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CONFIRMED MINUTES

Oberon Council Extraordinary Meeting
Tuesday 11 October 2016

Commencing at 5.30pm
at the Oberon Council Chambers

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1. OPENING OF MEETING

The Deputy Mayor welcomed members and declared the meeting open at 5.31pm.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. RECORD OF ATTENDANCE

Members Deputy Mayor Kerry Gibbons (in the Chair)
Clr Neil Francis
Clr Sam Lord
Clr Clive McCarthy
Clr John Morgan
Clr Jill Evans

Staff Gary Wallace, Acting General Manager
Chris Schumacher, Works and Engineering Director
Lynette Safranek, Finance and Community Services Director
Sharon Swannell, Executive Coordinator

Apologies Mayor Kathy Sajowitz
Clr Ian Doney

Moved: McCarthy
Second: Evans

That apologies be received and accepted for the non-attendance of Mayor Kathy Sajowitz and Clr Ian Doney.

Carried 01 111016

4. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary - Nil

Non-Pecuniary - Nil
Significant

Non-Pecuniary - Nil
Less than
Significant

5. REPORTS FOR DECISION

05.01 POTENTIAL APPEAL AGAINST LAND AND ENVIRONMENT COURT JUDGEMENT ON FORCED AMALGAMATION

File No: Governance/Reporting/Boundaries Commission Review
Author: Gary Wallace, Acting General Manager

Summary

Providing information regarding current legal proceedings and requesting Council's consideration of possible appeal against the findings of the Land & Environment Court in relation to the forced amalgamation of Oberon Council with Bathurst Regional Council..

Moved: Lord
Second: Francis

That:

1. Council reaffirm its position to lodge a Notice of Intention to Lodge an Appeal against the judgement brought down in the Land & Environment Court on 7 October 2016 and seek agreement from the State Government not to take any further action prior to the Woollahra appeal determination, or for seven (7) days thereafter.
2. Council seek an injunction, or interlocutory orders, to stay any action should the State Government not agree to an undertaking as requested in 1 above.
3. Should the State Government not agree to give an undertaking as requested in 1 above Council consider lodging a formal appeal subject to further advice from its Counsel and consideration of Council at its earliest convenience.
4. Delegation be issued to the Acting General Manager and the Mayor or Deputy Mayor to sign any documentation required in relation to the above matters.
5. Should the Council determine to proceed, resolve that the expenditure is required and warranted in accordance with the guidelines under Section 23A of the Local Government Act to enable the legitimate exercise of legal rights of review or appeal.

Carried 02 111016

6. URGENT BUSINESS

Summary

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Nil

7. 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.

Nil

8. CLOSURE OF MEETING

The Deputy Mayor declared the meeting closed at 6.02pm.