



**OBERON COUNCIL**

137 Oberon Street  
PO Box 84  
Oberon NSW 2787

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## Oberon Council Ordinary Meeting Tuesday 18 February 2025

Commencing at 5:30 pm  
To be held at the Oberon Council Chambers



**OBERON**

MORE THAN YOU IMAGINE

# EVACUATION SIGN AND DIAGRAM

Ground Floor 137-139 Oberon Street, Oberon NSW 2787

**Chubb**

Defibrillator Distribution Board Carbon Dioxide Dry Chemical Powder Water First Aid Point Hose Reel Exit Alternate Evacuation Path Evacuation Path Assembly Area

## Evacuation Procedures

### IN CASE OF FIRE

- R REMOVE people from immediate danger
- A ALERT people nearby and raise an alarm (Dial 000)
- C CONFINE fire and smoke (Close doors behind you if safe to do)
- E EVACUATE via the nearest emergency exit

## Site Plan

Oberon Council Admin Building

Oberon Street

Sign Ref: AG - YAH - 2 Issue Date: 03/2021 Review Date: 03/2026 © Chubb Fire & Security PTY LTD 1300 650 182

### Risk Matrix Legend

Through its Enterprise Risk Management Processes, Oberon Council has developed Risk Appetite Statements which are shown in the following table.

Category of Risk	Avoid	Resistant	Accept	Receptive
Business Continuity			PRIMARY	
Financial		PRIMARY	Secondary	
Safety	PRIMARY			
Environment	Secondary	PRIMARY		
People & Culture		Secondary	PRIMARY	
Project Performance		Secondary	PRIMARY	
Technical Complexity			PRIMARY	Secondary
Public Image and Reputation		PRIMARY	Secondary	
Assets & Infrastructure		Secondary	PRIMARY	
Governance	PRIMARY			
Service Delivery			PRIMARY	

#### Risk Appetite Scale

<b>AVOID</b> (little-to-no appetite) Avoidance of risk and uncertainty is key to achieving objectives	<b>1</b>	<b>AVERSE</b> (small appetite) Prefer safe options with little risk of adverse exposure	<b>2</b>	<b>ACCEPT</b> (medium appetite) Consider all options and choose most likely for successful delivery with reasonable degree of protection	<b>3</b>	<b>RECEPTIVE</b> (large appetite) Will engage with risks and opportunities when the potential benefit is great	<b>4</b>
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Each risk is evaluated in terms of potential loss, likelihood of occurrence and the effectiveness of controls in place to manage the risks according to the criteria set out below:

Likelihood	Impact	Negligible	Minor	Moderate	Major	Extreme
Almost Certain		Low	Medium	High	Extreme	Extreme
Likely		Low	Medium	Medium	High	Extreme
Possible		Low	Low	Medium	High	High
Unlikely		Low	Low	Low	Medium	High
Rare		Low	Low	Low	Medium	High

## Table of Contents

<b>1</b>	<b>Opening Of Meeting</b>	<b>6</b>
<b>2</b>	<b>Acknowledgement Of Country</b>	<b>6</b>
<b>3</b>	<b>Prayer</b>	<b>6</b>
<b>4</b>	<b>Record Of Attendance</b>	<b>6</b>
<b>5</b>	<b>Declarations Of Interest</b>	<b>7</b>
<b>6</b>	<b>Presentations</b>	<b>8</b>
<b>7</b>	<b>Questions From The Public</b>	<b>8</b>
<b>8</b>	<b>Confirmation Of Minutes</b>	<b>8</b>
8.1	Ordinary Meeting 17 December 2024	8
<b>9</b>	<b>Mayoral Minute And Report</b>	<b>39</b>
9.1	Mayoral Minute and Report - February 2025	39
<b>10</b>	<b>Notices Of Motion</b>	<b>42</b>
10.1	Acknowledgment of Country	42
10.2	Recognition of Australia Day	44
10.3	Voice to NSW Parliament	45
10.4	Fluoridation of Oberon Water Supply	48
<b>11</b>	<b>Councillor And Delegates Reports</b>	<b>61</b>
11.1	Burruga and District Community Association Meeting	61
<b>12</b>	<b>Committee Reports</b>	<b>63</b>
12.1	Audit Risk and Improvement Committee Meeting - 11 December 2024	63
<b>13</b>	<b>Reports For Decision</b>	<b>70</b>
13.1	Quarterly Budget Review Statement 2 - October - December 2024	70
13.2	Policy 2212 - Borrowing Policy	97
13.3	DEVELOPMENT APPLICATION DA2024.073 – Dwelling and Shed at 11 Ellis Drive, Oberon	103
13.4	DEVELOPMENT APPLICATION DA2024.056 – Three Lot Subdivision at 72 Humphries Drive, Oberon	109
13.5	DEVELOPMENT APPLICATION DA2024.079 – Alterations and Additions to a Dwelling at 7 Glyndwr Avenue, Oberon	143
13.6	DEVELOPMENT APPLICATION 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), and Accommodation	148
13.7	DEVELOPMENT APPLICATION DA2024.085 – Dwelling at 104 Arties Road, Mount Olive	221
13.8	DEVELOPMENT APPLICATION DA2024.092 – Dwelling at 57 Glendalough Road, Oberon	225

