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**OBERON COUNCIL**

# ATTACHMENTS

## ORDINARY COUNCIL MEETING

### 19 March 2019

Minutes of Previous Meetings

Ordinary Council Meeting 19 February 2019

Works Committee Meeting 12 March 2019



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## UNCONFIRMED MINUTES

**Oberon Council Ordinary Meeting  
Tuesday 19 February 2019**

**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 5.30pm.

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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 Sister Maureen Schiemer.

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## 4. RECORD OF ATTENDANCE

Members	Mayor Kathy Sajowitz (in the Chair) Deputy Mayor Kerry Gibbons Clr Don Capel Clr Ian Doney Clr Mark Kellam Clr Brenda Lyon Clr Clive McCarthy Clr Mick McKechnie Clr Andrew McKibbin
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
Apologies	Nil

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## 5. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Clr McCarthy declared an interest in report item 13.03, Clr McCarthy is the owner of the land subject to the Development Application.
Non-Pecuniary Significant	-	
Non-Pecuniary Less than Significant	-	

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## 6. PRESENTATIONS

A presentation was provided by Hardy Draheim in relation to fluoridation of the Oberon reticulated water supply. The presentation outlined community feedback gathered in 2014 and 2018 and provided an analysis of survey results. Mr Draheim stated that Council should not install any fluoride-dosing plant and that Council may consider conducting an elector poll of 1,097 residential plus 240 non-residential premises connected to the Reticulated Water System mailed out with the water rates

Clr Kellam asked Mr Draheim are you aware that Council took a resolution that we were going to consult with every village in the area. Is that not consistent with the scope of the SRC survey? Does that also mean people outside the town water supply shouldn't have an opinion now?

Mr Draheim replied that keeping community informed and letting people influence what's happening is different.

A presentation was provided by Tracey Callinan, Executive Director Arts OutWest and Fran Charge, President Oberon Arts Council and Chair Arts OutWest in relation to the activities of Arts OutWest and in particular the Art Room Project at the Oberon Multi-purpose Service.

Clr Capel offered the Councils congratulations to Fran Charge and Arts OutWest on the program and asked how many people are you working with?

Fran Charge responded that there is 8 to 10 participants sometimes less. When the program recommenced this year one of the people we were working with is in bed now, we are hoping to get them back.

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## 7. QUESTIONS FROM THE PUBLIC

Phillip Haynes addressed Council in relation to the 5G rollout in Australia and asked is council being notified when new towers are to be erected, or existing towers are going to be switched to 5G and will you notify residents? There are a lot of issues with 5G world wide about its affect. It would be good to be notified if and when the rollout was going to occur in Oberon.

The Director of Planning and Development advised that we do get notified of works on towers, however the level of detail doesn't specify 5G. Under the current legislation Telco's are not required to obtain consent from Council to undertake works.

Phillip Haynes also commented that in relation to the SRC survey he has have come across two people in town, one a personal friend who when phoned by the survey people and told them he was against fluoridation, they then proceeded to re-educate him. If someone wants to speak to them regarding their experiences, Phillip is happy to be the intermediate on their behalf. Phillip commented that its a disgrace and council shouldn't condone that.

The Mayor suggested that Phillip advise NSW Health of his concerns, it the SRC Survey is not a Council survey, they would be the party you should pass the information onto.

Rachel Maher addressed Council as follows:

It was suggested to me that at my last address to Council, I was bordering on being disrespectful by addressing you by the name Kathy not Madam Mayor.

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The Mayor asked Rachel to advise where this had been suggested to her and she advised Clr Capel was the person who suggested this.

I am grateful, I apologise if that is the case. I assure you my lack of boardroom etiquette is not a lack of respect.

I do not regard you as the temporary title given to you by the people of Oberon, I do however respect you as human beings, a human being that was birthed naked into this world as an equal to all life and given a beautiful name with love and meaning by your mother, and the meaning of Kathy is pure, and that is what your parents requested by your address and that is what feels respectful to me, so it is a perception with an automatic response from me to choose Kathy a forced conscious address to choose Madam Mayor.

So what does respect mean, what is it? Can it exist without love, consideration, reverence tolerance? Respect is not a single standalone action, but rather a collection of actions and perceptions woven together to create a persons treatment of another. Is the position of power grounds for the level of respect someone deserves? Is the rich business man more deserving than the person cleaning the toilets? Is this not a case of respect for authority verses respect for a human being? Does this mean when you are no longer Madam Mayor or Councillor you are less important and deserve less regard? Will you have less respect for yourself and more for your common peers. Shouldn't being placed in a position of power require a deeper more concentrated level of respect not only for those whom you represent and who placed you there but also for yourself? Would it not be bordering on the door of narcissism to do the reverse and expect a higher level of favour?

1. I ask Madam Mayor and Councillors the day you learnt of your election into your current positions did you feel a sense of empowerment or a sense of duty?
2. What are specific examples of respect towards the Oberon community that you have given since becoming elected?
3. Can you honestly say you have avoided imposing your own values and respected the Freedom of Choice of the community when making your decision to add the s6 poison fluoride recipe to the towns reticulated water supply?

