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## CONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Thursday 30 December 2021

Commencing at 10.00am  
at the Oberon Council Chambers

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## 1. OPENING OF MEETING

The General Manager, Gary Wallace welcomed members and declared the meeting open at 10.01am. The General Manager chaired the meeting at the commencement of the meeting prior to the Mayoral Election.

The December Ordinary 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.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

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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## 3. PRAYER

The Meeting was opened in prayer by Councillor Mick McKechnie.

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## 4. RECORD OF ATTENDANCE

Members	Mayor Mark Kellam (Chair) Deputy Mayor Andrew McKibbin Clr Katie Graham Clr Helen Hayden Clr Clive McCarthy Clr Mick McKechnie Clr Lauren Trembath Clr Ian Tucker Clr Bruce Watt
Staff	Gary Wallace, General Manager Damian O'Shannassy, Planning and Development Director Mathew Webb, Acting Corporate Services Director Chris Schumacher, Technical Services Director Sharon Swannell, Executive Coordinator

Leave of Absence Nil

#### **04.01 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS**

File No: Governance/Councillors  
Author: Gary Wallace, General Manager

##### **Summary**

Councillors are required to take an oath or affirmation at the first meeting of the newly elected Council.

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Moved: McCarthy  
Second: McKechnie

That Council note the councillors that took the Oath or Affirmation of Office at the commencement of the meeting.

Carried 01 301221

##### **Division**

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

Councillors signed the Oath or Affirmation document confirming their pledge.

#### **04.02 ELECTION OF MAYOR AND DEPUTY MAYOR**

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

##### **Summary**

Section 290 of the Local Government Act 1993 requires that the Election of the Mayor and Deputy Mayor be held within three weeks of an Ordinary Council Election. The Election of Mayor and Deputy Mayor will take place at the start of the Ordinary Council Meeting on Thursday 30 December 2021. In accordance with Section 230 of the Local Government a mayor and deputy mayor elected by the councillors holds the office of mayor for two years.

Nomination forms for the positions of Mayor and Deputy Mayor are included with this business paper.

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Moved: McKibbin  
Second: McKechnie

That if an election is required for the positions of Mayor and Deputy Mayor, then the election is held by ordinary ballot.

Carried 02 301221

##### **Division**

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

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The General Manager advised that one nomination was received for the position of Mayor, that being Councillor Mark Kellam. The General Manager declared Councillor Mark Kellam elected as Mayor until September 2023.

The General Manager advised that three nominations were received for the position of Deputy Mayor, being Councillor Lauren Trembath; Councillor Mick McKechnie and Councillor Andrew McKibbin.

Councillor Mick McKechnie withdrew his nomination prior to the ballot being held.

Following the ballot being conducted, the General Manager advised that Councillor Andrew McKibbin was elected as Deputy Mayor until September 2023.

Mayor Mark Kellam assumed the Chair.

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## 5. DECLARATIONS OF INTEREST

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

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## 6. PRESENTATIONS

Nil

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## 7. QUESTIONS FROM THE PUBLIC

The public gallery is open to members of the community in accordance with requirements under the current Public Health Orders. Any questions from the public will be able to be asked in person. The community is to be given the opportunity to ask questions at the commencement of the council meeting, and the Mayor is to ask for questions from the gallery prior to the commencement of the ordinary meeting.

Members of the public wishing to address Council are permitted to do so provided the following guidelines are adhered to.

1. The person asking the question at the Council meeting must clearly state their name and in what capacity they are acting.
2. If the person asking the questions is acting as another person/organisation's agent they must advise Council if they have their prior consent/authority.

Questions from the public is not an opportunity for debate with elected representatives or staff, it is an opportunity for the community to ask a question in relation to an issue or put a point of view relating to an issue that may be causing interest or concern. Due to time constraints a time frame

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of three minutes per speaker is allocated. All questions and comments must be directed through the Mayor and in the instance of a question, if it cannot be answered it will be taken on notice and a response given within a reasonable period of time. This is the only opportunity for a community member to address Council during an Ordinary Meeting.

None received.

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## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 16 November 2021

ATTACHED is the Minutes of the Ordinary Council Meeting held on 16 November 2021.

Moved: McKibbin  
Second: McKechnie

That the Minutes of the Ordinary Meeting held on 16 November 2021 be confirmed.

Carried 03 301221

### Division

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

Votes against: Nil

### 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: Cllr Kathy Sajowitz, Mayor

### Summary

This report summarises the main activity for the Mayor since my last report and the final report for former Mayor Kathy Sajowitz.

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Moved: McKibbin  
Second: McKechnie

That report item 09.01 is received as information.

Carried 04 301221

### Division

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

Votes against: Nil

## 10. NOTICES OF MOTIONS

Nil

## 11. COUNCILLOR AND DELEGATES REPORTS

### 11.01 OBERON ARTS COUNCIL

File No: File No: Community Relations/Consultation/Oberon Arts Council  
Author: Mayor Kathy Sajowitz

#### Summary

Former Mayor, Councillor Kathy Sajowitz attended the last meeting of the Oberon Arts Council Committee held on 25 November 2021, commencing at 6.00pm.