13.9 ARIC Member Resignation and Recruitment.....	229
13.10 Financial Assistance Policy 2209.....	230
13.11 Central Tablelands Weeds Authority Funding Request.....	248
<b>14 Reports For Information.....</b>	<b>251</b>
14.1 Monthly Activity Report General Manager - December 2024 to January 2025 .....	251
14.2 Monthly Activity Report - Planning & Development - December 2024.....	257
14.3 Monthly Activity Report Technical Services - February 2025 .....	266
14.4 Monthly Activity Report Corporate Services - December 2024 to January 2025.....	275
14.5 Grants Update - January 2025.....	278
14.6 Investments - January 2025.....	282
14.7 Status of Council Resolutions - February 2025 .....	286
14.8 Questions Taken on Notice at the Previous Meeting.....	310
<b>15 Urgent Business .....</b>	<b>312</b>
<b>16 Closed Session - Confidential Reports .....</b>	<b>312</b>
16.1 Tender - RFT 24/09 Supply of Traffic Control Services.....	313
16.2 Tender - RFT 24/08 Sprayed Bituminous and Aggregate Supply .....	313
16.3 Tender RFT 24/10 Full or Partial Stabilisation Service .....	313
16.4 Tender - RFT 24/11 Linemarking Services .....	313
16.5 Electricity Procurement - Central NSW Joint Organisation Procurement .....	313
16.6 Construction of an 11 (Eleven) Lot Industrial Subdivision - Oberon .....	313
<b>17 Closure Of Meeting.....</b>	<b>314</b>

## 1 OPENING OF MEETING

The Mayor will welcome members and declare the meeting open.

The meeting will be livestreamed via Team webinar facilities.

Recordings of Council Meetings or parts thereof cannot be copied, recorded, reproduced, reused or transmitted without the prior written consent of the General Manager. The meeting is being recorded and will be made publicly available on Council's website. Persons attending the meeting should refrain from making any defamatory statements.

## 2 ACKNOWLEDGEMENT OF COUNTRY

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

## 3 PRAYER

The Meeting will be opened in prayer.

## 4 RECORD OF ATTENDANCE

Members	Mayor Andrew McKibbin Deputy Mayor Katie Graham Clr Anthony Alevras Clr Helen Hayden Clr Clive McCarthy Clr Frank O'Connor Clr Lauren Trembath Clr Ian Tucker
Staff	Gary Wallace, General Manager Damian O'Shannassy, Planning and Development Director Mathew Webb, Corporate Services Director Dr Cornelia Wiebels, Technical Services Director Sharon Swannell, Executive Coordinator
Leave of Absence	Nil

## 5 DECLARATIONS OF INTEREST

### A GUIDE TO ETHICAL DECISION-MAKING

*(Provided by the Independent Commission Against Corruption)*

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and code of conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

*A conflict of interest is a clash between private interest and public duty. There are two types of conflict:*

- Pecuniary – regulated by the Local Government Act and Department of Local Government
- Non-pecuniary – regulated by codes of conduct and policy. ICAC, Ombudsman, Department of Local Government (advice only)

*The test for conflict of interest:*

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain
- Important to consider public perceptions of whether you have a conflict of interest

*Identifying problems*

- 1st Do I have private interests affected by a matter I am officially involved in?
- 2nd Is my official role one of influence or perceived influence over the matter?
- 3rd Do my private interest's conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

When making a Declaration of Interest the reason for making the declaration should be clearly stated. Pecuniary and Non-Pecuniary Significant Interests should be managed by leaving the room while the matter is considered.

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

## 6 PRESENTATIONS

A presentation will be provided by Kylie Shead, Executive Director of Arts OutWest and Oberon Delegate and Deputy Chair of Arts OutWest, Fran Charge.