A copy of Racheal's comments will be circulated to Councillors.

Chris Freeman addressed Council as follows:

Welcome to 2019, may it be a productive and harmonious year for us all.

Firstly I would like to compliment on the beginning of the long awaited skate park, its coming along very quickly. No doubt will be a popular spot with the youth and families.

Disharmony is a term being used within the community a lot over the last half a year. It is associated with several issues – fluoridation, rezoning, excessive an onerous regulation, a deepening disconnect and distrust of government at all levels.

There is an awakening amongst the general population to the immense influence large corporate and financial interests have over our political class. Anyone paying attention to the banking industry royal commission and the free pass given to the big banks by our sycophantic state and federal authorities tells the people everything they need to know about who's really on top, and what their priorities are.

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Our collective problems run far deeper than these local issues we face. In 2019 it has become so obvious that government is a business that serves the big end of town, not the people. Oberon Council is a business, and the bottom line is balancing the books and making a profit, before being able to conduct services. As every year this goes on, the rules and regulation grow, the pressure to perform from State increases, the people have to give more and more, the Council requires more and more, specifically because of the way our system is run – we are all in this together. Profit for a few at the expense of many is the cry in town and its getting worse.

We have a social underclass right now whose habits and proclivities are not being dealt with. An increasing drug problem that is talked about but otherwise not acted on. Dozens of broken families with children not raised under anything close to normal circumstances, resulting in a generation of dysfunctional adults with no moral or ethical barometer or respect for their elders. Technology, gaming and entertainment addiction is rife as is chronic alcohol and drug abuse.

While Council may plan the next 20 years like economic and social conditions are never going to change for the worse, it behoves those that understand to history and the corporate forces that are pillaging our lands and depriving our people, to speak out the truth to this power. The more pressure people are under financially and socially to conform and obey, the worse these problems become.

Gymnasiums, skate parks, other activity or aesthetically based community projects are all noble pursuits, but aren't getting to the causes and only deal with the symptoms. What is the point of all this that we are doing if the underlying problems are not being dealt with? If we are to harmonise then our community, our people must come first, ahead of profit, ahead of money, ahead of state control. Our people are our family. Without them, you have nothing.

Hardy Draheim I want to commend GM Wallace tonight on making things more transparent. Showing employment statistics is important for all of us to understand the realities of life – people come and go.

There were some departures during December and I seek clarification on a relating issue. What systems does council have in place to deal with conflicts of interest and fraud.

Projects come and go, as the decision making process matures they will come to this forum for a vote. New projects get added, old ones re-born - staff come and go. Who in Council is checking for conflict of interest at that point in time?

If one employee for example would have very close links to a third party, not only of commercial but possibly of a private nature, how will Council identify this potential conflict and take action in a timely manner before any projects get added and decisions made?

Allowing decisions to be made without declaring such potential conflicts might jeopardise future projects, so my question is how does council identify those exposures and how is any system used to stay abreast of new projects and votes?

Should there be a checklist for all projects prior to being listed on the business papers to ensure all prerequisites have been ticked off?

On the CSP and planning, is it councils believe that extending the period for public comment will improve this purported strategy - viewed by some as being underwhelming?



The 4 year delivery plan was due within 9 months after the election, June 2018. That did not happen – Council used the 4 year delivery plan from the previous year, which was carried over from the year before. Why does this Council plan to fail?

This term of councillors does not have their own delivery plan. This 4 year plan is supposed to declare to the ratepayers what this term of councillors will contribute. By the time this gets approved – if ever – it will be too late sentencing the next term of councillors to what this term couldn't get off the ground?

This term of councillors appear to be following an old plan and then does what it wants to do – railroading the community.

Poor process, poor transparency, poor empathy, not poor on arrogance, poor communication, poor facts, and ..... Buying property in town but where is the reference in the old or draft CSP?

Where is the reference in the 4 year delivery plan, oops – that's the recycled version from the year before recycled from the year even before that, definitely old – one could call it fake news because this Council believes planning is a surplus, a luxury?

Railroading this community with arrogance in secret squirrel meetings, creating even more community disharmony, more distrust, more complaints, what is council's action plan to address these issues?

David Walker from Geolyse representing Belvoir 13.01 Planning Proposal at O'Connell addressed Council. Councillors are well versed in history of this project. Last time I addressed Council we asked for you to do nothing until the Independent Planning Commission reviewed the Gateway. The Independent Planning Commission has recommended the Gateway be retained. We have written to Council and met with Department of Planning and Environment/Regional, met with Shane Wilson and written to Council asking for the opportunity to meet with Councillors. In the current LUS all recommendations were drafted into the LEP. We are now looking forward to the future and want to work with you. O'Connell is growing at a rate of 6%. If rezoning doesn't proceed then will those people move to Oberon? This is a great opportunity to engage with us about how you want to see this strategy to be done. I ask that you look at report 13.01 and ask for a workshop to engage with you meaningfully and work with Council.

