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**OBERON COUNCIL**

## CONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Tuesday 16 October 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 Clr Kerry Gibbons.

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## 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, Technical Services Director  
                                    Sharon Swannell, Executive Coordinator

Leave of Absence      Clr Don Capel

Moved:                      Doney  
Second:                     Kellam

That the apology be received and accepted for the leave of absence of Councillor Don Capel.

Carried 01 161018

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## 5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

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## 6. PRESENTATIONS

A presentation was provided by Phillip Haynes.

Phillip commented there seems to be some confusion about the numbers in the poll that was conducted by some of the group and that the numbers didn't match up. There was a letter to the editor last week written by Bob Wilson saying the same. The numbers didn't match as the industry, commerce was not canvassed, purely the private residents.

The Mayor responded there are 1156 homes connected to the reticulated water supply – 775 were canvassed.

Phillip replied this is due to vacant blocks of land and some people weren't home. The survey is still a fairly good sample of the feeling of this town, approximately three quarters of the people don't want fluoride.

Phillip then showed a youtube video - The Biophysics of Fluoride by Neurosurgeon Dr Jack Kruse <https://www.youtube.com/watch?v=YxerfsaEPYs>.

Phillip commented he hoped the video helps Councillors understand why most of the people in this town are opposed to fluoride. This is one person of many who has looked at all the research out there and put it together.

Phillip then asked going forward in 12 months I think you said the plant will be up and operational?

The Mayor responded I haven't said that. Council is meeting with NSW Health and we will know more after that meeting.

Given it will take 12 months to implement and 11 months after that there will be a council election. I think you will find it hard to keep the numbers. I don't know how many numbers will continue. I think you will be struggling to stay on council if you continue this stance. There is nothing stopping the next council from stopping fluoridation. There is plenty of precedent. Kempsey and Hastings River received their approval in 2004. They were supposed to have up and running in 2005. To this day they haven't completely fluoridated. One has 6 plants and only 3 are up and running. The Government know its illegal and they aren't pushing the point. In 2011 they specified a completion date. I downloaded Oberon's letter and there is no completion date. It could take 10 years and there is nothing the Government can do about it. I am asking this council to reconsider this. There is a lot of evidence that its not good to you. I can send the links to the video. Even if fluoride was fantastic, when three quarters of the town don't want it isn't that enough. There is so much evidence, I don't understand the stance of this Council. I ask that you reconsider this issue.

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## 7. QUESTIONS FROM THE PUBLIC

Tylor Stamos, a resident of Queen St commented about fluoridation. I recently visited Sydney, first day first thing I noticed when I drank my teeth became hypersensitive. After a few days the breathing didn't hurt but my teeth were extremely sensitive. With all the information I have read I know it shouldn't be done. I have spoken to plenty of young people who say the same. It is a ridiculous thing and I would ask Councillors to reconsider.

Rachel Maher addressed Council. Its easy to become so entwined in the vines of conflict and personal opinion that the fundamental issue at hand becomes clouded and even disregarded. The decision that ultimately belongs to the residents of the Oberon community as whether to add fluoride to their reticulated water supply has been overrun by the notion that the decision lies within the Council pending their interpretation of controversial subject information.

Tonight I am appealing to the place within each of you, the place that helps your neighbour carry their groceries, the place that knows our children are the future not us, the place were a deep knowing of right and wrong resides. I appeal to your ability to love, to show compassion, consideration and benevolence, I appeal to your ability to be humane.

As said by Mahatma Ghandi and I quote:

“The greatness of humanity is not in being human, but in being humane.”

I ask Council to consider and respond to the following questions.

1. Who has the right to decide what is best for the individual and their community?
2. When presented with the recent community survey why was it council's response to immediately discredit the information and proceed to publicly browbeat those directly involved? One would strongly assume that a genuinely concerned and moral council would further investigate and work with the people to find existing areas of credibility in order to be 100% sure they are not making the wrong decision.

