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## UNCONFIRMED MINUTES

Oberon Council Ordinary Meeting  
Tuesday 18 December 2018

Commencing at 5.30pm  
at the Oberon Council Chambers

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General Manager

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Mayor

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## 1. OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 5.30pm.

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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 Clr Kerry Gibbons.

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## 4. RECORD OF ATTENDANCE

Members	Mayor Kathy Sajowitz (in the Chair) Deputy Mayor Kerry Gibbons Clr Don Capel Clr Mark Kellam (from 7.31pm) Clr Brenda Lyon Clr Clive McCarthy Clr Mick McKechnie Clr Andrew McKibbin (from 7.02pm)
Staff	Gary Wallace, General Manager Shane Wilson, Planning and Development Director Lynette Safranek, Finance and Community Services Director Chris Schumacher, Technical Services Director Sharon Swannell, Executive Coordinator Tania Matthews, Records and Communications Coordinator
Leave of Absence	Clr Ian Doney
Moved:	Capel
Second:	Lyon

That the leave of absence of Councillor Ian Doney be noted and the apology be accepted.

Carried 01 181218

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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

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## 6. PRESENTATIONS

A presentation was provided by David Young, General Manager, Upper Macquarie County Council.

The Upper Macquarie County Council (UMCC) is the local weed authority covering four Local Government Areas being Oberon, Bathurst, Lithgow and Blayney. The UMCC cover 1.5 million hectares and they inspect and deal with 41,000 properties and 4,200km of roadside.

The new Biosecurity Act came into force in 2017, fortunately since that time all landholders have the same duties and responsibilities. A new Risk Management System is in place which drives the implementation of the Biosecurity Act and is based on a series of property inspections. Enforcement activities take place as a result. Previously there was no risk management scheme which is required for implementation of the Act, this is now a standardised approach. The whole concept now is about confinement of weeds to regions, areas, districts.

Across the UMCC area properties have been categorised as follows:

Higher risk property uncontrolled 19% and lower risk properties under control 81%. High risk properties are the ones the UMCC has to come back to.

Within the next 6 months UMCC will be in a position to say what happens to the higher risk properties after the first warning. Moving forward we will be focusing on invasion corridors – links between properties that help spread weeds such as state rail, forestry, roadsides, rivers and higher risk properties.

We are currently gathering evidence in relation to every property and integrated into the GIS System – any enforcement action will be easy to justify and take forward. The mapping capability in our GIS system is using data that has been collected over the last few years. 6911ha infested serrated tussock over 492 sites.

A new Strategic Plan has been developed and provides a modest but viable financial model, emphasises core business of weed control, pursues innovation and technology, aims for continuous improvement. Funding is sourced from the member councils and UMCC receives an annual grant from DPI.

We have a number of improvements underway including building significant relationships, redeveloping with State Government stakeholders. Our GIS system is working well, mapping and risk register functions are working properly and we have a much better management and reporting function. We provide six monthly reports to member councils. We are optimising the use of drones and exploring opportunities for the use of satellite imagery to pre-target high risk weed invasions.

Clr McCarthy commented he looks forward to seeing results in 12 months time.

Clr Gibbons commented the strategy utilising drones is a great opportunity to cut costs and asked does the UMCC staff operate the drones themselves.

David advised there has been one drone allocated for each inspector, which they operate themselves, they can photograph or do live surveillance.

Mayor Sajowitz asked do you have to notify the property owner that you are using a drone on their property?

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David advised there is no requirement to notify people, however it is part of our practice that when we notify people that we are inspecting their property we advise that we may use drones. They can contact us if there is an issue with this type of technology for livestock etc.

The Mayor thanked David for his presentation, Council has supported a motion to increase funding for UMCC at its November meeting and it is great to see the progress.

A presentation was provided by Donna Galvin, Galvin Consulting outlining the Draft CSP process. A revised draft of the Community Strategic Plan has been provided and copies are available for Councillors and members of the public.

Galvin Consulting has been engaged to help with the development of the new CSP. Draft copy with us today. Photo's included in the document have been gathered from a local photography competition which was run as part of the community consultation phase.

Some items to highlight for Councillors information are on page 4 of the document the vision statement has been left undetermined, we have included some statements that came during the consultation phase. Final determination will be made post the exhibition phase.

On page 7 I remind Councillors and the community the CSP is a high level strategic document, it does not have a lot of detail about how, when, who. The plan is very futuristic. The CSP is one of many documents that guide council, a number of plans sit under the CSP, including a Delivery Program and Resourcing Strategy. In January we will map the current delivery program to the new CSP. That will guide decision making for the next four year period.

Page 10 outlines responses received during the engagement program. It outlines how many responses we received to the survey, how many participated in the phone survey, community forum and youth forum. There were eight events held during the community consultation period, 230 surveys generated and 1100 ideas gathered. All data will be held by Council.

Page 12 outlines common themes, suggestions and ideas. They are big ideas, it doesn't mean they will get done but they are suggestions that will help guide council's strategic planning in the future.

Five key themes have been identified including

Community Wellbeing - five actions were identified including transport needs, social cultural and physical activity, community wellbeing programs, health, education and social services. It is important as a growing and healthy community we need good education, health and aged care services. Council has a partnering role in this area.

A Growing economy – themes included strong relationships with industry, a sustainable local economy and strong themes about tourism. Oberon enjoys a quiet peaceful lifestyle and strives to maintain that balance. Broadening employment opportunities and identifying ways to keep youth employed is a strong theme as well as attracting new industries. Telecommunications also plays a part in health, education etc.

