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## UNCONFIRMED MINUTES

### Oberon Council Works Committee Meeting Tuesday 26 April 2022

Commencing at 1.00pm  
in the Oberon Council Chambers,  
137 Oberon St, Oberon

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## 1. OPENING OF MEETING & ACKNOWLEDGEMENT OF COUNTRY

The Mayor welcomed members and declared the meeting open at 1.00pm.

The Works Committee Meeting is being livestreamed via Zoom webinar facilities. Recordings of Council Meetings or parts thereof cannot be copied, recorded, reproduced, reused or transmitted without the prior written consent of the General Manager. The meeting is being recorded and made publicly available on Council's website and persons attending the meeting should refrain from making any defamatory statements.

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

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## 2. RECORD OF ATTENDANCE

Members                      Mayor Mark Kellam  
                                      Clr Katie Graham  
                                      Clr Helen Hayden  
                                      Clr Clive McCarthy  
                                      Clr Mick McKechnie  
                                      Clr Lauren Trembath  
                                      Clr Ian Tucker

Staff                            Gary Wallace, General Manager  
                                      Damian O'Shannassy, Planning and Development Director  
                                      Mathew Webb, Acting Corporate Services Director  
                                      Chris Schumacher, Technical Services Director  
                                      Zoe Marks, Finance Manager  
                                      Sharon Swannell, Executive Coordinator

Leave of Absence          Clr Bruce Watt

Apologies:                  Deputy Mayor Andrew McKibbin

Moved:                      McCarthy  
Second:                      Trembath

That the leave of absence be noted and apology accepted for the non-attendance of Clr Bruce Watt and the apology be accepted of Deputy Mayor Andrew McKibbin.

Carried 01 260422

### Division

Votes for: Kellam; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

### 3. DECLARATIONS OF INTEREST

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

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### 4. CONFIRMATION OF MINUTES

#### **Works Committee Meeting**

Minutes of the Works Committee Meeting held on 12 October 2021 FOLLOW. The minutes were accepted by Council at its Ordinary Meeting held on 19 October 2021.

#### **Matters Arising from the Minutes**

Nil

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### 5. REPORTS

#### **05.01 STORMWATER DRAINAGE IMPROVEMENTS DART STREET, OBERON**

File No: Corporate Management/Tendering/Roads and Bridges

Author: Chris Schumacher, Technical Services Director

#### **Summary**

This report seeks Council support for additional allocation from concerns raised by Cllrs Tucker & McCarthy following a recent joint onsite meeting held on 28 March 2022 in relation to the proposed construction of new kerb & gutter to rectify stormwater drainage at the eastern end of Dart Street from the intersection of Earl Street through to the open space drainage catchment area.

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Moved: McCarthy  
Second: Hayden

That Council:

1. Proceed to undertake drainage rectification works and construct new drainage infrastructure and kerb and gutter on both sides of Dart Street from Earl Street to the end.
2. Fund these works during the 2021/2022 financial year and transfer funds from Section 7.11 – Urban Development/Roads in the amount of \$45,500 to complete these urban improvement works.

Foreshadowed Amendment Moved: Tucker  
Second:

1. That survey and design be conducted to determine what works are required to best overcome the drainage problems on the north side of Dart Street and including whether any internal works would be necessary within the properties to make it effective.
2. That letters be sent to the property owners asking if they would like Council to proceed with the project, give n the requirement for them to contribute to the cost, plus the possible extra cost of any internal works.

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3. That a further report be provided for council to consider funding the project during 2022/23.

The Mayor ruled that the foreshadowed amendment is contrary to a previous resolution of Council and is not accepted at this point, the original motion stands.

Moved: McCarthy  
Second: Hayden

That Council:

1. Proceed to undertake drainage rectification works and construct new drainage infrastructure and kerb and gutter on both sides of Dart Street from Earl Street to the end.
2. Fund these works during the 2021/2022 financial year and transfer funds from Section 7.11 – Urban Development/Roads in the amount of \$45,500 to complete these urban improvement works.

Carried 02 260422

#### **Division**

Votes for: Kellam; Graham; Hayden; McCarthy & Trembath  
Votes against: McKechnie & Tucker

### **05.02 PROPOSED PLANT REPLACEMENT PROGRAM 2022/2023**

File No: Corporate Management/Plant Replacement  
Author: Chris Schumacher, Technical Services Director & Paul Robinson Plant Foreman

#### **Summary**

This report outlines the proposed plant that has been identified for replacement consideration as part of the 2022/2023 Operational budget considerations for 2022/2023.

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Moved: McCarthy  
Second: Hayden

That Council endorse the draft 2022/23 Plant Replacement Program as presented.

