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**OBERON COUNCIL**

## ATTACHMENTS

Minutes of Previous Meeting

Ordinary Council Meeting

20 September 2016

Extraordinary Council Meeting

11 October 2016



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## UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Tuesday 20 September 2016

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 5.40pm.

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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 James Togood.

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## 4. RECORD OF ATTENDANCE

Members	Mayor Kathy Sajowitz (in the Chair) Deputy Mayor Kerry Gibbons Clr Ian Doney Clr Jill Evans Clr Neil Francis Clr Sam Lord Clr Clive McCarthy Clr John Morgan
Staff	Gary Wallace, Acting General Manager Chris Schumacher, Works and Engineering Director Sarah-Jane Holland, Administration Trainee
Apologies	Lynette Safranek, Finance and Community Services Director
Moved:	McCarthy
Second:	Lord

That apologies be received and accepted for the non-attendance of Lynette Safranek, Finance and Community Service Director.

Carried 01 200916

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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

## 6. GENERAL AND CIVIC PRESENTATIONS

Nil

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## 7. COMMUNITY PRESENTATIONS AND QUESTIONS

None received.

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## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 16 August 2016

Moved: Doney  
Second: Morgan

That the Minutes of the Ordinary Meeting held on 16 August 2016 be confirmed.

Carried 02 200916

### 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: Mayor Kathy Sajowitz

#### Summary

This report summaries the main activity for the Mayor since my last report.

---

Moved: McCarthy  
Second: Lord

That Report Item 09.01 is received as information.

Carried 03 200916

### 09.02 ELECTION OF MAYOR AND DEPUTY MAYOR

File No: Governance/Elections/Local Government Elections  
Author: Gary Wallace Acting General Manager

#### Summary

As Oberon Council is currently under a merger proposal, Local Government Elections which were to be held on 10 September 2016 will not go ahead. As such, Council is required to elect a Mayor and Deputy Mayor for the coming 12 month period. The report provides the procedure for the Election of Mayor and Deputy Mayor.

---

The Mayor vacated the Chair and the General Manager assumed the role of Returning Officer for the Election of Mayor and Deputy Mayor.

### **ELECTION OF MAYOR**

The General Manager advised that one nomination had been received for the position of Mayor, being Councillor Kathy Sajowitz, and declared the election of Councillor Kathy Sajowitz to the position of Mayor unopposed.

### **ELECTION OF DEPUTY MAYOR**

The General Manager advised that one nomination had been received for the position of Deputy Mayor, being Councillor Kerry Gibbons, and declared the election of Councillor Kerry Gibbons to the position of Deputy Mayor unopposed.

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Moved: McCarthy  
Second: Gibbons

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

Carried 04 200916

<b>13.01 DEVELOPMENT APPLICATION 10.2016.37.1 RESIDENTIAL SUBDIVISION DEVELOPMENT COMPRISING 86 ALLOTMENTS</b>
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File No: PO6-11

Author: Jaclyn Burns, Health and Building Manager

### **Summary**

An application for a residential subdivision development comprising of 88 allotments on land described as Lot 3 in DP 227655, Lot 7 and 9 in DP 2364, being known as 11 Bell Street, Oberon is referred to Council for determination in accordance with Part H.3.10 of the Development Control Plan (DCP) 2001. Part H.3.10 of the DCP requires:

*“In determining applications Council and/or delegated officers of Council, will consider all submissions before the application is determined.”*

During the notification period submissions were received from adjoining land owners.

---

Moved: Gibbons  
Second: Francis

That:

1. Council approve Development Application 10.2016.37.1 for a proposed 88 allotment subdivision of Lot 3 in DP 227655, Lot 7 and 9 in DP 2364, being known as 11 Bell Street, Oberon in accordance with the 79C Assessment and conditions contained within this report.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 05 200916

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

Votes For: Councillors Francis, Gibbons, Morgan, McCarthy, Lord, Doney, Evans and Sajowitz  
 Against: Nil

### 09.03 COUNCIL COMMITTEES

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

#### Summary

There are a number of Section 355 Committees and other Council Committees. This report seeks the confirmation of the Councillor appointments to these Committees.

Moved: Lord  
 Second: Morgan

Council confirm its appointments and Chair of the Section 355 Committees; and make appointments to other Council Committees, Community Committees and Working Parties.