Melissa Jones addressed Council and advised that she had also heard about SRC survey people actually arguing with people to change their view about fluoride. For our survey I knocked and if people said they were in favour of fluoride I put that down. The new Skate park is excellent, however I have a few concerns, one is that on a particularly windy day they bull dozed and then they realised there is naturally occurring asbestos there and they put a little fence there. Is the naturally occurring asbestos in that area it, was running down the hill with all the rain. I am worried about the asbestos in that area and how the Council will deal with it.

The Planning and Development Director advised Council undertook Geo-testing to a depth of 1.2 metres, well below excavation depth for the Skate Park. Erosion sediment control has been put in place and this would be the fencing you observed being installed. The area of naturally occurring asbestos that was previously identified in a separate area of the Common has been fully encapsulated.

## 8. CONFIRMATION OF MINUTES

### Ordinary Meeting 18 December 2018

Moved: Capel  
Second: McKibbin

That the Minutes of the Ordinary Meeting held on 18 December 2018 be confirmed.

Carried 01 190219

### Matters Arising from the Minutes

Nil

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Moved McCarthy  
Second McKibbin

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

Carried 02 190219

### 13.01 PLANNING PROPOSAL – 2519 O’CONNELL ROAD

File No: PR186-2519  
Author: Shane Wilson - Planning & Development Director

#### Summary:

The proponent applied for a review of the Gateway Determination to remove the requirements of condition 1 being: *Council is to prepare an addendum to the Oberon Land Use Strategy 2013 (Oberon Strategy) in respect to the rural residential / large lot residential component.*

The Independent Planning Commission (IPC) has now released its advice on the review and has advised the Minister’s delegate that the condition should be retained in its entirety.

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Moved: McCarthy  
Second: McKibbin

That Council:

1. Determine if they wish to hold a workshop with the proponent as requested and if so defer any further decision until after that has occurred, or
2. Nominate how the current Gateway determination is to be handled and authorise the General Manager to advise Planning & Environment of that decision.

Moved: Kellam  
Second Gibbons

That point 2 be considered before point 1 is considered.

Carried 03 190219

Moved Doney  
Second Capel

That Council withdraw support for the planning proposal and authorise the General Manager to advise Planning and Environment of that decision.

Amendment moved Sajowitz

That Council not act upon the Gateway determination and allow for the time to lapse, thus requiring Planning & Environment to determine a way forward with the Gateway as plan making authority has not been delegated to Council for this matter.

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

Moved Doney  
Second Capel

That Council withdraw support for the planning proposal and authorise the General Manager to advise Planning and Environment of that decision.

Amendment moved McKibbin  
Second Kellam

That Council withdraw support for the planning proposal and authorise the General Manager to advise Planning and Environment of that decision and that Council undertake a complete LUS within the next three years to be completed by February 2022.

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

Moved McKibbin  
Second Kellam

That Council withdraw support for the planning proposal and authorise the General Manager to advise Planning and Environment of that decision and that Council undertake a complete LUS within the next three years to be completed by February 2022.

Carried 04 190219

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, Doney, Lyon, McKechnie, Capel, McKibbin, Gibbons  
and Sajowitz  
Votes against: Councillor McCarthy

## 9. MAYORAL MINUTE AND REPORT

### 09.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary  
Author: Clr Kathy Sajowitz, Mayor

#### Summary

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

Moved: McCarthy  
Second: McKibbin

That Report Item 09.01 is received as information.

Carried 05 190219

## 10. NOTICES OF MOTIONS

### 10.01 REQUEST FOR UNISEX TOILET – HERB DAVID PARK

File No: Parks and Reserves/Planning/Parks  
Author: Clr Clive McCarthy

Moved: McCarthy  
Second: Lyon

That Oberon Council find funds from Open Space or Town Improvement to provide a unisex toilet with hand basin at Herb David Park before more work is done that may hinder its installation.

Amendment moved: Sajowitz  
Second:

That a report come back to Council as to the cost, feasibility and options for a unisex toilet at Herb David Park.

Amendment was put and won the amendment becomes the motion.

Moved: Sajowitz  
Second:

That a report come back to Council as to the cost, feasibility and options for a unisex toilet at Herb David Park.

Carried 06 190219

Clr McCarthy requested his vote against the motion be noted.

## 11. COUNCILLOR AND DELEGATES REPORTS

Nil

## 12. COMMITTEE REPORTS

Nil

## 13. REPORTS FOR DECISION

### **13.02 DEVELOPMENT APPLICATION 10.2018.88.1 – WATER RETICULATION AND INCREASED EFFLUENT DISPOSAL AREAS**

File No: Property PR189-235

Author: Planning & Development Director – Shane Wilson

#### **Summary**

A Development Application has been received from Mr C McEwen seeking consent to provide reticulated water from the Council water supply and increased effluent disposal areas for the approved 19 lot subdivision at “Flowerdale” being 235 Duckmaloi Road, Oberon.

The application is submitted to Council as it requires an extension to the existing reticulated water supply into the R5 Large lot residential area. This report only looks at the provision of reticulated water being supplied to the development, as all other elements have already been considered and consent granted.