Caring for the Environment – care for environment, natural waterways, air quality. Impacts on natural environment, valuing the contribution of the agricultural sector. Council taking a lead role in finding ways to conserve energy in the future.

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Infrastructure and Services – roads infrastructure, open spaces and facilities, increased cycle ways, walking tracks – things that help us live a healthy lifestyle. Land use needs and growth are also common themes. Leadership and engagement, how council represents the members of the community was also a strong theme. Good sound governance, open transparent communication with the community.

I would like to encourage councillors and members of the community to have a further say. Again bearing in mind these are high level statements. The document will go on public display in next couple of days, a media release will be distributed on Thursday and community input sought during January.

#### Questions from Councillors

The Mayor commented we have received feedback to date that the process has been well received and that it has been a good professional process. We have been talking about village plans and they will sit under the delivery program, once the CSP is in place we will be looking at our village plans in the near future.

The Mayor announced the winners of the Photography Competition.

Keven Vorhoeven – 1<sup>st</sup> Prize Open Category  
Morgan Cannard – 2<sup>nd</sup> Prize Open Category  
Sancia Moran – 1<sup>st</sup> Prize Youth Category  
Samuel Gaiser – 1<sup>st</sup> Prize Junior Category

Special Mention to Jennifer Precians, Graham Fletcher, Brenda Lyon and Jennifer Capel.

Congratulations to all entrants, the photographs were great and many will be used in our tourism strategies and other documents in the future, we will be using every photo.

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## 7. QUESTIONS FROM THE PUBLIC

Peter White addressed Council in relation to the Titania Park Estate. Planning has given a comprehensive view of the rational, however it does not include a balanced approach by not siting the objection of residents as if they are inconsequential. Averaging lot size needs to be reviewed, this development may be catalyst for future planning decisions. I ask Councillors can the decision be justified in terms of public interest. Ask council to consider the implications and that the public interest as demonstrated by residents objections be taken into account. I ask to defer the proposal so Council can give consideration to average lot size so cannot be smaller than 1ha.

Sig Sovik addressed Council in relation to the Development Application for 175 Titania Road. I would like to pass on comments from a person who recently took a road trip to Mayfield Garden, they did not elaborate on delights of Mayfield, but described his trip he talked about Oberon as being an unspoilt and preserved rural landscape. Oberon's most valuable asset is country side, rolling countryside, rural look and feel, active work farms, urbanisation is minimised, there are unspoilt vistas. It is said by people coming here they are alarmed over the future development of Oberon. We are at risk of pollution both air and ground, this is a fact. The interests of Oberon came a poor second. We need to protect Oberon for what it is. The subdivision needs to be modified to fit its environment. It is now up to councillors to use their authority and common sense to stop this development in its current form. The community gave you the power, ask that you defer the decision to a future date and ask Council management to reassess.

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Jill O'Grady addressed Council in objection to the 175 Titania Road development in its current form. The average minimum lot size of 1ha does not satisfy community objectives. I would not have objected to this development if it was in line with existing Titania lot sizes. Sufficient space around dwellings residents feel like they are living in the country. Majority of new residents are family and friends of residents currently living here. My mother moved here 20 years ago, we moved 6 years ago. Friends from the southern highland also bought land here. If the majority of people moving here are moving for country life then 1ha lots will not meet demand. Why offer new residents a country living lifestyle is not what they are looking for. These blocks are not rural living, this development impacts existing residents at Titania Estate. I ask Council to vote against the proposal in its current form and ask the developer to submit new plans with a minimum lot size of 5ha.

Neil O'Grady –addressed Council in opposition to the 175 Titania Estate proposed DA as it currently stands. Understand it is within LEP guidelines, that in itself doesn't make it suitable for the location. Just because you can doesn't make it right. 27 people took time to write and express objections and a further petition has been rendered. Given the population of Titania Estate that is a significant number. Community at large is against the development. We need to preserve Oberon's natural beauty. I have had many conversations with people in town who couldn't or wouldn't add to the objections but still believe its an abomination if Council approve this development. Three residents I spoke to were in favour. When discussing the two sides they quickly changed their mind. Aside from the proponent no one is in favour of this. No one else stands to gain except the proponent. Handling of objections (submissions) why were valid and common sense arguments seemingly dismissed. Why were detail of the objections summarised in a table. Comments from years of experience residents seemingly ignored. I have met with you, you have even agreed with us yet there has been no compromise offered. We need to reduce density of this development. I ask that Council defer the decision and the proponent re-submit revised plans. Ask council to act in everyone's best interests.

Craig Colley I am speaking on behalf of residents in subdivision in opposition to the development. Over previous month seen anguish and distress of landholders that allow me to use this land. The Development Application in Springfield Street will have a direct impact on my life. When I purchased my land in 1997 I understood the land would never be developed, I was shocked to see it be subdivided. Replaced my rural outlook with sheds, houses etc. it will come a time sooner rather than later we will need to consider relocating. We have been closed in by homes around us. Unlike the fluoride debate, I have not seen a single person speak of this subdivision. All media has been negative. People who farm surrounding country, good farming country sold off for developers quick cash grabs. Make the right decision, think local, stick up for what's right and don't develop our region to be suburbia. Make lot size consistent with the rest of the site to minimise the impact.