Amendment Moved: Tucker  
Second: McKechnie

That further details of the proposed plant replacement program be provided to the May Ordinary Meeting, including usage over the last 12 months, current condition and expected remaining life of all major plant items and the tentative replacement program for each year up to 2030-31.

The amendment was put and lost, the original motion stands.

Moved: McCarthy  
Second: Hayden

That Council endorse the draft 2022/23 Plant Replacement Program as presented.

Carried 03 260422

### Division

Votes for: Kellam; Graham; Hayden; McCarthy & Trembath

Votes against: McKechnie Tucker

## 05.03 2022-23 ADDITIONAL RATE SPECIAL VARIATION

File No: Governance/Integrated Planning and Reporting/Operational Plan

Author: Gary Wallace, General Manager; Mathew Webb, Acting Corporate Services Director; Zoe Marks, Finance Manager

### Summary

This report seeks a Council resolution to endorse the application for an Additional Special Variation (ASV).

Council has worked on two versions of the Draft 2022-23 Operational Plan due to the uncertainty between using a 0.7% Rate Peg or a 2.1% Rate Uplift to be decided being presented. Both show a forecast of \$33 million income, with a Negative Change in Councils Working Capital of \$1.8 million and \$1.7 million respectively. If we removed the proposed Land Development Costs from both of these scenarios the result would be positive \$4,673 and \$66,225 respectively.

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Moved: Hayden  
Second: Trembath

That Council:

1. Make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the Local Government Act (1993) for a permanent Additional Special Variation of 2.1% including the population factor; for the 2022/23 Operational Plan.
2. In making this application for the Additional Special Variation, Council has undertaken an assessment against the current Long Term Financial Plan, which assumed a 2.1% Rate Peg for 2022/23 and noted;
  - a. the additional income that Council will receive if approved compared to that Rate Peg of 0.7% as determined by IPART in December 2021 totals \$68,000.00;
  - b. the additional income is required to maintain Councils current levels of services and operations to the Oberon LGA;
  - c. that Council has considered the impact on ratepayers and the community in 2022/23 Operational Plan and future years and that the impact is reasonable.

Carried 04 260422

### Division

Votes for: Kellam; Graham; Hayden; McCarthy; Trembath & Tucker

Votes against: McKechnie

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**05.04 CAPITAL WORKS PROGRAM – PROGRESS UPDATE 2021-22**

File No: S:/Governance/Capital Works Program

Author: Chris Schumacher, Technical Services Director

**Summary**

The report provides Council with an update on the current Capital Works Program as at April for 2021-22 financial year.

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Moved: Hayden  
Second: Graham

That report item 05.04 be received as information.

Amendment Moved: Tucker  
Second: McKechnie

That:

1. Report item 05.04 be received as information.
2. A further report be provided to the May Ordinary Meeting setting out the details of each roads capital work projects for 2021-22 including its total budget, funding sources and current expenditure.

The amendment was put and lost, the original motion stands.

Moved: Hayden  
Second: Graham

That report item 05.04 be received as information.

Carried 05 260422

**Division**

Votes for: Kellam; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

**05.05 DRAFT 2022/2023 - CAPITAL WORKS PROGRAM**

File No: S:/Governance/Capital Works Program

Author: Chris Schumacher, Technical Services Director

**Summary**

The report provides Council with the draft Capital Works Program for the upcoming 2022-2023 financial year.

Moved: Hayden  
Second: McCarthy

That report item 05.05 be received as information.

Carried

**Division**

Votes for: Kellam; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

**05.06 OBERON WASTE DEPOT**

File No: Waste Management/Design and Construct/Waste Management facilities

Author: Damian O'Shannassy, Planning & Development Director

**Summary**

This report provides an update to the short term actions of the JS Regulatory Services report that was considered by Council at the Ordinary Meeting held on 17 August 2021 and a follow up site inspection by JS Regulatory Services on 21 February 2022.

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Moved: Hayden  
Second: McCarthy

That report item 05.06 is received as information.

Carried

**Division**

Votes for: Kellam; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

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Moved: McKechnie  
Second: Graham

That Item 07, General Business be brought forward and dealt with at this point in time.

Carried

**Division**

Votes for: Kellam; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

Council rose for a 10 minute break at 3.02pm.

Council resumed at 3.14pm.



## 7. GENERAL BUSINESS

Clr Graham – issue of driveway 39 Oberon Street, mentioned in minutes of last Works Committee, there was no resolution at that meeting.

Chris – owners were written to outlining councils' obligation and Transport for NSW had no objection as it was councils jurisdiction. There are utilities in the footpath and modifications required for the rock wall that would be required to be understood as part of the design process. There has not been a quote provided to the owners. We do not have an objection, however it would be at their full cost should they decide to pursue it.