#### 1. Section 355 Committees

Committee	Current Councillors Appointed
Combined Oberon Community Services & Seniors Welfare Committee	Councillor Sajowitz – Chair Community Services Councillor Morgan Councillor Lord Councillor Evans
Hazelgrove Public School Reserve	Clr McCarthy - Chair
Heritage	Councillor McCarthy - Chair Councillor Doney
Oberon Sports Facilities	Councillor Gibbons – Chair Councillor McCarthy (alternate)
Black Springs Community Hall	Councillor Gibbons (Chair) Councillor Francis

*Note: the Elected Mayor is also a member of these Committees*

#### 2. Council Committees

Finance Committee	Whole Council
Performance Review Committee	Whole Council
Traffic Advisory Local Committee <b>Is a statutory Committee</b>	Councillor Gibbons Councillor Morgan (alternate delegate)
Works Committee	Whole Council



### 3. Community Committees & Working Parties

Australia Day Working Party	Councillor Kathy Sajowitz Councillor Jill Evans
Cemetery Headstone Maintenance Committee (Working Party reporting to Works Committee)	Mayor
Community Precinct Working Party	Chair of Community Services Committee/Seniors Welfare combined committee
Self Care Units Tenants Panel	Councillor McCarthy Councillor Lord (alternate delegate)
Timber Heritage Walk Committee (Working Party reporting to Heritage Committee)	Chair of Heritage Committee
Youth Council Working Party	Councillor Sajowitz
Oberon Common Working Party	Councillor Evans Councillor Lord Councillor Sajowitz

Carried 06 200916

#### 09.04 DELEGATES TO EXTERNAL ORGANISATIONS

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

#### Summary

Following the election of the Mayor and Deputy Mayor, Council traditionally reviews its delegates to a number of external organisations. In some cases the Mayor is automatically designated as a delegate representing Council.

Moved: Lord  
Second: Doney

1. That Council appoint its delegates to external organisations for the following twelve months as follows:
  - Arts OutWest
    - Fran Charge, Oberon Arts Council
  - Ben Chifley Catchment Management Steering Committee
    - Councillor Francis
  - Central Tablelands Alliance Internal Audit Committee
    - Mayor

- CENTROC
  - Mayor and General Manager are automatic delegates
- CENTROC Health Workforce
  - Councillor Morgan
- Chifley Local Area Command – Community Safety Precinct Committee
  - Mayor and General Manager are automatic delegates
- Hawkesbury/Nepean Catchment Management Authority
  - No delegate currently appointed
- Joint Regional Planning Panel
  - Councillors McCarthy and Gibbons
  - Councillor Doney (alternate delegate)

**Note:** Any delegate or alternate nominated by Council needs to be endorsed by the Director General of the NSW Department of Planning and Infrastructure.

- Lachlan Catchment Management Committee
  - No delegate currently appointed
- Lachlan Regional Transport Committee Incorporated
  - No delegate currently appointed
- Lithgow Community Transport
  - Finance and Community Services Director
- Macquarie Catchment Management Committee
  - No delegate currently appointed
- NSW Public Libraries Authorised Elective Representative
  - Mayor Kathy Sajowitz
- Oberon Arts Council (OAC)
  - Mayor and General Manager
- Oberon Business & Tourism Association (OBTA)
  - Mayor, Councillor Lord and General Manager
- Oberon Correctional Centre Community Consultative Committee
  - Councillor Gibbons and Councillor Evans
- Oberon Timber Complex Community Consultative Committee Meeting
  - Councillors Evans and Councillor Doney
- Rural Fire Service Chifley Zone Liaison Committee
  - Councillors McCarthy and Francis (also attend Brigade Captains' Meetings)
  - Works & Engineering Director and Finance and Community Services Director
- Sydney Water Catchment Management Authority
  - No delegate currently appointed
- Union Fenosa Pre Development Application Community Consultative Committee
  - Councillors Evans, Francis, Morgan and Sajowitz
  - Planning & Development Director
- Upper Macquarie County Council
  - Councillor Francis and Councillor Morgan

2. That Oberon Council no longer appoint a delegate to the Oberon Rugby League Club.

Carried 07 200916

## 09.05 RETURNS DISCLOSING INTERESTS

File No: Corporate Management/Administration/Register of Disclosures  
Author: Gary Wallace Acting General Manager

### Summary

All Councillors and designated persons who hold a position at 30 June must complete and lodge with the General Manager within 3 months a return. To facilitate this process a form has been sent to all Councillors and relevant staff, including the Acting General Manager.