Steven Optus – I am a resident living across the Duckmaloi valley. I have been listening tonight to the angry residents. I have lived here 12 years and came to Oberon looking for quieter lifestyle. We purchased a 60 acre property. Apart from George Beattie we will be the most affected neighbour. We will be looking at half completed houses, dead cars, shipping containers for the next 30 years. We thought the views here were spectacular. We looked at the planning when we bought our property, it was zoned rural and now look what's happening. I have been a developer, development should be good for everyone, this development adversely impacts neighbours. We grow truffles, we have been growing for 12 yrs. Chefs from Sydney are interested in what we are doing and we have been talking to chefs about upmarket restaurants in Oberon. Next time they come they will be looking at houses, sheds etc. This is completely out of character with the community we live in. There have been numerous submissions which no one seems to take any notice of. Has anyone come and looked at my property, I have sent letters to all councillors, not one person has come. Do your job Councillors, look at what the community wants not just the



developer. I oppose this development strenuously. I think this should be reconsidered, have another look at bigger lot sizes, buffers, drainage, do it properly, not what is proposed.

Matt Colley I am a resident at Titania Estate and am opposed to the proposed subdivision at 175 Titania Road. This development will have a visual impact and a financial impact on my house. I was born and raised in Oberon, my family heritage is local district graziers. I bought a home in Titania 2005, plan to raise family semi rural lifestyle with fantastic views. From my knowledge of the area I thought it would always be semi rural. If this subdivision goes ahead the direct impact for all residents will be high, I ask councillors to consider the residents that will be directly impacted by the small lot subdivision. I also ask you to put yourself in the position, would you like it at your doorstep. Nothing good can come of this subdivision. It will adversely affect the environment and the visual aspect. I ask you to take into account the impact of emotional stress on people and ask that you make it bigger, bring it back to the same size as Titania Estate.

Katherine Rich – Titania Road – want to say to council members, I heard 11 months ago that this was a done deal. I heard this second hand from a councillor. I hope that's not right, I hope council will think about what they are deciding tonight. It is a very important issue. People put in hours of work trying to explain to the council the issues. People who buy there, they will be no water, not enough rain catchment, they will need to buy in water based on current rainfall. If they have to buy in water where will it come from – the Oberon Dam. A few years ago the dam dropped we were worried about outsiders using the dam. The town has to be sustainable. Councillors are elected to consider things at a greater level than council officers. Officers have to consider the practical issues, and whether things meet guidelines. Councillors have to look broader, look at the whole district. This is a very unacceptable development. I urge council to go back to the drawing board, ask the developer to go back to the drawing board. There are 43 new blocks planned. There are two other sections Lot 44 (home block has 27ha) at Lot 45 to the right of the main development has 70 acres (44 is regarded as part of the subdivision, 70 acres is not. To get their averages they have taken into account the massive home block which has distorted the whole thing. The councillors as elected representatives there is a way they can re-look at the proposal. I beg you to take everything that has been said into account.

George Beattie – I first found out about this in 2015. The owners never had the grace to mention the proposed subdivision, they have been here since 2005 – 06 with the intention of subdividing the land. How can council accept a report like that – its deficient. I am completely disillusioned when State Government and Local Government can allow subdivision of this kind. Bloomfield will never be for sale. I wish I asked a question about buffers, understand they will be placed along the boundary of Bloomfield. What about lots 38, 39 and 43, will there be buffers there. Also the fire risk of pine trees what happens if a bushfire goes through. How far away will homes be from these pines. I oppose this subdivision. It may be acceptable if it was done on the basis of 5ha.

The Planning and Development Director advised there is detailed information about buffers in the report where they will be placed and how they will be achieved. The proposal is integrated development and has been provided to RFS and has been assessed in accordance with the planning for bushfire guidelines.

Sig Sovik – speaking on behalf of resident Farley Bartholomew who is not here yet. As we address our concerns to the councillors I urge you to ensure all concerns are addressed. All effected residents and farming communities affected by this controversial DA. I remind you each councillor undertook an oath of office and swear you will undertake the duties of councillor. The rest of the councillors opted not to engage with the community. They have indicated to residents that they had already made their decision, it's a done deal. How can this happen if you ask for the community input. I would like to remind councillors of their role, to participate in policy decision making on

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behalf of the community and not on behalf of one single resident. Councillors role is to provide an essential link between residents and the community. Councillors have a responsibility to vote individually based on due diligence undertaken by each councillors. Before you vote tonight, we as rate paying resident ask do you represent the 90% of rate paying residents who have strongly opposed this DA. This controversial DA will not go away and will be pursued by all available avenues until the end.

Chris O'Neil, owner of 175 Titania Road addressed Council. We purchased our farm in 2004 moving up from Sydney with our family and extending our family from there. I have been coming to Oberon my whole life. With the farm the site was nominated as the candidate site for rezoning in 2006. A DA went to the parliamentary secretary who decided council were the authority to make the decision for rezoning. Council voted 8 – 0 in favour of the 1ha min lot size. I have provided council with all hydrological reports and council had its own peer review carried out. The development meets all planning requirements. I have completed two stages of a development in Springfield Street. Provided employment for builders shops etc. regional towns need to do everything they can to promote this type of sustainable development. I live adjacent to this development. Lived opposite Titania Estate development 85 lots since 2004. I can see no legitimate planning reason for the councillors to refuse the DA.

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## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 20 November 2018

Moved: McKechnie  
Second: Capel

That the Minutes of the Ordinary Meeting held on 20 November 2018 be confirmed.