Moved: McKibbin  
Second: Graham

That report item 11.01 is received as information.

Carried 05 301221

#### Division

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

## 12. COMMITTEE REPORTS

Nil

## 13. REPORTS FOR DECISION

### 13.01 OBERON LGA ELECTION RESULT, MEETING SCHEDULE AND COUNCIL COMMITTEES

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

#### Summary

The report item provides details of the candidates Elected to Oberon Council, at the 4 December 2021 Local Government Elections, and presents an opportunity for the Elected Council to determine a schedule with the dates and times for Council Meetings.

The new elected Councillors are Cllr Katie Graham; Cllr Helen Hayden; Cllr Mark Kellam; Cllr Clive McCarthy; Cllr Mick McKechnie; Cllr Andrew McKibbin; Cllr Lauren Trembath; Cllr Ian Tucker and Cllr Bruce Watt.

There are a number of Section 355 Committees and other Council Committees. This report seeks

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the confirmation of the Councillor appointments to these Committees.

As part of the 30 December 2021 Council Meeting a select number of reports have been highlighted as requiring attention. All reporting functions including reports for information, status of current resolutions, grants update, water and sewer will be provided to the February 2022 meeting in full.

Moved: Kellam  
Second: Trembath

That:

1. Ordinary meetings of council be held on the third Tuesday of each Month, commencing at 5.30pm with the exception of January when no meeting is held.
2. Council confirm its appointments and Chair of the Section 355 Committees; and make appointments to other Council Committees, Community Committees and Working Parties for a period of 2 years.
3. Council advertise for members of the community to participate as delegates to its Section 355 Committees.
4. That if a Councillor vacancy occurs in the first 18 months after the election the vacancy will be filled using a countback of votes at the last ordinary election.
5. That Councillors note the requirements for the Hit the Ground Running Training and schedule.

Committee	Councillor
Community Services	Clr Katie Graham (Chair) Clr Bruce Watt
Hazelgrove Public School Reserve	Clr Helen Hayden (Chair)
Heritage	Clr Clive McCarthy (Chair) Clr Lauren Trembath Clr Helen Hayden (alternate delegate)
Oberon Sports Facilities	Clr Lauren Trembath (Chair) Clr Clive McCarthy Clr Mick McKechnie
Black Springs Community Hall	Clr Helen Hayden (Chair) Deputy Mayor Andrew McKibbin (alternate delegate)

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

#### **a. Council Committees**

Audit, Risk and Improvement Committee	Mayor Mark Kellam Deputy Mayor Andrew McKibbin Councillor Ian Tucker (alternate delegate)
Finance Committee	Whole of Council
Performance Review Committee	Whole of Council



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Traffic Advisory Local Committee	Clr Ian Tucker Clr Clive McCarthy (alternate delegate)
Works Committee	Whole of Council

**b. Community Committees & Working Parties**

Australia Day Working Party	Mayor Mark Kellam Clr Lauren Trembath
Cemetery Headstone Maintenance Committee (Working Party reporting to Works Committee)	Mayor Mark Kellam Clr Helen Hayden
Independent Living Units Tenants Panel	Clr Clive McCarthy Clr Mick McKechnie
Oberon Youth Council	Clr Katie Graham Clr Lauren Trembath
Oberon Common Working Party	Whole of Council
Lake Oberon Cycle/Walking Track	Mayor Mark Kellam Clr Clive McCarthy
Oberon Sewer Projects	Mayor Mark Kellam Deputy Mayor Andrew McKibbin Clr Clive McCarthy Clr Mick McKechnie Clr Ian Tucker
Oberon Streetscape Working Party	Whole of Council

It was noted that a new Working Party for the Oberon Sports Complex will be developed. A report will be provided to the February Meeting to establish Terms of Reference and membership of the Working Party.

Carried 06 301221

**Division**

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

**13.02 DELEGATES TO EXTERNAL ORGANISATIONS**

File No: Governance/Meetings  
Author: Gary Wallace 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.

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Moved: McKibbin  
Second: Hayden

That Council appoint its delegates to external organisations for the following two years.