Kathy you stated about the town survey “ I further note that the 76% mentioned in your question is the proportion of the 622 people surveye3d who surveyed “no” it does not relate to 76% of town residents”. You applied a mathematical formula to the survey resulting in the no vote equalling 18.14% of residents in the town area.

I have applied the same principals and mathematic formula to the NSW health survey that Council has based its decision on and this is the results.

The 53% is the proportion of the 271 people surveyed who surveyed yes, it does not relate to 53% of town residents resulting in a yes vote equalling 2.75%.

That's 18.14% no, 2.75% yes (may I add even if the 60% is not taken out a yes vote would still only equate to 7.04%).

3. In reference to the above can you honestly say council has fulfilled their responsibility “to provide responsible civic leadership to the community and to represent the collective interests of residents of the whole LGA.”?
4. If you are acting with integrity and honesty why has council not made a public statement that at the time of councils application to fluoridate Oberon's reticulated water supply council did not  
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even know what type of fluoride formula was intended on being added in the fluoridation process.

Kathy you stated “as such I read almost everything that came across my desk on both sides of the issues, conducted my own research coming to the conclusion that based on empirical evidence and the value of such a small amount of fluoride – just 1ppm added to the water supply, adding fluoride will be beneficial”, when in fact you have indicated Council did not know what the fluoride formula was they intended to add and won’t know until after the approval for permission to fluoridate is granted.

5. Does this uniformed and reckless action render any research into the health impacts on the community invalid therefore leaving an enormous gateway for legal proceedings in the future?

I ask each member of council to honestly answer this question – have I acted humanely and do I have the right to represent a community if I do not practice the act of humanity with every individual? After all is that not the fundamental right of every living being.

Robin Wiseman asked the following questions:

1. How are you going to inform those young people who want to have babies not to ingest fluoride and the parents of young babies and children not to have them ingest fluoride?
2. I was appalled at the Council meeting last month. I ask the Mayor why she did not speak out when one particular Councillor in his reply to the motion put forward spoke derogative comments towards members of the Oberon community which were falsely made? As a former Mayor Keith Sullivan pointed out to him at the time he had liable himself and yet was still allowed to continue and not one other councillor saw fit to speak up. What a sad day for us to see councillors not ready to speak up against what I see as a bullying mentality. People who have never been before to Council Meetings went home distressed about the comments said. I believe the sooner the Council elections come the sooner we may get people who will respect and listen to the people they represent.

There is a website you may want to view, I have attached it 2018 Declan Waugh Fluoride Toxicity at the Otago University [https://www.youtube.com/watch?v=1x4\\_DIUGJZg](https://www.youtube.com/watch?v=1x4_DIUGJZg)

Hardy Draheim asked the following questions.

1. I seek feedback from Cllr McKibbin who promised prior to the election cost control. Can Cllr McKibbin elaborate what savings he has identified to offset the increases from the fluoridation plant? NSW Public Works advised the operating cost is around \$20k per annum plus staffing cost of 6 hours per week plus management and administration costs. Where does the money come from?
2. Can General Manager Wallace enlighten ratepayers how will the operating costs be funded? Will they be distributed evenly across all ratepayers or only those that receive town water. Will Council discriminate against out of town ratepayers.
3. Last week a law was passed to warn pregnant women on alcoholic drinks that they are putting their child and themselves at risk. The latest research from Canada reports there is a link between fluoride in drinking water and several illnesses for pregnant women and newborns. Will council continue to put their heads in the sand denying that change happens? Will council

be the first one to acknowledge that signs should be put on all taps to warn pregnant women and breastfeeding not to consume an S6 poison. Ignorance is no excuse.

4. The legal side has not changed. Council still requires a TGA licence and a matching registration in the Australian register for therapeutic goods. I am asking for council to comment on this legal issue and not to quote NSW Health or NHMRC. NHMRC is the top research body in Australia. NHMRC's reputation is greatly tarnished having had to admit under Senate scrutiny that instead of using accepted scientific methods, the NHMRC review team not only invented the methods along the way, they also did this well after the evidence had already been collated and assessed.. They have misled the Australian public and Government.