Carried 02 181218

### 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.

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Moved: Gibbons  
Second: Capel

That Report Item 09.01 is received as information.

Carried 03 181218

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## 10. NOTICES OF MOTIONS

Nil

## 11. COUNCILLOR AND DELEGATES REPORTS

### **11.01 CENTROC AGM/BOARD MEETING AND CENTRAL NSW JOINT ORGANISATION BOARD MEETING – 22 NOVEMBER 2018**

File No: Governance/Meetings/Ordinary

Author: Clr Kathy Sajowitz, Mayor

#### **Summary**

General Manager Gary Wallace and Mayor Sajowitz attended the Centroc AGM/Board Meeting and Board Meeting of the CNSWJO held at Mayfield Garden Oberon on November 22 2018.

Moved: Capel  
Second: Lyon

That the report item be received and noted.

Carried 04 181218

### **11.02 BLACK SPRINGS COMMUNITY ASSOCIATION MEETING – 12 NOV 2018**

File No: Governance/Meetings/Ordinary

Author: Clr Don Capel

#### **Summary**

The Deputy Mayor, Councillor Gibbons and Councillor Capel attended the last meeting of the Black Springs Community Association Inc., held on Monday 12 November at the Black Springs Hall.

Moved: McCarthy  
Second: Gibbons

That report item 11.02 be received as information.

Carried 05 181218

### **11.03 OBERON ARTS COUNCIL – 26 NOVEMBER 2018**

File No: Community Relations/Community Consultation/Oberon Arts Council

Author: Clr Sajowitz /Mayor

#### **Summary**

Councillor Sajowitz attended the last meeting of the Oberon Arts Council Committee.

Moved: Lyon  
Second: McCarthy

That report item 11.03 is received as information.

Carried 06 181218

**11.04 OBERON BUSINESS AND TOURISM ASSOCIATION MEETING  
14 NOVEMBER 2018**

File No: Economic Development/OBTA  
Author: Cllr Don Capel

**Summary:**

The Mayor, Councillor Sajowitz, Councillor Capel, General Manager Gary Wallace and Business and Tourism Development Officer, Mat Webb attended the Annual General Meeting of the Oberon Business and Tourism Association (OBTA), held at the Oberon Golf Club on 14 November.

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Moved: Capel  
Second: McCarthy

That report item 11.04 be received as information.

Carried 07 181218

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## 12. COMMITTEE REPORTS

**12.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE**

File: Governance/Meetings/Local Emergency Management Committee  
Author: Chris Schumacher, Technical Services Director

**Summary**

Minutes of the Local Emergency Management Committee Meeting held on 12 November 2018 are submitted for Council's information.

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Moved: McCarthy  
Second: Gibbons

That the Minutes of the Local Emergency Management Committee Meeting held on 12 November 2018 are received as information.

Carried 08 181218

## 12.02 TRAFFIC ADVISORY LOCAL COMMITTEE

File: Governance/Meetings/Traffic Advisory Local Committee  
Author: Chris Schumacher, Technical Services Director

### Summary

Minutes of the Traffic Advisory Local Committee Meeting held on 15 November 2018 are submitted for Council's information and consideration.

Moved: Capel  
Second: Gibbons

That:

1. That the Minutes of the Traffic Advisory Local Committee Meeting held on 15 November 2018 are received as information.
2. In principle approval be provided for the Oberon Tractor Trek to be held on 15 March 2019 pending the following:
  - a. The event organisers submitting in a timely manner satisfactory insurance paperwork.
  - b. The event organisers submitting satisfactory Traffic Control Plans (TCP's)
  - c. The event organisers obtaining RMS consent
  - d. The event organisers obtaining NSW Police and Oberon Council approval.
3. It be noted there are no objections to the Six Foot Track Marathon to be held on 9 March 2019 on condition that all necessary approvals are obtained from the RMS and NSW Police.

Carried 09 181218

## 12.03 HERITAGE COMMITTEE

File: Governance/Meetings/Heritage Committee  
Author: Shane Wilson Planning and Development Director

### Summary

Minutes of the Heritage Committee held on 26 November 2018 submitted for Council's information and consideration.

Moved: Lyon  
Second: McCarthy

That:

1. Minutes of the Heritage Committee held on 26 November 2018 be received as information.
2. A contractor be hired to make a copy of the Gingkin Papers to be housed at the Library

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Amendment Moved: Sajowitz  
Second: Capel

1. Minutes of the Heritage Committee held on 26 November 2018 be received as information.
2. That Council investigate the cost and identify a funding source to engage a contractor to make a copy of the Gingkin Papers to be catalogued into the local history collection at the Oberon Library and a report be bought back to the next meeting.

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

Moved: Sajowitz  
Second: Capel

1. Minutes of the Heritage Committee held on 26 November 2018 be received as information.
2. That Council investigate the cost and identify a funding source to engage a contractor to make a copy of the Gingkin Papers to be catalogued into the local history collection at the Oberon Library and a report be bought back to the next meeting.

Carried 10 181218

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## 13. REPORTS FOR DECISION

Clr McKibbin entered the meeting at 7.02pm during deliberation of report item 13.01.