---

Moved: Morgan  
Second: Francis

That Council note the requirement to lodge a return disclosing interests of Councillors and designated persons.

Amendment Moved: McCarthy  
Second Lord

That a register be provided for Councillors and Staff sign off prior to lodgement of Disclosure of Interest form.

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

Moved: McCarthy  
Second Lord

That a register be provided for Councillors and Staff sign off prior to lodgement of Disclosure of Interest form.

Carried 08 200916

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## 10. NOTICES OF MOTIONS

### 10.01 NOTICE OF MOTION – TREE REMOVAL LOWES MOUNT ROAD

File No: R23  
Author: Clr Clive McCarthy

### Summary

Requesting the removal of trees along a section of Lowes Mount Road.

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Moved: McCarthy  
Second: Gibbons

That:

1. Oberon Council engage in tree removal on Lowes Mount Road from half way down Lowes Mount to the boundary of “Newstead” property on the western side of the road for safety reasons.
2. Council contact Forestry Corporation for their assistance as their EIS should have identified this danger of removing the forest and exposing wind protected trees.

Carried 09 200916

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## 11. COUNCILLOR AND DELEGATES REPORTS

### 11.01 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING

File No: Economic Dev/OBTA  
Author: Clr Sam Lord

#### Summary

The Oberon Business and Tourism Association Meeting was held on 10 August 2016 at the Oberon Golf Club. Councillor Sam Lord is councils delegate and attended the meeting.

---

Moved: Lord  
Second: McCarthy

That report item 11.01 is received as information.

Carried 10 200916

### 11.02 OBERON ARTS COUNCIL AND ARTS OUTWEST

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. Minutes of the meeting are provided for Council’s information.

President of Oberon Arts Council Fran Charge is the delegate to Arts OutWest and attended their meeting held on 9 August 2016 as Oberon Council’s representative.

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Moved: McCarthy  
Second: Morgan

That delegate’s report item 11.02 is received as information.

Carried 11 200916

### **11.03 COUNTRY MAYORS ASSOCIATION OF NSW MEETING**

File No: Govt Relations/Local & Regional Liaison/Country Mayors Association of NSW  
Author: Mayor Kathy Sajowitz

#### **Summary**

Acting General Manager, Gary Wallace and I attended the Country Mayors Association of NSW Meeting held at NSW Parliament House, Macquarie Street on 12 August 2016.

Moved: McCarthy  
Second: Lord

That delegate's report item 11.03 is received as information.

Carried 12 200916

### **11.04 CENTROC BOARD MEETING**

File No: Govt Relations/Local & Regional Liaison/Centroc  
Author: Mayor Kathy Sajowitz

#### **Summary**

Councillor Sajowitz and Acting GM Gary Wallace attended the CENTROC Board Meeting. A copy of the minutes of the meeting are provided for Council's information.

Moved: McCarthy  
Second: Morgan

That delegate's report item 11.04 is received as information.

Carried 13 200916

## **12. COMMITTEE REPORTS**

### **12.01 BLACK SPRINGS COMMUNITY HALL COMMITTEE**

File: Governance/Meetings/Black Springs Community Hall Committee  
Author: Lynette Safranek, Finance & Community Services Director

#### **Summary**

Minutes of the Black Springs Community Hall Committee held on 17 August 2016 are submitted for Council's information.

Moved: Gibbons  
Second: Francis

That Report 12.01 is provided for information.

Carried 14 200916

## 12.02 OBERON YOUTH COUNCIL

File: Governance/Meetings/OYC

Author: Lynette Safranek, Finance & Community Services Director

### Summary

Minutes of the Oberon Youth Council Meeting held on 19 August 2016 is submitted for Council's information and consideration.

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Moved: McCarthy  
Second: Evans

That Report 12.02 is provided for information.

Carried 15 200916

## 12.03 HERITAGE COMMITTEE

File: Governance/Meetings/Heritage Committee

Author: Gary Wallace, Acting General Manager

### Summary

Minutes of the Heritage Committee held on 5 September 2016 submitted for Council's information and consideration.