Moved: Gibbons  
Second: McCarthy

That:

1. Council approve Development Application 10.2018.788.1 to provide reticulated water from the Council water supply and increased effluent disposal areas for the approved 19 lot subdivision at Lot 1 DP1239434 & Lot 102 DP 1238074 being “Flowerdale” 235 Duckmaloi 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 reason:
  - a) The proposed provision of reticulated water to the 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 all relevant environmental and public health requirements support such a development.

2. That the proponent provide an easement over Lot 19 to facilitate future reticulated water supply, for the following reason:  
To cater for the provision of services for any future development.
3. Additional Subdivision – no further subdivision creating lots of less than 5Ha can be undertaken on the land effected by this application, until such time as a reticulated sewerage system is installed for the following reason:  
To ensure that safe disposal of waste water on the site for smaller lots.
4. A division be called in accordance with Section 375A of the Local Government Act 1993.

Carried 07 190219

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, Doney, Lyon, McKechnie, McCarthy, Capel, McKibbin, Gibbons and Sajowitz  
Votes against: Nil

Clr McCarthy declared an interest in report item 13.03. Clr McCarthy left the room 8.19pm.

**13.03 MODIFICATION APPLICATION 10.2018.94.1 – STORE SHED AND WORKSHOP**

File No: PR23-130  
Author: Town Planner, Dylan Furnell

**Summary**

Development Application 10.2018.94.1 has been received at 130 Lowes Mount Road, Oberon for a Store Shed and Workshop. The development application requests the variation of DCP control A.4.3 – Building Setbacks from Roads as the boundary setback is less than 20 metres from the road boundary. The proposed Store Shed and Workshop is to be located 5 metres off of the Lowes Mount Road frontage.

All other aspects of the development are permissible in the RU1 zone and remain 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 and received zero (0) submissions against the development.

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Moved: McKibbin  
Second: Capel

That

1. Council vary Part A.4.3 – Building Setbacks from Roads of the Oberon Development Control Plan 2001, associated DA 10.2018.94.1 for a proposed Store Shed and Workshop with a boundary setback of 5m from the Lowes Mount Road Boundary.
2. A division be called in accordance with Section 375A of the Local Government Act 1993

Carried 08 190219

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Votes for: Councillors Kellam, Doney, Lyon, McKechnie, Capel, McKibbin, Gibbons and Sajowitz  
Votes against: Nil

Clr McCarthy returned to the meeting at 8.22pm.

**13.04 REQUEST TO WAIVE DA FEES – ST.AIDANS CHURCH - DA10.2019.2.1**

File No: PR 187-2209

Author: Shane Wilson - Planning & Development Director

**Summary:**

The applicant for DA10.2019.2.1 has requested that Council waive the development application fees for the proposed subdivision of the St. Aidans Church to allow it to be dedicated to the community.

Moved: Doney  
Second: Capel

That Council support the request for waiving the fees for DA10.2019.2.1 as the application is for a development of community benefit.

Carried 09 190219

**13.05 PLANNING PROPOSAL (PP\_2017\_OBERO\_001\_00) RE1 & RE2 PUBLIC RECREATION ZONE**

File No: Land Use & Planning/Planning/LEP

Author: Shane Wilson – Planning & Development Director

**Summary**

Council at its Ordinary meeting on the 15 May 2018, resolved to:

- 1. Council support the amended planning proposal dated April 2018 to amend the Oberon Local Environmental Plan 2013 to incorporate the RE1 Public Recreation Zone into the plan and identify permissible compatible land uses,*
- 2. As part of the proposal to include the RE1 Public Recreation zone, that Council seek to rezone identified public recreation, open space and parkland areas to the RE1 Public Recreation zone,*
- 3. Council authorise the General Manager to submit the attached amended planning proposal to the Department of Planning and Environment requesting a modification to the Gateway Determination dated 13 September 2018 in accordance with the requirements of section 3.33 of the Environmental Planning and Assessment Act 1979,*
- 4. Request that an extension of the Gateway determination be granted for a further 6 months, and*
- 5. Council receive a further report on the outcomes of the planning proposal following the mandatory public exhibition period and prior to final authorisation.*

Community consultation for the amended proposal commenced 26 June 2018 and was completed 27 July 2018. No submissions were received and no public hearing was held. No changes are required to the Planning Proposal prior to seeking the making of the plan.

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Moved: McKibbin  
Second: Capel

That:

1. Council endorse the Planning Proposal PP\_2017\_OBERO\_001\_00 (as amended) as exhibited to the community.
2. Authorise the General Manager to request Department of Planning and Environment that the amendment 6 of the Oberon Local Environmental Plan 2013 be drafted and made.

Carried 10 190219

### **13.06 PROPERTY & LAND DEVELOPMENT – 68 DART STREET, OBERON**

File No: PO16-68  
Author: Planning & Development Director, Shane Wilson

#### **Summary**

This report provides Council with information on the condition of the recent purchase of 68 Dart Street, Oberon and possible options available.