### **13.01 DEVELOPMENT APPLICATION 10.2014.70.1 STAGED RURAL RESIDENTIAL - FORTY-FIVE (45) LOT SUBDIVISION**

File No: PR22-175

Author: Shane Wilson – Planning & Development Director

#### **Summary**

An application for a Large Lot residential subdivision development comprising forty-five (45) allotments was lodged on land described as Lot 1 in DP 1089826, being known as 175 Titania Road, Oberon. This application is referred to Council for determination in accordance with Part H.4.2 of the Development Control Plan (DCP) 2001. Part H.4.2 of the DCP requires:

*“Where it is considered a development proposal will generate significant community interest, Council may arrange a public meeting so that:*

- *Details of the proposal can be more fully explained;*
- *Community concerns can be discussed; and*
- *Conflicts can be identified and possibly resolved.*

Part H.3.10 of the Development Control Plan (DCP) 2001 requires:

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

The application was notified on two separate occasions first being between 30 January to 20 February 2018, during which 27 submissions were received including one 72 signature petition, 3 submissions were received after the close period.

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The second exhibition period to display additional information was conducted between 22 October to 21 November 2018, with 14 submissions being received during that period. It is noted that they were from the same parties whom made submissions in the first period.

Moved: Capel  
Second: Gibbons

That:

1. Council approve Development Application 10.2014.70.1 for a proposed forty-five (45) Torrens Title allotment subdivision of Lot 1 in DP 1089826, being known as 175 Titania Road, Oberon in accordance with Section 4.16 of the *Environmental Planning and Assessment Act 1979* and conditions contained within this report, for the following reasons for decision:
  - a) The proposed subdivision is permissible within the subject land zoned R5 – Large Lot Residential zone through the land use table in the Oberon Local Environmental Plan 2013.
  - b) The development meets the relevant controls and objectives of the Oberon Local Environmental Plan 2013.
  - c) The development meets the relevant controls and objectives of the Oberon Development Control Plan 2001.
  - d) The development is unlikely to adversely impact any adjacent or nearby properties or the environment as detailed in the assessment report and peer reviews as adequate controls are contained within the design or conditions applied.
2. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried 11 181218

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

Votes for: Councillors Capel, McKibbin, Gibbons and Sajowitz  
Votes against: Councillors Lyon, McKechnie and McCarthy

### **13.02 PROPOSED CROWN ROAD CLOSURES**

File No: Roads/RCI/Perm  
Author: Chris Schumacher, Works and Engineering Director

#### **Summary**

Council has received notification from the NSW Department of Primary Industry-Lands, intent to close a Crown Road located within the Oberon Local Government Area referenced as Ballyroe, Jeremy area.

Moved: Gibbons  
Second: Capel

That Council has no objection to the closure of this section of Crown Road, Access Roads Cluster 592406 provided that no properties are left without legal and practical access.

Carried 12 181218

Clr Kellam entered the meeting at 7.31pm.

### **13.03 ROAD CLOSURE O'CONNELL RD – RFS FIRE SHED LOCATION**

File No: Roads/Road Closures/Permanent  
Author: Rebecca Burgess, Technical Services Administration

#### **Summary**

Council is required to finalise the closure of portions of O'Connell Rd on which the RFS Fire Shed is now constructed, being proposed Lots 1 and Lot 3 in the Draft Plan of Subdivision. This report seeks Council resolution to finalise this process.

Moved: McCarthy  
Second: McKibbin

That:

1. Council provide approval under Sec38A of the *Roads Act 1993* to close as a public road that part of Lot 8 DP 702585 shown as Lot 1 and Lot 3 in Draft Plan of Subdivision (**Land**) by the publication of a notice in the NSW Government Gazette pursuant to Sec38D of the *Roads Act 1993*;
2. Upon closure the Land be classified community land; and
3. Upon closure, Council approve the registration of a restriction on the use of the Land in favour of the RMS with the effect that no means of access will be allowed to or from the Land from O'Connell Rd without the prior written consent of the Roads and Maritime Services (RMS).
4. The General Manager be delegated authority to execute all documents associated with land transfer giving effect to the above resolutions of Council.

Carried 13 181218

### **13.04 ALCOHOL FREE ZONES**

File No: Parks & Reserves/Maintenance/Facilities  
Author: Chris Schumacher, Technical Services Director

#### **Summary**

The existing Alcohol Free Zones in Oberon St and the Oberon Common will expire on 28 February 2019. A Council resolution is required to extend the Alcohol Free Zones for a further four years.



Moved: McKibbin  
Second: Gibbons

That Council endorse extension of the Alcohol Free Zones in Oberon Street from North St to Tarana Rd, and including the Oberon Common between the hours 10pm to 6am, for the period 1 March 2019 to 28 February 2023 and advertise accordingly in the Oberon Review.

Carried 14 181218

### **13.05 HERB DAVID PARK PLAY EQUIPMENT UPGRADE – RUBBER SOFTFALL**

File No: Parks & Reserves/Design Construction/Play Equipment  
Author: Peter Morgan, Technical Services Manager

#### **Summary**

Council at its meeting in September approved the upgrade of equipment in Herb David Park to the value of \$80,000. Included within this amount was the provision of pine bark soft fall which had previously been used in Council Parks. With the recent construction of smaller park equipment in Oberon Council LGA, the use of rubber soft fall has been used which is now considered superior in quality and cheaper to maintain.

Moved: Lyon  
Second: McKechnie

That Council transfer \$40,000 from the Town Improvement Fund to allow for the construction of a rubber soft fall in lieu of the pine bark material at the Herb David Park.