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Moved: Doney  
Second: McCarthy

That:

1. The Minutes of the Heritage Committee held on 5 September 2016 received as information.
2. Council to write a letter of support to the Office of the Environment and Heritage with a view of obtaining a grant for emergency funding for stabilisation work on Lindlegreen, provide a report in relation to funding from the O'Connell Community fund for an updated engineering report from Calare Civil.
3. Council approve the quote from Fifty8GEORGE for \$381.70 and the wording for the sign for the Private Cemetery at Porters Retreat to be erected in the Abercrombie Road reserve and organise a meeting between staff and the Cemetery Committee to confirm names provided to Council of those people that may be interned with the view of a erecting a sign depicting these name to be placed in Porters Retreat Cemetery.
4. Council make enquiries regarding the replacement roof at the Railway Station managed by John Holland and see if it is compatible for a property that is heritage listed.
5. The Heritage Committee would like Council to note that they are aware of a proposed subdivision on Carlwood/Mutton Falls Rd and Bolton Lane at O'Connell and have concerns that if a number of trees are removed on the road reserve it would have an impact on the cultural landscape and the environment.
6. Council progress the walking track at O'Connell from Beaconsfield Road to Box Flat Road.
7. Council support the Heritage Committee in encouraging PHD Students from Australian Universities to undertake studies on Heritage issues in our Council's Local Government area.

Carried 16 200916

## 13. REPORTS FOR DECISION

### 13.02 DEVELOPMENT APPLICATION 10.2016.46.1 – DWELLING

File No: Property/PR259-92

Author: Health and Building Surveyor, Kerry Davison

#### Summary

A Development Application has been received for the construction of a dwelling at Lot 12 in DP 603429, being known as 92 Ferndale Road, Oberon.

The two bedroom dwelling is proposed to be located on an existing excavated site within 350m of the existing approved quarry which may be reduced to a 270m setback in the future, due to an approved expansion in September 2012.

The submitted Statement of Environmental Effects has identified;

*“A ridge between the proposed dwelling site and the quarry provides a significant barrier between the dwelling site and the quarry operations”,* which would provide shielding to the proposed dwelling from noise impacts associated to the quarry.

The applicant has proposed additional noise attenuation measures through double glazing and added insulation which has been indicated by a consultant to provide *“sufficient acoustic attenuation”* within the proposed dwelling.

An existing consent Development Application 10.2011.1.1 for a proposed dwelling was approved by Council in December 2011, in the same location. This consent will be withdrawn prior to the issue of any further approval.

The proposed dwelling site is within Council's 500m buffer zone to an existing extractive industry, Mudgee Stone Company and the applicant is seeking a variation to Clause A2.6 of Oberon's Development Control Plan, 2001.

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Moved: Doney  
Second: Lord

That:

1. Council resolve to vary A2.6 of its current DCP 2001 and determine the application in accordance with the recommendation outlined.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

The motion was put and lost.

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

Votes For: Councillors Doney and Sajowitz  
Against: Councillors Francis, Gibbons, Morgan, McCarthy, Lord and Evans

Councillor Gibbons left the meeting at 7.02pm. Councillor Gibbons returned to the meeting at 7.05pm prior to the vote being put for the motion.

Moved: Morgan  
Second: Evans

That Development Application 10.2016.46.1 be deferred until a site inspection is arranged and additional information is provided.

Carried 17 200916

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

For: Councillors Francis, Gibbons, Morgan, Lord and Evans  
Against: Councillors Doney, Sajowitz and McCarthy

### **13.03 DEVELOPMENT APPLICATION 10.2016.61.1 – DWELLING**

File No: Property/PR186-163  
Author: Health and Building Surveyor, Kerry Davison

#### **Summary**

A Development Application has been received for a dwelling at 163 O'Connell Road, 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 reduced setback and buffer as the proposed setback for the dwelling is 30m from the Northern boundary.

A 50m setback would instantly comply with the part B.14.12.9 of the Development Control Plan 2001 DCP, however in exceptional circumstances Council can approve less than 50m if a proposed buffer is submitted and approved by Council, in accordance with the DCP.