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Moved: McKibbin  
Second: Kellam

That Council approve an allocation of \$40,000 from the land development reserve to undertake the required works as detailed within this report.

Carried 11 190219

### **13.07 DISASTER RECOVERY FUNDING ARRANGEMENTS 2019**

File No: BCS/ Roads /Funding  
Author: Peter Morgan, Technical Services Manager & Chris Schumacher, Technical Services Director

#### **Summary**

The Department of Justice has previously approached Council with an alternative model to the existing Disaster Funding arrangements currently in place. The new model which was offered to Council is on a voluntary basis to the existing and rather being based on a fixed contribution by Council (currently \$29,000 for the first event in any one year) towards any Declared Event is to be based on the Council's ability to pay and is tied to a percentage of rate income two years prior and is currently estimated at \$18,000.

The alternative arrangement also allows Council to use Day Labour in the Recovery process whereby under the existing arrangements this was not possible. This report seeks Council's resolution to either opt in or out of the proposed new arrangement.



Moved: Kellam  
Second: Capel

That Council advise Justice NSW that under the Disaster Recovery Funding Arrangements that Oberon Council wishes to Opt into the new arrangement.

Carried 12 190219

### **13.08 BITUMEN SEALING 1-2 KM OF COUNCILS LOCAL ROAD NETWORK**

File No: File No: Roads/Funding  
Author: Director Technical Services, Chris Schumacher

#### **Summary**

This report seeks further endorsement of funding to complete 1 to 2 kilometres of bitumen sealing on Councils unsealed road network during the 2018/19 financial year, as per Councils policy position.

Moved: McKibbin  
Second: Gibbons

That

1. Council redistribute \$160,000 from the 2018/19 Special Rate Variation from the Campbell's River Road project to assist in providing 1-2kms of additional bitumen seal to Beaconsfield Road.
2. Council redistribute \$240,000 from the Campbell's River Road project back into the Section 94 Rural Roads fund.
3. Council actively seek a deputation to both the Minister for Forestry and the Local Federal Member for Calare to provide a brief on the impact heavy vehicles are continuing to have on Campbell's River Road given the substantial amount of heavy vehicle activity utilising the road.

Carried 13 190219

### **13.09 ROADSIDE VEGETATION MANAGEMENT PLAN**

File No: Roads Maintenance/Nature Strips and Verges  
Author: Chris Schumacher Technical Services Director; Gillian Salmon Grants Coordinator

#### **Summary**

In August 2017 Council were awarded a grant of \$47,580 from Local Government NSW to develop a Roadside Vegetation Management Plan (RVMP) and to train council staff on roadside reserve management. The draft RVMP has now been completed by environmental consultants CTEEnvironmental for Council's adoption and embedding into Council's Integrated Planning and Reporting Framework.

Moved: Capel  
Second: Kellam

That Council place the draft Roadside Vegetation Management Plan on public exhibition for a period of 30 days after which, a further report be submitted to Council outlining submissions and seeking formal endorsement.

Carried 14 190219

### **13.10 REQUEST FOR SUPPORT – ARTS OUTWEST/OBERON ARTS COUNCIL**

File No: Community Relations/Community Consultation/Oberon Arts Council  
Author: Gary Wallace, General Manager

#### **Summary:**

Oberon Arts Councils with the support of Arts OutWest have entered a partnership to provide Arts and Culture opportunities delivering an arts program with residents and day-care users of the Oberon Multi-Purpose Service (OMPS). This report seeks Councils support to continue with this program.

Moved: Lyon  
Second: Kellam

That Council contribute \$1,000 from the Oberon Arts Council Maintenance Fund to assist in 'The Art Room' project at the Oberon MPS.

Carried 15 190219

## **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 December 2018 Council Meeting. Items include Human Resources, Workplace Health & Safety, Community Activity, Regional Issues, Executive Management Team Meetings and planned activities.

Moved: McCarthy  
Second: Kellam

That report item 14.01 is received as information.

Carried 16 190219

#### **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 December 2018 Council Meeting.

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Moved: McKibbin  
Second: McCarthy

That report item 14.02 is received as information.

Carried 17 190219

#### **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 December 2018 and January 2019 and proposed works in the Technical Services area for the month of February 2019.

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Moved: McKibbin  
Second: Capel

That report item 14.03 be received as information.

Carried 18 190219

#### **14.04 MONTHLY ACTIVITY REPORT – CORPORATE SERVICES**

File No: Governance/Meetings/Ordinary

Author: Lynette Safranek, Corporate Services Director

##### **Summary**

This report provides a summary of work within the Corporate Services Department during December 2018 and January 2019, plus planned activities for the upcoming months.

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Moved: Capel  
Second: Lyon

That report item 14.04 is received as information.

Carried 19 190219

**14.05 GRANTS MONTHLY UPDATE**

File No: Governance/Grants/ February 2019  
Author: Gillian Salmon, Grants Coordinator

**Summary**

This report provides a summary of Grant Funding applications and submissions, both internal and external, during December 2018 and January 2019.