Sam Harris – as someone who doesn't drink water if people have such an objection to drinking fluoridated water, perhaps Council can buy in bulk equipment that will remove fluoride. This may avoid this unnecessary war that seems to be going on.

Janet Poole – five councillors voted to put an s6 poison in the water supply – this isn't going away. This has woken up the town, the backlash has been our dream come true. We don't believe your speeches. The information presented was a carbon copy of Bega, the entire room knows the survey was rigged. We cannot trust NHMRC. It was clear from your speeches you had no intention of listening to the evidence presented at all of the community consultation meetings. Two pro fluoride councillors have been heard laughing about us over coffee. The law is on our side – we know you don't believe it can affect you personally, right now it is illegal it really is. You believe the Government has your back but I would get your own legal advice.

Fluoride is cumulative, it builds and builds. A formula fed baby in your town would be overdosed every day. Former president of the ADA discovered the truth about fluoride and deeply regrets his findings. He tried to raise his concerns and the ADA had no interest in what he had to say. Why don't the fluoride promoters in this town do some honest research. To the five councillors, you are asking your own employees to handle a s6 poison and you are asking them to put it in the water supply. I do know truth will win, it always does and I know you can turn this around.

Bailey Armstrong – our nation has been blemished by people in positions of power making decision for people they govern. Although I admit this is drawing a long bow, this is the same principle as the stolen generation. Europeans thought it was the right decision and they now know this was a mistake. If you are concerned about people's teeth education about dental health care and particularly putting a dentist in our town which it lacks at the moment are solutions. I grew up with bore water, brush daily and have no dental issues. I believe sugar and drinks are the issues, fluoridated water will have little effect. It seems suspicious to me that when fluoride is implemented the NSW Health Council refuses to remove it from the water supply.



## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 18 September 2018

Moved: McKibbin  
Second: Kellam

That the Minutes of the Ordinary Meeting held on 18 September 2018 be confirmed.

Carried 02 161018

### 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 summarises the main activity for the Mayor since my last report.

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Moved: McCarthy  
Second: McKibbin

That Report Item 09.01 is received as information.

Carried 03 161018

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## 10. NOTICES OF MOTIONS

### 10.01 REQUEST FOR DISABLED PARKING – DUDLEY STREET

File No: Traffic and Transport/Parking  
Author: Clr Mick McKechnie

Moved: McKechnie  
Second: McKibbin

That Council investigate options for a disabled carpark space be designated in Dudley Street adjacent to the existing disabled ramp access and that the footpath alignment/gradient be adjusted to reduce fall and slip hazards and a report be provided to the November Council Meeting.

Carried 04 161018

## **10.02 REQUEST FOR REPAIRS TO CARPARK AT THE REAR OF OBERON RSL CLUB**

File No: Traffic and Transport/Parking  
Author: Cllr Mick McKechnie

Moved: McKechnie  
Second: McCarthy

That Council undertake in kind work to complete resurfacing of a strip of bitumen seal, patch and pothole repairs to the rear carpark at the Oberon RSL Club to the value of \$3800.

Carried 05 161018

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## **11. COUNCILLOR AND DELEGATES REPORTS**

### **11.01 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING**

File No: Tourism  
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: McCarthy  
Second: Kellam

That report item 11.01 is received as information.

Carried 06 161018

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## **12. COMMITTEE REPORTS**

### **12.01 OBERON YOUTH COUNCIL**

File: Governance/Meetings/OYC  
Author: Lynette Safranek, Finance and Community Services Director

#### **Summary**

The Oberon Youth Council meeting is held on the fourth Wednesday of each month, except for January. This report provides an update on outcomes from this meeting and any other activities that have been undertaken.

Moved: McCarthy  
Second: Gibbons

That the Oberon Youth Council report 12.01 is received as information.