---

Moved: Sajowitz  
Second: Gibbons

That

1. Council approve the reduced setback and buffer submitted with DA 10.2016.61.1 and delegation be granted to Councils Acting General Manager to approve DA 10.2016.61.1 for a proposed dwelling with a boundary setback of 30m from the northern boundary on Lot 9 in DP 1185095, 163 O'Connell Road, Oberon.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 18 200916

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

Votes For: Councillors Francis, Gibbons, Morgan, McCarthy, Lord, Evans and Sajowitz  
Against: Councillor Doney



### **13.04 ACTIVE TRANSPORT PLAN DRAFT FOR PUBLIC EXHIBITION**

File No: Governance/Meetings/Ordinary/September 2016  
Author: Gillian Salmon, Grant Officer

#### **Summary**

Council are in receipt of the second draft of the *Oberon Active Transport Strategy Active Travel Plan* developed by GTA Consultants.

The second draft addresses issues identified by the community consultation processes and satisfies all the criteria of the consultants brief. The revised plan includes improved mapping of the proposed upgrades to Oberon's footpath and cycleway network.

Adoption of the *Oberon Active Transport Strategy Active Travel Plan* will allow Council to apply for grant funding to implement the active transport infrastructure projects prioritised by the plan.

---

Moved: Morgan  
Second: Doney

That Council 'in principle' support and place the draft Oberon Active Transport Strategy on public exhibition for the prescribed 28 day period.

Carried 19 200916

### **13.05 TALLY'S LANE CARPARK CONSTRUCTION**

File No: Governance/Meetings/Ordinary/September 2016  
Author: Chris Schumacher Works & Engineering Director & Hamish Gunning Design Engineer

#### **Summary**

This report is a request for funding consideration to build the new carpark in Tally's Lane Oberon, in conjunction with the library upgrades planned for this financial year.

---

Moved: McCarthy  
Second: Evans

That: Council provide \$30,000 from the Section 94 Urban Roads Funds towards the construction of the new car park to accommodate up to another 20 car parking spaces in and around Oberon.

Carried 20 200916

### **13.06 ROAD RESPONSE RISK MANAGEMENT POLICY AND PROCEDURES**

File No: Governance/Policy/Council Adopted Policies  
Author: Gary Wallace, Acting General Manager

#### **Summary**

Policy 4110 – Road Response Risk Management Policy and Procedures has been reviewed and is submitted to Council for approval. The policy is a review of the existing policy dated June 2012.

Moved: Morgan  
Second: Gibbons

That Council approve the amended Policy 4110 – Road Response Risk Management Policy and Procedures for immediate implementation.

Carried 21 200916

### **13.07 DRAFT OBERON TOURISM STRATEGY**

File No: Economic Development/Regional Tourism  
Author: Sharon Swannell, Executive Coordinator

#### **Summary**

Council has been working in consultation with representatives from the Oberon Business and Tourism Association to develop a Draft Oberon Tourism Strategy. This report seeks endorsement from Council to implement the Strategy.

Moved: McCarthy  
Second: Lord  
That:

1. Council note the submissions received in relation to the Draft Oberon Tourism Strategy.
2. The Draft Oberon Tourism Strategy (2016/17 – 2020/21) be endorsed by Council with all recommendations outlined in this report incorporated.
3. Council delegate authorisation to the Mayor and Acting General Manager to enter into a Memorandum of Understanding with the Oberon Business and Tourism Association in line with the Oberon Tourism Strategy over the next four years.

Carried 22 200916

## **14. REPORTS FOR INFORMATION**

### **14.01 MONTHLY ACTIVITY REPORT – ACTING GENERAL MANAGER**

File No: Governance/Meetings/Ordinary  
Author: Gary Wallace, Acting General Manager

#### **Summary**

This report item summaries the main activity by the Acting General Manager since the August Council Meeting including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional Issues, Executive Management Team Meetings, planned activities and major work within the Planning & Development Department.

Moved: Lord  
Second: McCarthy

That report item 14.01 is received as information.

Carried 23 200916

## **14.02 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING**

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Works and Engineering Director

### **Summary**

Providing a summary of the work activities in the Works & Engineering Department for the month of August 2016 and including scheduled work for the coming month of September/October.

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Moved: McCarthy  
Second: Francis

That report item 14.02 is received as information.

Carried 24 200916

## **14.03 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES**

File No: Governance/Meetings/Ordinary/September 2016

Author: Lynette Safranek, Finance and Community Services Director

### **Summary**

This report provides a summary of work within the Finance and Community Services Department during August 2016, plus planned activities for the upcoming months.