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Moved: McKibbin  
Second: Capel

That report item 14.05 is received as information.

Carried 20 190219

**14.06 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 31 January 2019.

---

Moved: McKibbin  
Second: Doney

That report item 14.06 is received as information.

Carried 21 190219

**14.07 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 11 December 2018 to 08 February 2019.

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Moved: McCarthy  
Second: Kellam

That report item 14.07 be received as information.

Carried 22 190219

## **14.08 QUARTERLY BUDGET REVIEW STATEMENT – October to December 2018**

File No: Governance/Meetings/Ordinary/February 2019

Author: Lynette Safranek, Corporate Services Director

### **Summary**

The Quarterly Budget Review Statement (QBR) is presented with income and expenditure for the period from 1 October to 31 December 2018.

Moved: Doney  
Second: Gibbons

That report item 14.08 is received as information.

Carried 23 190219

## **14.09 WATER AND SEWER PLANT REPORT**

File: Governance/Meetings/Ordinary

Author: Chris Schumacher, Director of Technical Services

### **Summary**

This report provides a summary of Oberon Council LGA water consumption and sewerage treatment operations for the months of December 2018 and January 2019.

Moved: Doney  
Second: Capel

That report item 14.09 is received as information.

Carried 24 190219

## **15. URGENT BUSINESS**

Councillor Doney expressed a concern after listening to reports out of North Queensland concerning folk who have experienced 10 years of drought then catastrophic floods. He asked if Council would consider a financial donation and this could be brought back and considered in the near future.

The General Manager advised that due to the nature of the request Council would prepare a report to the next Works Committee Meeting.

## **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.

Page 19 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday 19 February 2019.

**16.01 PROPERTY & LAND DEVELOPMENT – LAND ACQUISITIONS MEADOWS RD**

File No: File No: R27

Author: Chris Schumacher, Director Technical Services

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 LAND PURCHASE CORNER ABERCROMBIE & CAMPELLS RIVER ROAD BLACKSPRINGS**

File No: R191

Author: Planning Development Director, Shane Wilson

This report item contains matters and information which relate to Section 10A (1) – (3) of the Local Government Act 1993.

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the Council, or
  - (iii) reveal a trade secret

**16.03 WATER WRITE OFF – ASSESSMENT 12371733**

File No: Governance/Ordinary/Confidential

Author: Lynette Safranek, Corporate 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,

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Moved: Kellam  
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 25 190219

Page 20 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday 19 February 2019.

*Council moved into Closed Session at 9.43pm. There were no members of the public present at this point in time.*

Clr Kellam left the room at 9.44pm and returned at 9.45pm.

**16.01 PROPERTY & LAND DEVELOPMENT – LAND ACQUISITIONS MEADOWS RD**

File No: File No: Governance/Ordinary/Confidential  
Author: Chris Schumacher, Director Technical Services

Moved: McCarthy  
Second: Doney

That:

1. Council authorise the General Manager to proceed with the purchase of the land and execute the property related matters as provided within this report.
2. Funding for the purchase of land and associated incidental property matters shall be paid through by the Meadows Road project.

Carried 26 190219

**16.02 LAND PURCHASE CORNER ABERCROMBIE & CAMPELLS RIVER ROAD  
BLACK SPRINGS**

File No: R191  
Author: Planning Development Director, Shane Wilson

Moved: Capel  
Second: Gibbons

That Council defer any decision of the sale of the land parcel on the Corner of Abercrombie and Campbell's River Road, to allow all parties who submitted an offer to present further details of their proposals to Council, after which a further report will be presented.

Carried 27 190219

**16.03 WATER WRITE OFF – ASSESSMENT 12371733**

File No: Governance/Ordinary/Confidential  
Author: Lynette Safranek, Corporate Services Director

Moved: McCarthy  
Second: Lyon

That Council write off of 390kL or \$1,138.80.

Carried 28 190219

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*Open Council resumed at 10.05pm.*

Page 21 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday 19 February 2019.

The Mayor advised that resolutions 26 190219, 27 190219, and 28 190219 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 10.06pm.

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



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## UNCONFIRMED MINUTES

### Oberon Council Works Committee Meeting 12 March 2019

Commencing at 5.30pm  
at the Oberon Council Chambers

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## 1. OPENING OF MEETING & ACKNOWLEDGEMENT OF COUNTRY

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

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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## 2. RECORD OF ATTENDANCE

Members	Mayor Kathy Sajowitz (in the Chair) Deputy Mayor Kerry Gibbons Clr Ian Doney Clr Mark Kellam Clr Brenda Lyon Clr Clive McCarthy Clr Andrew McKibbin (from 5.37pm) Clr Don Capel Clr Mick McKechnie
Staff	Gary Wallace, General Manager Shane Wilson, Planning and Development Director Lynette Safranek, Finance and Community Services Director (from 6.14pm) Chris Schumacher, Technical Services Director Peter Morgan, Acting Technical Services Manager Sharon Swannell, Executive Coordinator Tania Matthews, Records and Media Coordinator
Apologies	Nil

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## 3. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

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

## 4. CONFIRMATION OF MINUTES

### Works Committee Meeting

Minutes of the Works Committee Meeting held on 11 September 2018 were accepted by Council at its Ordinary Meeting held on 18 September 2018, resolution number 02 180918.