Carried 07 161018

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## 13. REPORTS FOR DECISION

### 13.01 PROJECT MANAGEMENT - OBERON SEWERAGE PROJECTS (WATEROZ)

File No: Sewerage and Drainage/ Sewerage - General  
Author: Chris Schumacher, Director Technical Services

#### 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).

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Moved: McCarthy  
Second: Gibbons

That Council endorse the WaterOz proposal to continue with the professional project management services of Councils sewerage projects up to 30 September 2019 subject to:

- a. Confirmation of travel costs \$300/hr is charged while the consultant is travelling (Council believes it should not be).
- b. A performance review be undertaken at 30 March 2019 and
- c. The Director of Technical Services implement a performance system for the period of the contract.

Carried 08 161018

### 13.02 TRANSFER OF FUNDS FROM RESTRICTED RESERVES

File No: Financial Management/Budgeting  
Author: Shane Wilson, Planning & Development Director

#### Summary:

It is proposed that funds previously budgeted within Town Improvement and Garbage Depot, which were unused during 2017/18 financial year, to allow for the construction of footpaths and a new animal shelter, be transferred to the current operating budget. These fund transfers will not have an affect on the current operating budget.

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Moved: McKibbin  
Second: McKechnie

That Council:

1. Transfer \$45,000 of Town Improvement reserves for the completion of the footpaths to fitness program, and
2. Transfer \$60,000 of internally restricted Garbage Depot reserves for the construction of a new animal shelter and associated infrastructure.

Carried 09 161018

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**13.03 ELM BEETLE ATTACK ON LGA ELM TREE'S IN PARKS & RESERVES**

File No: Parks and Reserves/Maintenance/Gardens Reserves & Landscaping  
Author: Chris Schumacher, Director Technical Services

**Summary**

There are approximately 282 known Elm tree's within the public reserves throughout the Oberon LGA. These trees presently are subject of attack from the menacing Elm Beetle. This report outlines the destructive nature of this insect and the associated cost estimates that Council can expect to incur in prevention management to save these Elm trees.

Moved: McKibbin  
Second: Kellam

That Council:

1. Investigate the possibility of using a knapsack device for treatment of Elm Trees and if found unsuitable that an allocation from the Engineering Equipment Reserve be provided for the purchase of an appropriate device.
2. Use part of the O'Connell Village Improvement budget to purchase chemical required to treat the worst of the 15 mature Elm Beetle trees in O'Connell,
3. More cost effective treatments be investigated
4. Funding to treat the remaining 267 Elm Tree's be considered as part of the 2019/20 budget.
5. A trial of non-chemical methods of eradicating Elm Beetle be carried out.

Carried 10 161018

Clr Lyon requested that her vote against the motion be noted.

**13.04 RURAL FIRE SERVICE WISEMANS CREEK FIRE SHED- TENDER T2018/6**

File No: Emergency Services/Bush Fire Sheds  
Author: Chris Schumacher, Director Technical Services

**Summary:**

Following the recent 2018/19 budget confirmation from the NSW Rural Fire Service (RFS), funding has now been officially confirmed allowing Oberon Council to proceed with the construction of a new fire shed for the Wisemans Creek brigade.

As a precautionary measure it is recognised that total construction costs may be in excess of the \$150,000 Local Government tendering threshold. Therefore, Council must determine the proposed method of tendering in accordance with the requirements of Clause 166 of the Local Government Regulation 2005.

Moved: McKibbin  
Second: Gibbons

That: Council nominate the Open Tendering method as prescribed in accordance with Clause 166(a) of the Local Government Regulation 2005 for the construction of a new fire shed at Wisemans Creek for the NSW Rural Fire Service T2018/6.

Carried 11 161018

### **13.05 SAVING LIVES ON COUNTRY ROAD GRANT – SAFETY BARRIER TENDER T2018/5**

File No: Grants and Subsidies/Grants/Saving Lives on Country Roads Grant  
Author: Chris Schumacher – Director Technical Services

#### **Summary:**

As a result of the recent success of a road safety grant 'Saving Lives on Country Roads' for the purposes of safety improvements on Abercrombie Road, the purchase of new guardrail materials and including installation by a suitably qualified Contractor will be required.