Carried 15 181218

### **13.06 BOX ELDER TREES JENOLAN STREET & BRENNAN CRESCENT**

File No: Recreational/Maintenance/Gardens and Street Trees  
Author: Peter Morgan, Technical Services Manager.

#### **Summary**

Further to a Council Report to the November Ordinary Meeting, an inspection of the subject trees has been undertaken to ascertain the complexity of the issues involved. As previously advised Council is in receipt of two letters from three concerned residents in Jenolan Street and Brennan Crescent over the invasive nature of the Box Elder street trees in their locality.

Moved: Lyon  
Second: Capel

That:

1. Council consider the replacement of the invasive trees with an appropriate replacement.
2. That the small trees subject to this report be removed immediately and replaced with a more appropriate species.

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3. That Council consider provision in its 2019/20 budget for the replacement of 6 trees and in subsequent years a further 6 until all similar trees are removed
4. That Council prohibit the planting of Acer Negundo within its street scape.

Carried 16 181218

### **13.07 DRUG AND ALCOHOL POLICY – POLICY 2119**

File No: Governance/Policies

Author: David Lawson – WHS and Risk Coordinator

#### **Summary**

A review of the current Drug and Alcohol policy endorsed in November 2018 was found to need a change in the testing requirements. This report seeks to amend this minor change.

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Moved: McCarthy  
Second: McKibbin

That Council amend the wording of the current Drug and Alcohol Policy 2119.

Carried 17 181218

### **13.08 COUNCIL SECTION 355 COMMITTEES & MANUAL**

File No: Governance/Meetings/Committees General

Author: Gary Wallace General Manager

#### **Summary**

There are a number of Section 355 Committees. This report seeks the confirmation of the community representatives appointed to these Committees.

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Moved: Capel  
Second: Lyon

That:

1. Council confirm its community delegates to the Section 355 Committees for the term of the current Council.
2. Council initiates a new structure for the Sports Facilities Committee with one representative from each organisation being endorsed.
3. That the Black Springs Community Hall Committee Meeting schedule be amended to the first Monday of every three months.

Carried 18 181218

**13.09 DEVELOPMENT APPLICATION 10.2018.81.1 – EXTRACTIVE INDUSTRY (QUARRY)**

File No: R 27 The Meadows Road  
Author: Town Planner, Dylan Furnell

**Summary**

A Development Application has been received for an Extractive Industry (Quarry) at 137-139 Meadows Road THE MEADOWS. In accordance with the neighbour notification process prescribed within the Oberon Development Control Plan (DCP) 2001 Part H, the application must be decided by Council as it has received objections against the proposed development.

The proposed development consists of an expansion of the existing quarry pit within the Blenheim State Forest to an approximate size of 2 hectares. The proposed quarry will have two phases of operation, with the first phase operating for 2 to 3 months for the purpose of upgrading Meadows Road. The second phase of operation is to maintain and upgrade existing forestry roads within the locality. Both phases of operation will incorporate the use of heavy machinery and large trucks, with the second phase occurring intermittently and to a lower capacity than the initial phase.

All aspects of the development are permissible in the RU3 zone and are consistent with the controls of the Oberon Local Environmental Plan 2013 and the Oberon Development Control Plan 2001. The application was notified for a period of two weeks to a radius of two kilometres as well as being advertised in the Oberon Review. The application has subsequently received two submissions against the development.

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Moved: McCarthy  
Second: Gibbons

That:

1. Council approve Development Application 10.2018.81.1 for a Extractive Industry (Quarry) at Lot 1 in DP 732319, being known as 137-139 Meadows Road, THE MEADOWS for the reasons specified within this report, in accordance with Section 4.16 of the *Environmental Planning and Assessment Act 1979* and conditions contained within this report.
2. A division be called in accordance with Section 375A of the Local Government Act 1993

Carried 19 181218

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, Gibbons and Sajowitz  
Votes against: Nil

**13.10 DEVELOPMENT APPLICATION 10.2018.87.1 –CONSTRUCTION OF A SHED**

File No: Property/PR238-61-67

Author: Health and Building Surveyor, Kerry Davison

**Summary**

A Development Application has been received for the construction of a new shed at 61-67 Burruga Street, Burruga with particular reference to Part C.6.4 – “Carports and Garages”.

Moved: McCarthy  
Second: McKibbin

That:

1. Council vary Part C.6.4 – “Carports and Garages” of its current DCP 2001 associated to Development Application 10.2018.87.1 for the construction of a shed at Lot 8 Section 19 in DP 758196, being known as 61-67 Burruga Street, Burruga.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 20 181218

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, Gibbons and Sajowitz

Votes against: Nil

**13.11 MODIFICATION APPLICATION 10.2018.64.2 – CELLAR DOOR WAREHOUSE**

File No: Property/PR6-38

Author: Town Planner, Dylan Furnell

**Summary**

A Modification Application has been received for approved Development Application 10.2018.64.1 at 38 Bosworth Falls Road, O’Connell for a Cellar Door and Warehouse (Function Centre). The modification application requests the modification of condition 2 within the original consent.

