

## 7. QUESTIONS FROM THE PUBLIC

Veronika Cvitanovic provided information about a press release from Shadow Minister for Health Walt Secord MLC and comments made on National radio last week about Oberon water being fluoridated. Veronika has had email correspondence with the Shadow Minister and it has been confirmed the information related to the Duckmaloi Water Treatment Plant, which serves the Lithgow area. The Shadow Minister has indicated that a small number of properties in the Oberon LGA are serviced by the Fish River Water Supply Scheme and Veronika requested information regarding what properties are affected and are they aware their water supply has been fluoridated.

Gary Wallace advised that there are a number of rural properties along the pipeline that are supplied from the scheme. Cllr Kellam added that the pipeline runs from Oberon to the Duckmaloi Weir and the properties that access water from this pipeline are provided raw water.

Sam Lord asked about the report on Page 60 of the Business Paper regarding Joint Organisations. Sam wonders if joining a Joint Organisation then allows additional authority over Oberon Council. What happens if amalgamations raise their heads again, would we have a say in the future. Can Oberon Council opt out of the JO?

The Mayor advised the proposed Joint Organisation is the former Centroc region, there does not appear to be an issue with amalgamations from joining a Joint Organisation. Once we become a member of the JO we can opt out of initiatives, but not out of the JO.

Chris Freeman, Private Investigator in the region also addressed Council in relation to the proposed Joint Organisations. Chris commented that the legal advice provided by Crennan Legal and included in the report to Council outlines the structure of statutory organisations rather than voluntary. The JO will have a recognisable legal status of its own. Given that Oberon has just been through the amalgamation issue, how is this not a legally created body that has authority over this Council. How is this not removing Oberon Council's own legal status.

The Mayor advised this would be taken as a comment. The Joint Organisation is not a legal entity over Oberon Council. The Mayor advised the new regulations for Joint Organisations had been received by Council today.

Neil O'Grady addressed Council on behalf of the Oberon Tigers. The Oberon Tigers thanked Council for tabling a request on their behalf to update the change rooms at the Oberon Leagues Club. The Club has approached Country Rugby League to host some trial games with Manly Under 16's and Under 18's against the Western Rams teams. Country Rugby League inspected the Oberon facilities, but they were unsuitable. Country Rugby League has given the Oberon Tigers an overview of the improvements required to allow them to host these types of games. The Club propose to supply the manpower to carry out the improvement works, and are requesting Council provide the materials. Upgrades to the facility are not only good for the Tigers, but also for all sporting clubs that can use the grounds and amenities and it is also good for the town.

David Walker, Geolyse addressed Council in relation to a planning proposal at O'Connell. David thanked Councillors for visiting the site to inspect the proposal. The applicant believes this is an excellent site and feels there is high demand in the area for this type of land. Whilst it is recognised that the recommendation included in the report to Council does not support the proposal, David asked Council to consider an alternate motion recommending approval of the proposal. David also added that this would enable the matter to progress to the next stage where it would be assessed by the Department of Planning.

### 13.02 PLANNING PROPOSAL – 2519 O'CONNELL ROAD

File No: PR186-2519

Author: Brendan O'Loan Consulting Town Planner / Shane Wilson Planning & Development Director

#### Summary:

Council is in receipt of a Planning Proposal from 'Geolyse' for an amendment to the Oberon Local Environmental Plan 2013. The Planning Proposal has been submitted to Oberon Council on behalf of Belvoir Hill Pastoral Company Pty Ltd in May 2017. The subject site is land located at 2519 O'Connell Road, O'Connell which is to the south of the township of O'Connell and 18km south-east of Bathurst. The Planning proposal is for a rezoning of the subject site from RU1 Primary Production Zone to R5 Large Lot Residential Zone with a 10ha minimum lot size. This rezoning would facilitate a potential 17-lot subdivision on the subject site.

Oberon Council officer's assessed the planning proposal in August 2017 and identified the following reasons on which not to recommend support to the planning proposal at that time:

- *Does not accord with the Oberon Land Use Strategy criteria in identifying future rural lifestyle living sites as O'Connell is not a primary or secondary service centre.*
- *The additional lot supply in O'Connell may generate disproportionate demands for services and infrastructure in the village of O'Connell which is currently not zoned to allow commercial, retail or community facilities.*
- *There has been no evidence provided within the Planning Proposal that there is less than 10 years supply of rural lifestyle living sites and/or a lack of supply of rural lifestyle living sites in O'Connell or Oberon Council.*
- *In accordance with Section 117 Direction 1.2 Rural Lands, there is no compelling reason that this agricultural land should be rezoned to lifestyle living lots.*
- *Is not supported by SEPP (Rural Lands) 2008, as the Planning Proposal has failed to provide evidence that additional R5 zoned land would contribute to the social and economic welfare of the O'Connell community.*

Despite not supporting the planning proposal the Council officer's assessment of August 2017 stated:

*"To a certain extent there is some planning merit to the Planning Proposal as the subject site is located between two areas of R5 zoned land and in the future there may be some land use conflict between the R5 and the subject sites RU1 zoning. The land also has manageable constraints, is close to the centre of O'Connell and is potentially the most suitable RU1 land in the O'Connell surrounds suited for large lot living."*

Initial advice on the draft report was provided to 'Geolyse' for their consideration. 'Geolyse' have since responded to the Council officer's recommendation with 'Further Information' dated 5 October 2017, which is affirmation of the strategic merit of the planning proposal. This report has subsequently been prepared in response to the Geolyse 'Further Information'.

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Moved: McCarthy

Second: Lyon

That:

1. Council support the Planning Proposal and request for gateway determination due to the following reasons:

- This area should have been included in the 2013 LEP.
  - The land release is of low agricultural value.
  - Services and infrastructure are currently available in the area.
  - Community interest in the adoption of the 2013 LEP.
2. Forward the endorsed Planning Proposal to the Department of Planning and Environment with a request for a Gateway determination and proceed to public exhibition subject to advice received and
  3. Request that the Gateway delegate plan making functions to Council under Sections 59(2) and (3) of the Environmental Planning and Assessment Act 1979, in this instance.
  4. A division be called in accordance with Section 375A of The Local Government Act 1993.

Amendment Moved: Capel  
Second: Kellam

That the matter be deferred for one month to allow Council the opportunity to seek further information.

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

Moved: McCarthy  
Second: Lyon

That:

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  - The land release is of low agricultural value.
  - Services and infrastructure are currently available in the area.
  - Community interest in the adoption of the 2013 LEP.
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3. Request that the Gateway delegate plan making functions to Council under Sections 59(2) and (3) of the Environmental Planning and Assessment Act 1979, in this instance.
4. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 04 200218

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, Lyon, McKechnie, McCarthy, Capel, McKibbin and Gibbons  
Against: Councillors Sajowitz and Doney