Moved: Capel  
Second: Kellam

That report item 14.07 is received as information.

Carried 29 190618

#### **14.08 CROWN LAND MANAGEMENT ACT 2016**

File No: Land Use and Planning/Crown Land  
Author: Shane Wilson - Planning & Development Director

##### **Summary:**

The *Crown Land Management Act 2016* (CLM Act) will commence on 1 July 2018, introducing a consolidated, modern piece of legislation to govern the management of Crown land in NSW.

The CLM Act will introduce significant changes to the management of Crown land by councils. Specifically, Councils will manage their dedicated or reserved land as if it were public land under the *Local Government Act 1993* (LG Act). Most of this land is expected to be classified as “community land” under the LG Act, meaning that councils will be required to have plans of management in place for the land. The CLM Act provides a transition period of 3 years from commencement for councils to have these plans in place.

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Moved: Kellam  
Second: McKibbin

That report item 14.08 is received as information.

Carried 30 190618

#### **14.09 WATER USAGE – DROUGHT ASSISTANCE**

File No: Water Supply/Monitoring/Water Standpipe  
Author: Gary Wallace, General Manager

##### **Summary**

This report outlines the take up of drought assistance (water usage) for the period 16 May 2018 – 13 June 2018.

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Moved: McCarthy  
Second: Kellam

That Report 14.09 is received as information.

Carried 31 190618

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## **15. URGENT BUSINESS**

Nil

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## 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 WATER WRITE OFF REQUEST – ACCOUNT 12384405

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)

(a) personnel matters concerning particular individuals (other than Councillors).

#### 16.02 WRITE OFF REQUEST – ASSESSMENT 12350037

File No: Governance/Ordinary/Confidential  
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)

(a) personnel matters concerning particular individuals (other than Councillors).

#### 16.03 LEGAL MATTERS

File No: Legal  
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.

#### 16.04 TENDER T2018/5 – SPRAYED BITUMINOUS SURFACING WORKS

File No: Corporate Management/Tendering/Roads and Bridges  
Author: Chris Schumacher, Technical Services 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.

Moved: Doney  
Second: Capel

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 190618

*Council moved into Closed Session at 8.29pm. Members of the public present left the meeting at this point in time.*

#### **16.01 WATER WRITE OFF REQUEST – ACCOUNT 12384405**

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

Moved: Kellam  
Second: Capel

That Council not accept the submission as the request sits outside the drought subsidy period and invite a new application for the approved rebate period from 16 May 2018 for consideration.

Carried 33 190618

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

#### **16.02 WRITE OFF REQUEST – ASSESSMENT 12350037**

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

Moved: McKibbin  
Second: Capel

That Council write-off Invoice 775.01 totalling \$429.00 (including GST) issued to Assessment No.12350037.

Carried 34 190618

### **16.03 LEGAL MATTERS**

File No: Legal

Author: Shane Wilson – Planning & Development Director

Moved: McCarthy

Second: Capel

That Council receive the report for information.

Carried 35 190618

### **16.04 TENDER T2018/5 – SPRAYED BITUMINOUS SURFACING WORKS**

File No: Corporate Management/Tendering/Roads and Bridges

Author: Chris Schumacher, Technical Services Director

Moved: McKibbin

Second: Capel

That:

1. Council accept the Tender submission from Fulton Hogan Pty Ltd for Sprayed Bituminous Surfacing Works in the Oberon Council LGA, from 1 July 2018 to 30 June 2021.

2. The Mayor and General Manager be authorised to sign Contract documents.

Carried 36 190618

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*Open Council resumed at 9.25pm.*

The Mayor advised that resolutions 33 190618, 34 190618, 35 190618 and 36 190618 were made while the meeting was closed to the public. There were no members of the public present.

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## **17. CLOSURE OF MEETING**

The Mayor declared the Meeting closed at 9.25pm.

The next Ordinary Meeting of Oberon Council will be held on Tuesday 17 July 2018 commencing at 5.30pm in the Oberon Council Chambers 137 Oberon Street, Oberon.