Moved: McCarthy  
Second: Kellam

That:

1. Council approve Modification Application 10.2018.64.2 to Modify condition 2 to allow reflective materials to be used for walls only at Lot 3 in DP 830173, being known as 38 Bosworth Falls Road, O'Connell in accordance with Section 4.16 of the *Environmental Planning and Assessment Act 1979* and conditions contained within this report.
2. A division be called in accordance with Section 375A of the Local Government Act 1993

Carried 21 181218

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, Gibbons and Sajowitz  
Votes against: Nil

**13.12 DEVELOPMENT APPLICATION 10.2018.95.1 – CONSTRUCTION OF A CARPORT**

File No: Property/PO15-61  
Author: Health and Building Surveyor, Kerry Davison

**Summary**

A Development Application has been received for the construction of a carport at 61 Curtis Street, Oberon with particular reference to Part C.5.7 – “Setback from the Street”.

Moved: Capel  
Second: Kellam

That

1. Council vary Part C.5.7 – “Setback from the Street” of its current DCP 2001 associated to Development Application 10.2018.95.1 for the construction of a carport at Lot 5 Section 27 in DP 758805, being known as 61 Curtis Street, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 22 181218

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, Gibbons and Sajowitz  
Votes against: Nil

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### **13.13 DEVELOPMENT OF NEW COMMUNITY STRATEGIC PLAN UPDATE**

File No: S: Governance/December 2018

Author: Lynette Safranek, Corporate Services Director

#### **Summary**

Donna Galvin Consulting, together with Councillors and Council Staff, undertook community engagement for the development of the new Oberon Community Strategic Plan – Road Map to the Future 2040 from October to December 2018. This report provides the draft Community Strategic Plan for public exhibition from 20 December 2018 to 15 February 2019.

Moved: Kellam  
Second: Capel

That Council place the draft Community Strategic Plan on public exhibition until 15 February 2019.

Carried 23 181218

### **13.14 DROUGHT COMMUNITIES PROGRAMME**

File No: Governance/Grants/December 2018

Author: Gillian Salmon, Grants Coordinator; Lynette Safranek, Corporate Services Director

#### **Summary**

On 19 August 2018, the Australian Government announced \$75 million for the Drought Communities Programme (DCP) - Extension to support communities impacted by the current drought. Oberon Council is one of the eligible councils who will receive funding for local community infrastructure and other drought relief projects up to the amount of \$1 million. At the November 2018 meeting Council approved 4 (four) projects to progress to submission stage for DCP funding.

Moved: Kellam  
Second: McKibbin

That Council approve the progressive submission of projects for assessment by the Department of Industry, Innovation and Science (the administering entity), until the remaining \$698,600 as follows:

1. Upgrade amenities block at the Oberon Showground \$130,000
2. Fitness Centre Fitout \$187,000
2. Water Bores at O'Connell and Black Springs \$161,150
2. Raw Water Reticulated Water Standpipe and Tourism Opportunity \$74,000
5. Footpaths at O'Connell \$258,500

Carried 24 181218

### **13.15 OBERON STREET ACCESSIBLE PARKING UPGRADE**

File No: Traffic and Transport/Parking

Author: Chris Schumacher, Technical Services Director

#### **Summary**

This report provides revised detail and cost estimation in relation to the proposed upgrade of the existing Accessible Parking located adjacent to the frontage of the RSL Club in Oberon Street, Oberon.

Moved: Lyon  
Second: Gibbons

That:

1. That Council confirm and accept the TALC recommendation that the existing Accessible Parking remain in its current location.
2. That the Accessible Parking be upgraded to the latest Australian Standard for two (2) car Accessible Parking.
3. That a Concrete “blister” be constructed on the corner so as to require the Give Way signage and road marking be aligned with the Oberon Street kerb line on the western side of Dudley Street.
4. That the concrete blister be landscaped in the form of a garden.
5. That \$8,000 be allocated from the 2018/19 Oberon Town Improvement Fund to facilitate all work as listed in recommendations 2, 3 & 4.
6. Investigation be undertaken into possible options to remediate the pavers in Dudley Street.

Carried 25 181218

### **13.16 WATER USAGE – DROUGHT ASSISTANCE**

File No: Water Supply/Monitoring/Water Standpipe

Author: Gary Wallace, General Manager

#### **Summary**

This report outlines the take up of drought assistance (water usage) for the period 13 November 2018 to 10 December 2018 and provides a summary of the drought assistance provided to the Oberon community since its introduction on 16 May 2018.

Moved: Capel  
Second: McCarthy

That Council note the continued take up of the drought assistance (water usage) program and extend the assistance to rural and non residential ratepayers through potable drinking water, for use only within the Oberon Local Government area, at a rate of \$0.55 cents per kilolitre reduced from the standard residential rate of \$2.92 for a further three month period with monthly monitoring of its use.

Carried 26 181218

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## 14. REPORTS FOR INFORMATION

### 14.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

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

#### Summary

This report item summarises the main activity by the General Manager since the November 2018 Council Meeting. Items include Human Resources, Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings and planned activities.

Moved: McKibbin  
Second: McCarthy

That report item 14.01 is received as information.

Carried 27 181218

### 14.02 MONTHLY ACTIVITY REPORT – PLANNING & DEVELOPMENT

File No: Governance/Meetings/Ordinary  
Author: Shane Wilson, Planning and Development Director

#### Summary

This report item summarises the main activity in the Planning and Development Department since the November Council Meeting.

Moved: Gibbons  
Second: McKibbin

That report item 14.02 is received as information.

Carried 28 181218

### 14.03 MONTHLY ACTIVITY REPORT – TECHNICAL SERVICES

File: Governance/Meetings/Ordinary  
Author: Chris Schumacher, Technical Services Director

#### Summary

This report provides a summary of the completed works for November 2018 and proposed works in the Technical Services area for the month of December 2018.