External Organisation	New Nominated Delegate
Arts OutWest	Fran Charge
Ben Chifley Catchment Management Steering Committee	Deputy Mayor Andrew McKibbin Clr Bruce Watt (alternate delegate)
Black Springs Community Association	Clr Helen Hayden Deputy Mayor Andrew McKibbin (alternate delegate)
Burruga and District Community Association	Deputy Mayor Andrew McKibbin Mayor Mark Kellam (alternate delegate) Clr Bruce Watt (alternate delegate)
Central NSW Joint Organisation	Mayor Mark Kellam Deputy Mayor Andrew McKibbin (alternate delegate)
Central West Forestry Hub	Mayor Mark Kellam General Manager
Country Mayors Association	Mayor Mark Kellam Deputy Mayor Andrew McKibbin (alternate delegate)
Joint Regional Planning Panel	Clr Clive McCarthy Clr Lauren Trembath Clr Helen Hayden (alternate delegate)
NSW Public Libraries Association Authorised Elective Representative	Mayor Mark Kellam
Oberon Arts Council	Clr Katie Graham
Oberon Business and Tourism Association (OBTA)	Clr Helen Hayden Clr Bruce Watt (alternate delegate)
Oberon Timber Complex Community Consultative Committee	Clr Mick McKechnie
O'Connell Valley Community Group	Clr Lauren Trembath Clr Bruce Watt
Rural Fire Service Chifley Zone Liaison Committee	Clr Clive McCarthy Clr Katie Graham
Upper Macquarie County Council	Clr Andrew McKibbin Clr Bruce Watt

Carried 07 301221

**Division**

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

### **13.03 DELEGATIONS OF AUTHORITY – GENERAL MANAGER**

File No: Government Relations/Local and Regional Liaison/OLG

Author: Gary Wallace, General Manager

#### **Summary**

In accordance with Section 377(1) of the Local Government Act Council may by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than those listed in that section.

Moved: Watt  
Second: Hayden

That the Delegations to the General Manager be endorsed by Council as presented.

Carried 08 301221

#### **Division**

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

Votes against: Nil

### **13.04 RETURNS DISCLOSING INTERESTS & RELATED PARTIES DISCLOSURE**

File No: Corporate Management/Administration/Register of Disclosures

Author: Gary Wallace, General Manager

#### **Summary**

In accordance with Section 449 of the Local Government Act; returns disclosing interests of councillors and designated persons; a councillor or designated person must complete and lodge with the general manager, within three months after becoming a councillor or designated person, a return in the form prescribed by the regulations.

Moved: McKibbin  
Second: McKechnie

That:

1. Council note the requirement to lodge a return disclosing interests of Councillors and designated persons.
2. Council note the requirement to lodge a Related Parties disclosure for newly elected Councillors.

Carried 09 301221

#### **Division**

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

Votes against: Nil

### **13.05 BOUNDARY REALIGNMENT AND LAND PURCHASE BRIEN ROAD OBERON**

File No Roads/Agreement/General

Author: Chris Schumacher Director Technical Services

#### **Summary**

This report to Council follows a mandatory twenty eight (28) day public exhibition period for the sale of Council public land (Lot 10 DP1269542 - 1,944m<sup>2</sup>) off Brien Road, Titania Estate Oberon.

Moved: McKibbin  
Second: McCarthy

That:

1. Council provide its approval to close Lot 10(DP1269542) as public road by notice to be published in the NSW Gazette.
2. Upon closure, Lot 10(DP1269542) be classified operational land; and
3. Council approve to transfer Lot 10 (DP1269542) to the owners of Lot 20 (DP860460) in consideration of receiving the agreed purchase price.

Carried 10 301221

#### **Division**

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

Votes against: Nil

### **13.06 AUDITED 2020-21 FINANCIAL STATEMENTS**

File No: S:/Governance/Ordinary/December 2021

Author: Mathew Webb, Acting Corporate Services Director

#### **Summary**

The Audit Office completed Council's 2020-21 Financial Statement audit on 30 November 2021. This report is to place the Audited Financial Statements on public display.

Moved: McKibbin  
Second: McKechnie

That Council place the Audited 2020-21 Financial Statements on public display for 28 days from 30 December 2021.

Carried 11 301221

#### **Division**

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

Votes against: Nil

### **13.07 VILLAGE FUND PROJECT ALLOCATIONS**

File No: S:/Governance/Ordinary/December 2021

Author: Acting Corporate Services Director, Mathew Webb

#### **Summary**

Council has received a request from the Burraga District Community Association and the Black Springs Community Association to drawdown funds from the Section356 village funds to support restoration works at the Community Halls. Works are scheduled to be undertaken during the summer holiday period to leverage volunteer availability.

Moved: McKibbin

Second: Hayden

1. That Oberon Council approve the request from Burraga District Community Association to drawdown \$3,200 from the Burraga Village fund allocation to support works at the Burraga Hall
2. The Oberon Council approve the request from the Black Springs Community Association to drawdown \$15,570 from the Black Springs Village fund allocation to support works at the Black Springs Hall.

Carried 12 301221

#### **Division**

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

Votes against: Nil

### **14. REPORTS FOR INFORMATION**

Nil

### **15. URGENT BUSINESS**

Nil

### **16. CLOSED SESSION / CONFIDENTIAL REPORTS**

Nil

### **17. CLOSURE OF MEETING**

The Mayor declared the meeting closed at 11.55am.

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

Tuesday 15 February 2022, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.