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.

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Moved: Doney  
Second: McCarthy

That Council nominate the Open Tendering method as prescribed in accordance with Clause 166(a) of the Local Government Regulation 2005 for the purchase and installation of new safety barrier at several locations on the Abercrombie Road T2018/5.

Carried 12 161018

### **13.06 DROUGHT COMMUNITIES PROGRAMME - EXTENSION**

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

#### **Summary**

On 19 August 2018, the Australian Government announced \$75 million for the Drought Communities Programme (DCP) – Extension, to support communities impacted by the current drought. Oberon Council is one of the eligible councils who will receive funding for local community infrastructure and other drought relief projects up to the amount of \$1 million.

The DCP will be administered by the Department of Industry, Innovation and Science. On 28 September 2018 the Guidelines for the DCP - Extension was released and Oberon Council was invited to apply as soon as possible.

Moved: McCarthy  
Second: Doney

That Council:

1. Continue to seek project suggestions from the community, not already identified in Council's grant matrix, and
2. Prioritise projects listed in Council's grant matrix for DCP-Extension funding, to a total of \$1 million.
  - a. Fish River Festival – Drought Resilience event
  - b. Picnic shelters, fire pits, toilets, road upgrade and appropriate security at Burruga Dam
  - c. Water carting truck and tanker for drinking and bathing – potable water
  - d. Raw water standpipe
  - e. Kitchen upgrade Black Springs Community Hall
  - f. Amenities – Oberon Showground (showers and toilets)
  - g. Water Bores at Black Springs and O'Connell
  - h. Primitive Camping facilities at the Reef Reserve
  - i. Footpath through O'Connell Avenue of Trees
  - j. Oberon Indoor Fitness Centre equipment fitout

Carried 13 161018

Clr Gibbons left the meeting at 8.22pm.

Clr Gibbons returned to the meeting at 8.24pm.

### **13.07 EAST OBERON SEWERAGE INSPECTIONS**

File No: Sewerage and Drainage/Inspections  
Author: Shane Wilson, Planning & Development Director

#### **Summary**

This report provides Council with the results from the inspection program of the septic systems in the East Oberon area. The report seeks a Council resolution on the future direction on construction of reticulated sewer to the area.

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Moved: McCarthy  
Second: McKibbin

That Council:

1. Receive the Assessment of Public Health & Environmental Impacts from Current Sewage Disposal Practises at East Oberon Report, and
2. Defer the future direction of the East Oberon reticulated sewerage project pending further clarification around grant funding.

Carried 14 161018

### **13.08 COUNCIL PUBLIC ROAD CLOSURE CHANGES - NSW GOVERNMENT**

File No: Roads/Road Closures

Author: Chris Schumacher, Technical Services Director

#### **Summary**

The report seeks Council support to adopt cost recovery changes to the 2018/19 Fees & Charges for Road Purchase Applications submitted to Council for the purchase of unformed Crown Land.

Moved: Kellam  
Second: McKibbin

That Council:

1. Introduce the new Road Closure Application fee of \$650.75 and Purchase Processing fee of \$301.40 as part of it's 2018/19 Fees & Charges.
2. Place the new Road Closure Application fee of \$650.75 and Purchase Processing fee of \$301.40 on public exhibition for 28 days.

Carried 15 161018

### **13.09 2017/18 AUDITED FINANCIAL STATEMENTS**

File No: Governance/Ordinary/October 2018

Author: Lynette Safranek, Finance & Community Services Director

#### **Summary**

The 2017/18 Financial Statements are showing a net surplus of \$3.9 million, before grants and contributions for capital purposes. The Statement of Cash Flows on pages 8 and 9 of the Financial Statements shows the total cash, cash equivalents and investments at \$15.3 million, which is made up of \$1 million in cash and \$14.3 million in investments.

Moved: McKibbin  
Second: Doney

1. That 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 Audited Financial Statements for the year ended 30 June 2018 be accepted, signed by the Mayor, Deputy Mayor, General Manager and the Finance & Community Services Director, made available for submission to the Office of Local Government, and placed on Public Exhibition.