### Matters Arising from the Minutes

Nil

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## 5. REPORTS

### **05.01 WATER NSW GREATER SYDNEY CUSTOMER ADVISORY GROUP NOMINATION 2019-2022**

File No: Water Supply/Reporting/Fish River Water Supply  
Author: Chris Schumacher, Director Technical Services

#### Summary

The current term of office for WaterNSW Customer Advisory Groups (CAG's) expires on 30 June 2019, with a new term commencing from 1 July 2019.

Oberon Council is part of the Greater Sydney CAG, as a customer through the WaterNSW Fish River Valley and its ongoing vested interest in water supply from the Oberon Dam.

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Moved: Doney  
Second: Kellam

That:

1. Council continue to actively participate in the Water NSW Greater Sydney Customer Advisory Group.
2. Council nominate the General Manager or delegate as the delegate to represent Oberon Council as part of the 2019-2022 Greater Sydney Customer Advisory Group, commencing effective 1 July 2019.
3. That Council delegate to the General Manager a nomination for alternate to sit on the Customer Advisory Group.

Carried 01 120319

### **05.02 REPORT ON CHAIN OF RESPONSIBILITY (CoR) – NATIONAL HEAVY VEHICLE LEGISLATION CHANGES**

File No: Traffic and Transport/Service Providers/Heavy Vehicle Road Transport  
Author: Peter Morgan, Technical Services Manager

#### Summary

This report outlines Council and Council Staff responsibilities associated with the recent changes in the legislation for the operation of Heavy Vehicles within Australia.

Moved: Gibbons  
Second: Capel

That:

1. That Council note its responsibility in the ownership and operation of Heavy Vehicles.
2. That Council endorse training in the responsibilities associated with the operation of Heavy Vehicles be undertaken for all operational staff.
3. That a report be provided to Council outlining options for delivery of training NHVR the responsibility for the ownership and operation of Heavy Vehicles. The developments of options must include consultation with affected staff.

Amendment Moved McKibbin  
Second: McCarthy

1. That Council note its responsibility in the ownership and operation of Heavy Vehicles.
2. That Council endorse interaction and liaison with staff as to the most appropriate means for implementing the NHVR legislation and the chain of responsibilities associated with the NHVL.
3. That a report be provided to Council outlining options for delivery of training NHVR the responsibility for the ownership and operation of Heavy Vehicles. The developments of options must include consultation with affected staff.

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

Moved: McKibbin  
Second: McCarthy

1. That Council note its responsibility in the ownership and operation of Heavy Vehicles.
2. That Council endorse interaction and liaison with staff as to the most appropriate means for implementing the NHVR legislation and the chain of responsibilities associated with the NHVL.
3. That a report be provided to Council outlining options for delivery of training NHVR the responsibility for the ownership and operation of Heavy Vehicles. The developments of options must include consultation with affected staff.

Carried 02 190312

### **05.03 KERB & GUTTER CAPITAL WORKS PROGRAM 2019 - 2024**

File No: Maintenance/Footpath, Kerb and Guttering  
Author: Technical Services Manager, Peter Morgan

#### **Summary**

The following report seeks Council endorsement to adopt a rolling capital works program to improve drainage in the residential town streets of Oberon. Several priority streets have been identified in priority sequence to formulate a proposed rolling works for kerb and gutter program over the next five year period.

Moved: Kellam  
Second: Capel

That:

1. Council adopt the 5 year rolling capital works program for kerb & gutter improvement work as listed in this report, commencing from the 2019/2020 financial year.
2. Council allocate \$66,000 of funding to complete 548 lineal meters of kerb and gutter in Curtis Street (Ross St to Earl St. North side) be funded from Councils 2019/2020 'Town Improvements' Program.

Carried 03 120319

#### **05.04 COUNCIL PUBLIC TOILET BUILDINGS REVIEW**

File No: Service Request/Public Toilet Repairs  
Author: Peter Morgan, Technical Services Manager

##### **Summary**

The report provides Council with a report on the current Capital Works Program for 2018/2019 financial year, completed to the month of September.

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Moved: Doney  
Second: McCarthy

That the report be dealt with in separate items.

Carried 04 120319

Moved: Doney  
Second: McKibbin

That Council provide funding as outlined below in the 2019/20 Budget estimates to complete the following:

- a) The removal of the toilet block at Miss Wilsons Park estimated demolition cost \$5000.

Motion was put and lost.

Moved: McCarthy  
Second: Capel

That Council provide funding as outlined below in the 2019/20 Budget estimates to complete the following:

- b) The replacement of the existing toilet block at Black Springs with a Unisex toilet block for an estimated cost of \$40,000.

Amendment Moved: Sajowitz

The Council seek consultation with the Black Springs Community Association in relation to the Black Springs toilet facility.