Moved: McKechnie  
Second: McCarthy

That report item 14.03 be received as information.

Carried 29 181218

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

File No: Governance/Meetings/Ordinary  
Author: Lynette Safranek, Finance and Community Services Director

##### **Summary**

This report provides a summary of work within the Finance and Community Services Department during November 2018, plus planned activities for the upcoming months.

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Moved: Capel  
Second: Kellam

That report item 14.04 is received as information.

Carried 30 181218

#### **14.05 STATEMENT OF INVESTMENTS**

File No: Financial Management/Investments/Register  
Author: Lisa Koleda, Management Accountant; Lynette Safranek, Corporate Services Director

##### **Summary**

Reporting the Statement of Investments as at 30 November 2018.

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Moved: McKibbin  
Second: McCarthy

That report item 14.05 is received as information.

Carried 31 181218

#### **14.06 GRANTS MONTHLY UPDATE**

File No: Governance/Grants/ December 2018  
Author: Gillian Salmon, Grants Coordinator

##### **Summary**

This report provides a summary of Grant Funding applications and submissions, both internal and external, during November 2018.

Moved: McCarthy  
Second: Capel

That report item 14.06 is received as information.

Carried 32 181218

#### **14.07 GRANTS UPDATE – SAFE & SECURE WATER – OBERON STP**

File No: Governance/Grants/ December 2018

Author: Chris Schumacher, Technical Services Director – Gillian Salmon, Grants Officer

##### **Summary**

This report provides a summary of grant funding application for the Oberon Sewerage Treatment Plant to be submitted under the Safe and Secure Water Fund.

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Moved: Capel  
Second: Kellam

That report item 14.07 is received as information.

Carried 33 181218

#### **14.08 WATER AND SEWER PLANT REPORT**

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Technical Services Director

##### **Summary**

Providing a summary of Oberon's reticulated water consumption and sewerage treatment processes for the month of November 2018.

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Moved: Gibbons  
Second: McCarthy

That report item 14.08 is received as information.

Carried 34 181218

## **15. URGENT BUSINESS**

Nil

## **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.

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**16.01 TENDER T2018/7 – GUARD RAIL INSTALLATION ABERCROMBIE ROAD**

File No: Corporate Management/Tendering/Roads and Bridges  
Author: Chris Schumacher, Technical Services Director

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:  
(c) Information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**16.02 PROPERTY & LAND DEVELOPMENT – LAND PURCHASE – BURRAGA**

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

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:  
(c) Information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**16.03 LEGAL MATTERS**

File No: Legal  
Author: Shane Wilson – Planning & Development Director

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

**16.04 OBERON EVENT OPPORTUNITIES**

File No: Governance/Meetings/Confidential  
Author: Tourism and Economic Development Manager, Mathew Webb

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:  
(c) Information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**16.05 RATES WRITE OFF – ASSESSMENT 12380723**

File No: Governance/Ordinary/Confidential

Author: Lynette Safranek, Finance & Community Services Director

This item is classified CONFIDENTIAL under section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(b) the personal hardship of any resident or ratepayer.

Moved: Capel  
Second: McKibbin

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 35 181218

*Council moved into Closed Session at 9.21pm. There were no members of the public present at this point in time.*

**16.01 TENDER T2018/7 – GUARD RAIL INSTALLATION ABERCROMBIE ROAD**

File No: Corporate Management/Tendering/Roads and Bridges

Author: Chris Schumacher, Technical Services Director

Moved: McKibbin  
Second: McKechnie

That Council accept the Tender T2018/7 submission from RBK Pty Ltd in the amount of \$253,924 for installation of 2,310 lineal metres of new guard rail along various sections of the Abercrombie Road as part of the 'Saving Lives on Country Roads' Grant.

Carried 36 181218

## **16.02 PROPERTY & LAND DEVELOPMENT – LAND PURCHASE – BURRAGA**

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

Moved: McCarthy  
Second: McKibbin

That Council not participate in the proposal outlined by the SES and that a letter be forwarded to the Department of Education advising Council is not interested in pursuing the matter.

Carried 37 181218

## **16.03 LEGAL MATTERS**

File No: Legal  
Author: Shane Wilson – Planning & Development Director

Moved: Capel  
Second: Kellam

That Council receive the report for information.

Carried 38 181218

## **16.04 OBERON EVENT OPPORTUNITIES**

File No: Governance/Meetings/Confidential  
Author: Tourism and Economic Development Manager, Mathew Webb

Moved: Capel  
Second: Gibbons

That Council allocate a funding stream from the Town Improvement fund to initiate the destination hosting rights required for the Oberon event bid.

That Council delegate to the General Manager the authority to facilitate the destination hosting rights in accordance with the information outlined within the report.

Carried 39 181218

## **16.05 RATES WRITE OFF – ASSESSMENT 12380723**

File No: Governance/Ordinary/Confidential  
Author: Lynette Safranek, Finance & Community Services Director

Moved: McCarthy  
Second: McKibbin

That Council not write off the unpaid rates and debt recovery charges.

Carried 40 181218

*Open Council resumed at 9.51pm.*

The Mayor advised that resolutions 36 181218, 37 181218, 38 181218, 39 181218 and 40 181218 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 at 9.51pm.

The next Ordinary Meeting of Oberon Council will be held on Tuesday 19 February 2019, commencing at 5.30pm in the Oberon Council Chambers, 137 Oberon Street, Oberon.