Carried 16 161018

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**13.10 DEVELOPMENT APPLICATION 10.2018.71.1 – PATIO COVER TO AN EXISTING DWELLING**

File No: Property/PO15-63

Author: Health and Building Surveyor, Kerry Davison

**Summary**

A Development Application has been received for a patio cover to an existing dwelling at 63 Curtis Street, Oberon with particular reference Part C.5.5 – “Building Height Plane”.

Moved: McKibbin  
Second: McKechnie

That:

1. Council vary Part C.5.5 – “Building Height Plane” of its current DCP 2001 associated to Development Application 10.2018.71.1 for a patio cover to an existing dwelling at Lot 10, DP 806496, being known as 63 Curtis Street, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 17 161018

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

Votes for: Councillors Kellam, Doney, Lyon, McKechnie, McCarthy, McKibbin, Gibbons and Sajowitz  
Votes against: Nil

**13.11 DEVELOPMENT APPLICATION 10.2018.51.1 – SECONDARY DWELLING AND ATTACHED GARAGE**

File No: Property/PO32-3

Author: Town Planner, Dylan Furnell

**Summary**

A Development Application has been received for a secondary dwelling and attached garage at 3 Jenolan Street, Oberon. In accordance with Oberon’s Development Control Plan (DCP) 2001 prior to the determination of the Development Application, Council is required to approve a variation to DCP clause C.5.5 – Building Height Plane.

The proposed secondary dwelling and garage have wall heights of 4.25m on the side boundaries and 4.75m at the rear. Clause C.5.5 requires a setback of 2.75m for the rear boundary and 3.25m from the side boundaries. The subject building has setbacks of 1.0m on the north-west boundary, 1.0m – 3.0m on the rear boundary and 1.34m on the south-east boundary.

Whilst the proposal is inconsistent with the setback requirements outlined within Clause C.5.5, the allotment is narrow and features a relatively steep gradient of approximately 1:5 in the development area. The development was neighbour notified in which no submissions were received.



Moved: McKibbin  
Second: Kellam

That

1. Council vary Part C.5.5 – Building Height Plane of the Oberon Development Control Plan 2001 associated DA 10.2018.51.1 for a proposed secondary dwelling and garage with a rear boundary setback of 1.00m and side boundary setbacks of 1.00m and 1.34m.
2. Council approve Development Application 10.2018.51.1 for a secondary dwelling and garage at Lot 18 in DP 204198, being known as 3 Jenolan Street, Oberon in accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979 and conditions contained within this report.
3. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 18 161018

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; McKibbin and Gibbons  
Votes against: Councillors Doney, McKechnie and McCarthy

### **13.12 DEVELOPMENT APPLICATION 10.2018.64.1 – WAREHOUSE AND CELLAR DOOR PREMISES (FUNCTION CENTRE)**

File No: Property/PR6-38  
Author: Town Planner, Dylan Furnell

#### **Summary**

A Development Application has been received for a Warehouse and Cellar Door Premises (Function Centre) at 38 Bosworth Falls Road, O'Connell. In accordance with the neighbour notification process prescribed within the Oberon Development Control Plan (DCP) 2001 Part H, the application must be decided by Council as it has received objections against the proposed development.

The proposed development consists of a cellar door with attached warehouse and pergola of approximately 173m<sup>2</sup>. The cellar door area is approximately 45m<sup>2</sup> and also includes the pergola area of approximately 29m<sup>2</sup>. The cellar door and warehouse is ancillary to the vineyards which are located on the property, and the majority of produce sold will be sourced from the site. The cellar door will also operate as a function centre for up to five days of the year for a host of different events.

All aspects of the development are permissible in the RU1 zone and are consistent with the controls of the Oberon Local Environmental Plan 2013 and the Oberon Development Control Plan 2001. The application was notified for a period of two weeks and has received two submissions against the development, in which the applicant has provided a response.