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

Amendment Moved: Sajowitz

The Council seek consultation with the Black Springs Community Association in relation to the Black Springs toilet facility.

Carried 05 120319

Moved: McCarthy

Second: Lyon

That Council provide funding as outlined below in the 2019/20 Budget estimates to complete the following:

c) Provision of a new Unisex toilet block at Herb David Park estimated to cost \$40,000.

Amendment Moved: Capel

Second: McKibbin

That the matter be deferred pending a report being provided in line with the February resolution of Council.

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

Moved: Capel

Second: McKibbin

That the matter be deferred pending a report being provided in line with the February resolution of Council.

Carried 06 12319

## **05.05 SMART WATER NETWORK METERING**

File No: Water Meter/Service Request

Author: Director Technical Services, Chris Schumacher

### **Summary**

Smart Water Network Metering provides water utility providers with simple, robust, cost-effective and proven smart meters, sensors, communications and analytics. Smart metering provides solutions to the problems of leak detection, demand management, infrastructure planning, network operations and customer engagement.

Moved: McKibbin  
Second: Kellam

That:

1. The Smart Water Network Metering report be received as information.
2. That Council commence investigation options on the available smart water metering devices and provide a presentation on features and options for upgrading the Oberon water reticulation to smart metering.

Carried 07 120319

#### **05.06 PRIORITY BITUMEN SEALING ROLLING WORKS PROGRAM**

File No: Roads/Maintenance/Roads General  
Author: Chris Schumacher, Director Technical Services

##### **Summary**

This report provides Council an opportunity to consider the sequence in which 1-2km of bitumen seal shall be distributed annually in accordance with the adopted road matrix, Works Committee December 2017.

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Moved: McKibbin  
Second: McKechnie

That Council address the top five priority roads over the next five years providing 1-2km of bitumen seal as per the adopted road matrix, Works Committee December 2017 (Item 05.03A).

Carried 08 120319

#### **05.07 CAPITAL WORKS PROGRAM – PROGRESS UPDATE 2018/2019**

File No: Financial Management/Budgeting/Capital Works Program  
Author: Director Technical Services, Chris Schumacher

##### **Summary**

The report provides Council with an update on the remaining Capital Works Program for 2018/2019 financial year, completed to the month of February.

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Moved: McCarthy  
Second: Capel

That report item 05.07 be received as information.

Carried 09 120319



**05.08 LATE REPORT - DONATION FOR QUEENSLAND FLOOD VICTIMS**

File No: S:/Governance/Works Committee/March  
Author: Lynette Safranek, Corporate Services Director

**Summary**

This report is a response to the Notice of Motion submitted from Councillor Ian Doney further to a request at the February 2019 Ordinary Meeting. The Notice of Motion is in relation to Council making a donation to a North Queensland Council or appropriate organisation to assist in reconstruction post the recent devastating floods.

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**Recommendation**

Moved: Capel  
Second: Kellam

That Council allocate \$10,000 to assisting local farmers affected by the recent drought, to undertake minor works on their properties.

Carried 10 120319

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**6. GENERAL BUSINESS**

**Clr McCarthy – Mowing**

Clr McCarthy asked for an update regarding the good tractor mower, Clr McCarthy commented we are using a slasher at the moment. Understand the tractor mower had a bent shaft.

Technical Service Director took the question on notice. The shaft had been sent away to a company in Melbourne to be recalibrated. The Director will follow up when it will be back.

**Clr McCarthy – Footpath at The Common**

Several years ago Council resolved to install a footpath at the Common which would run from Edith Road so we could get a bus into the toilet. What happened to it, the work agreed to be done but was never completed?

The Technical Services Director took the question on notice.

**Clr McCarthy – Water on Lowes Mount Road**

Adjacent to 250 Lowes Mount Road water runs in off a private property and causes water pooling on Lowes Mount Road. There is half a days work and two pipes required to fix this issues. Is it possible to allocate funds from Section 94 and get the work done. There has never been pipes put in there, where the water comes out it is possible it may cause an accident. The approximate cost to carry out the work is \$1000.

The Technical Services Director has previously inspected the issue and agrees there is a water issue transpiring from the that property onto Lowes Mount Road. The Director will look at having the work completed from the current maintenance budget.

**Clr Gibbons – Burroughs Crossing Road**

Clr Gibbons asked for an update regarding Waldara funding contribution towards Burroughs Crossing Road. Residents have raised concern regarding the condition of the road and it was a requirement of the Development Application that funding was provided to upgrade the road.

The General Manager advised this matter will be followed up.

**Clr Lyon – Seat outside Oberon Library**

Clr Lyon asked that we replace the chair outside the Library that was previously under the portico.

The General Manager advised it had been removed due to safety concerns with young people using skate boards in the vicinity. The request was taken on notice and will be considered as part of the Community Hub project.

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**7. CLOSURE OF MEETING**

The Mayor will declare the meeting closed at 8.10pm.

The next Works Committee Meeting of Oberon Council will be held on:

To be advised in the Oberon Council Chambers, 137 Oberon Street, Oberon.