Clr McCarthy – indicated that she has not received correspondence from Council advising that they are able to have other contractors carry out the works. Clr McCarthy asked if bridge gutters are appropriate in the design.

Chris – they are not really appropriate in this day. They would need to put their suggestion back to council for endorsement.

House in dart street next to Mitre 10, with the new footpath installed they cannot get in and out of their driveway properly.

Chris can inspect – Clr Graham to provide more details.

Tucker – pg 10 minutes of last meeting. Dreeves Road, know there has been work done a couple of decades ago. Request an update – Mr & Mrs Byrom.

Gary – we have responded to the parties in relation to the matter and council is of the opinion that the matter can be resolved easily, now in their hands to see which way they want to go. Right of carriage way is the outstanding matter.

Clive – the right of carriageway is their own problem. The crown road is our problem as it doesn't link to the other crown road. You won't get approval without the link.

Clr McCarthy – like council to install conduits on Oberon Road. Two sites that have to go across the road. The RMS just turn up and hot mix, that's the last section to do hotmixing. We have the design, I would like to see them put in.

The WC at the Reef needs steam cleaning, its full of bird shit. Its not a job that the council workers can do as part of their routine cleaning program. It needs tidying up.

Like to see council consider Mozart road, look at culverts where the fish river and long arm come in. we might straighten that road up. Look around things.

Where are we up to with the mack truck that had the incident on Sewells Creek Road.

Chris – it should be back in service in the next month – currently in Dubbo.

Clive – Abercrombie Road – need to make application for the road reserve. Cnr Abercrombie Road and Campbells River Road.

Gary – we already have delegation to proceed. No party previously came forward with the requirements council had set. We had previously commenced the process, but did not proceed.

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We don't own the land that we are calling for expressions of interest for.

Yes we do, need to close it formally and undertake the transfer. If council wish to proceed with the closure and purchase.

Clive – happy to support that.

Only thing, landholder has been very supportive of us straightening roads at Edith, we got a report that the RMS have a new policy that they do not sell the road reserves.

Chris – once the acquire land they do not like to sell it back.

Clive – they have been supportive of us straightening the road up and RMS informed us that they would not sell the land back.

Gary – don't see that as being the case, we will pursue.

Hayden – people are attracted to Oberon due to its roads, it doesn't need the roads straightened up everywhere, they like the windy roads to travel. We need to take into consideration we are a sacred meeting place for indigenous cultures. We need to take cultural into consideration that we get the right indigenous and cultural reports done before we carry out any works. Are we doing that currently?

Chris – we do due diligence in terms of environmental consultation. Within a road reserve, unless we need a road realignment, within the current road realignment.

Hayden – there has been a lot of destruction that has occurred and the onus is on us to protect heritage.

Clive – we do environmental impact statements on works that are required. They need to be factual. I was told there was yellow box trees in Oberon, to my knowledge it cuts off at xxx hill. The chips that are significant where the quarry was, Clr McMahon said that chip is all over this property. That significant chip was insignificant. Recently where there was a smash at Lapstone hill. Typical example, aboriginal significant. Bloke from Victoria claimed I sprayed that wall when I was 18 years old with my brother. Our heritage is significant but we need to deal with facts.

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## 6. 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.

<b>06.01 COUNCIL ROADMAKING, ROAD MAINTENANCE AND ROAD MANAGEMENT IMPROVEMENT PLAN – UPDATE</b>
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File No: S:/Governance/Capital Works Program Author: Gary Wallace, General Manager
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This item is classified CONFIDENTIAL under section 10A (2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

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

Moved: McCarthy  
Second: Trembath

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

**Division**

Votes for: Kellam; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

*Council moved into Closed Session at 3.30pm. Recording of the meeting was suspended at this point in time. Members of the public present left the meeting at this point in time.*

**06.01 COUNCIL ROADMAKING, ROAD MAINTENANCE AND ROAD MANAGEMENT IMPROVEMENT PLAN – UPDATE**

File No: S:/Governance/Capital Works Program

Author: Gary Wallace, General Manager

Moved: Hayden  
Second: Trembath

That report item 06.01 be received as information.

Carried

**Division**

Votes for: Kellam; McKibbin; Graham; Hayden; McCarthy; McKechnie; Trembath & Tucker

Votes against: Nil

*Open Council resumed at 3.50pm. Recording re-commenced at this point in time. There were no members of the public present.*

The Mayor advised that resolution xx 260422 was made while the meeting was closed to the public. There were no members of the public present.

## 8. CLOSURE OF MEETING

The Mayor will declare the meeting closed at 3.51pm.

The next Works Committee Meeting of Oberon Council will be held on 7 June 2022 in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon, commencing at 5.30pm.