Moved: McCarthy  
Second: Doney

That:

1. Council approve Development Application 10.2018.64.1 for a Warehouse and Cellar Door Premises (Function Centre) at Lot 3 in DP 830173, being known as 38 Bosworth Falls Road, O'Connell in accordance with Section 4.16 of the *Environmental Planning and Assessment Act 1979* and conditions contained within this report.
2. A division be called in accordance with Section 375A of the Local Government Act 1993

Carried 19 161018

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

Votes for: Councillors Kellam, Doney, Lyon, McKechnie, McCarthy, McKibbin, Gibbons and Sajowitz  
Votes against: Nil

**13.13 DEVELOPMENT APPLICATION 10.2018.68.1 –CONSTRUCTION OF A SHED**

File No: Property/PO16-2  
Author: Health and Building Surveyor, Kerry Davison

**Summary**

A Development Application has been received for the construction of a new shed at 2 Dart Street, Oberon with particular reference to Part C.6.4 – “Carports and Garages.”

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Moved: McCarthy  
Second: Gibbons

That

1. Council vary Part C.6.4 – “Carports and Garages of its current DCP 2001 associated to Development Application 10.2018.68.1 for the construction of a shed at Lot 5 Section 14 in DP 758805, being known as 2 Dart Street, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 20 161018

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

Votes for: Councillors Kellam, Doney, Lyon, McKechnie, McCarthy, McKibbin, Gibbons and Sajowitz  
Votes against: Nil

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

Moved: McCarthy  
Second: Doney

That report item 14.01 is received as information.

Carried 21 161018

### 14.02 MONTHLY ACTIVITY REPORT – PLANNING & DEVELOPMENT

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 September Council Meeting.

Moved: Kellam  
Second: McKibbin

That report item 14.02 is received as information.

Carried 22 161018

### 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 works for September 2018 and proposed works in the Technical Services area for the month of October 2018.

Moved: McCarthy  
Second: McKibbin

That report item 14.03 be received as information.

Carried 23 161018

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

Moved: McKibbin  
Second: McCarthy

That report item 14.04 is received as information.

Carried 24 161018

#### **14.05 GRANTS MONTHLY UPDATE**

File No: Governance/Grants/ October 2018

Author: Gillian Salmon, Grants Coordinator

##### **Summary**

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

Moved: Gibbons  
Second: Kellam

That report item 14.05 is received as information.

Carried 25 161018

#### **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 2018.

Moved: Lyon  
Second: McKechnie

That report item 14.06 is received as information.

Carried 26 161018

#### **14.07 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 8 September 2018 to 10 October 2018.

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Moved: McCarthy  
Second: Kellam

That report item 14.07 be received as information.

Carried 27 161018

#### **14.08 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 September 2018 and WaterNSW Oberon Dam Raw Water Quality Report update.

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Moved: Gibbons  
Second: Kellam

That report item 14.08 is received as information.

Carried 28 161018

#### **14.09 CAMPBELL'S RIVER ROAD INVESTIGATION & DESIGN STATUS REPORT**

File No: Roads/Design  
Author: Peter Morgan, Technical Services Manager

##### **Summary:**

This report provides Council with an update on the survey investigation and design for the realignment of the Campbell's River Road at Campbell's River.

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Moved: McKibbin  
Second: Kellam

That report item 14.09 be received as information.

Carried 29 161018

## 15. URGENT BUSINESS

Nil

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## 16. CLOSED SESSION / CONFIDENTIAL REPORTS

### 16.01 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.

Moved: McKibbin

Second: Kellam

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 161018

*Council moved into Closed Session at 9.20pm. Members of the public present left the meeting at this point in time.*

### 16.01 LEGAL MATTERS

File No: Legal

Author: Shane Wilson – Planning & Development Director

Moved: Kellam

Second: McCarthy

That Council receive the report for information.

Carried 31 161018

*Open Council resumed at 9.29pm.*

The Mayor advised that resolutions 31 161018 was 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 9.29pm.

The next Ordinary Meeting of Oberon Council will be held on Tuesday 19 November 2018 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.