---

Moved: McCarthy  
Second: Francis

That report item 14.03 is received as information.

Carried 25 200916

## **14.04 STATEMENT OF INVESTMENTS**

File No: Financial Management/Investments/Register

Author: Lisa Koleda, Management Accountant

### **Summary**

Reporting the Statement of Investments as at 31 August 2016.

---

Moved: McCarthy  
Second: Gibbons

That report item 14.05 is received as information.

Carried 26 200916

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

File No: Governance/Meetings/Ordinary/August 2016  
Author: Gillian Salmon, Grants Officer

##### **Summary**

This report provides a summary of Grant Funding applications and submissions, both internal and external, during August 2016.

---

Moved: Lord  
Second: McCarthy

That report item 14.05 is received as information.

Carried 27 200916

#### **14.06 WATER AND SEWER PLANT REPORT**

File: Governance/Meetings/Ordinary  
Author: Chris Schumacher, Works and Engineering Director & Richard Robinson, Sewer & Water Plant Operator.

##### **Summary**

This report provides a summary Water & Waste Water Activity for the previous month of August 2016.

---

Moved: McCarthy  
Second: Gibbons

That report item 14.06 is received as information.

Carried 28 200916

#### **14.07 ROAD CONDITIONS OBERON LGA**

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

##### **Summary**

This report provides information regarding the maintenance difficulties during the recent wet winter, saturated ground conditions in maintaining satisfactory road conditions throughout the LGA.

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Moved: McCarthy  
Second: Morgan

That report item 14.07 is received as information.

Carried 29 200916

## **14.08 ENVIRONMENT & WATERWAYS ALLIANCE REFERENCE GROUP MEETING**

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Works and Engineering Director

### **Summary**

This report provides information of the meeting minutes from most recent meeting of the Environment & Waterways Alliance Reference Group Meeting.

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Moved: McCarthy  
Second: Francis

That report item 14.08 is received as information.

Carried 30 200916

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## **15. 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.

---

Moved: Francis  
Second: Morgan

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council.

1. A letter from OBTA seeking financial donation from Council for the 2016 Oberon Business awards
2. Current issues with Burruga School
3. Land matter – Confidential

Carried 31 200916

**Council has received a letter from OBTA seeking assistance from Council for the 2016 Oberon Business Awards.**

Moved: Lord  
Second: Gibbons

That Council allocate \$500.00 to assist in the 2016 Oberon Business Awards. This will include \$250.00 in sponsorship and \$250.00 the Business Innovation category.

Carried 32 200916

## **Burruga School**

Moved: Morgan  
Second: Francis

That a letter be sent to the NSW Minister of Education in reference to the possible permanent closure of Burruga Public School in January 2017 and we also seek the support of our Local Member.

Carried 33 200916

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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 MAYORAL MINUTE**

File No: Governance/Ordinary/Confidential  
Author: Mayor Kathy Sajowitz

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

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Moved: McCarthy  
Second: Francis

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 34 200916

*Council moved into Closed Session at 8.20pm. All members of the public present left at this point in time.*

## Land Sales

Moved: McCarthy  
Second: Gibbons

That Council accept the offer tabled.

Carried 35 200916

Councillor Doney voted against the motion

### 16.01 MAYORAL MINUTE

File No: Governance/Ordinary/Confidential  
Author: Mayor Kathy Sajowitz

Moved: McCarthy  
Second: Morgan

That report item 16.01 be considered in a Closed Session of Council.

That Council note the information and endorse the action as provided by the Mayor in relation to the Acting General Manager Performance Review.

Carried 36 200916

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Moved: McCarthy  
Second: Francis

That Council move out of closed Council and into open Council.

Carried 37 200916

*Open Council resumed at 8.30pm*

The Mayor advised that resolutions 35 200916 and 36 200916 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 8.30pm.

The next Ordinary Meeting of Oberon Council will be held on:

Tuesday 18 October 2016  
commencing at 5.30pm

in the Oberon Council Chambers  
137 – 139 Oberon Street, Oberon.





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## UNCONFIRMED 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.

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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. 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

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## 4. 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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## 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

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## 8. CLOSURE OF MEETING

The Deputy Mayor declared the meeting closed at 6.02pm.