## 7 QUESTIONS FROM THE PUBLIC

The public gallery is open to members of the community. The community is to be given the opportunity to ask questions at the commencement of the council meeting, and the Mayor is to ask for questions from the gallery prior to the commencement of the ordinary meeting.

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

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

Questions from the public is not an opportunity for debate with elected representatives or staff, it is an opportunity for the community to ask a question in relation to an issue or put a point of view relating to an issue that may be causing interest or concern. Due to time constraints a time frame of three minutes per speaker is allocated. All questions and comments must be directed through the Mayor and in the instance of a question, if it cannot be answered it will be taken on notice and a response given within a reasonable period. This is the only opportunity for a community member to address Council during an Ordinary Meeting.

None received.

## 8 CONFIRMATION OF MINUTES

<b>8.1 Ordinary Meeting 17 December 2024</b>
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Attached is the Minutes of the Ordinary Council Meeting held on 17 December 2024.

**Recommendation:**

That the Minutes of the Ordinary Meeting held on 17 December 2024 be confirmed.

**Matters Arising from the Minutes**

Nil





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Oberon NSW 2787

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Unconfirmed Minutes  
Oberon Council Ordinary Meeting  
Tuesday 17 December 2024

Commencing at 5:30 pm  
Held at the Oberon Council Chambers



## Table of Contents

<b>1</b>	<b>Opening Of Meeting</b> .....	<b>4</b>
<b>2</b>	<b>Acknowledgement Of Country</b> .....	<b>4</b>
<b>3</b>	<b>Prayer</b> .....	<b>4</b>
<b>4</b>	<b>Record Of Attendance</b> .....	<b>4</b>
<b>5</b>	<b>Declarations Of Interest</b> .....	<b>5</b>
<b>6</b>	<b>Presentations</b> .....	<b>5</b>
<b>7</b>	<b>Questions From The Public</b> .....	<b>5</b>
<b>8</b>	<b>Confirmation Of Minutes</b> .....	<b>7</b>
8.1	Extraordinary Meeting 7 November 2024 .....	7
8.2	Ordinary Meeting 12 November 2024.....	7
8.3	Extraordinary Meeting 26 November 2024 .....	8
<b>9</b>	<b>Mayoral Minute And Report</b> .....	<b>8</b>
9.1	Mayoral Minute and Report December 2024 .....	8
<b>10</b>	<b>Notices Of Motion</b> .....	<b>9</b>
10.1	Concrete Tank Relocation .....	9
10.2	Land at Glyndwr Avenue.....	9
10.3	Social and Economic Impact Analysis of Proposed Oberon Wind Farm Projects .....	10
<b>11</b>	<b>Councillor And Delegates Reports</b> .....	<b>10</b>
11.1	Central NSW Joint Organisation Meeting and Meeting with Ministers - 13 - 14 November 2024 .....	10
11.2	Country Mayors Association Meeting - 15 November 2024.....	11
11.3	Local Government NSW Annual Conference 17 - 19 November 2024 .....	11
11.4	Oberon Business and Tourism Association AGM and General Meeting .....	12
11.5	Burruga and District Community Association Meeting.....	13
11.6	Oberon Arts Council Meeting 28 November 2024 .....	13
<b>12</b>	<b>Committee Reports</b> .....	<b>14</b>
<b>13</b>	<b>Reports For Decision</b> .....	<b>14</b>
13.1	Modification of Consent 80 Wilson Drive Oberon 2 Lot Subdivision (MOD 10.2021.94.3) .....	14
13.2	DA 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), Accommodation, and shed .....	14
13.3	Modification of Consent DA10.2022.59.2 Multi-Dwelling Housing 2A Queen Street, Oberon .....	15
13.4	2025/26 IPART Rate Peg Determination .....	16
13.5	Plan of Management for 24 Crown Reserves - for Adoption .....	17

13.6	Playground Risk Assessment Further Report.....	17
13.7	Councillor and Staff Interaction Policy - New Policy .....	20
13.8	Financial Assistance Policy 2209.....	21
13.9	Policy 1101 - Model Code of Meeting Practice .....	22
13.10	Oberon Sports Complex - Progress Update .....	23
<b>14</b>	<b>Reports For Information.....</b>	<b>24</b>
14.1	Monthly Activity Report General Manager - December 2024 .....	24
14.2	Monthly Activity Report - Planning & Development - December 2024.....	24
14.3	Monthly Activity Report Technical Services - December 2024 .....	25
14.4	Monthly Activity Report Corporate Services - November 2024.....	25
14.5	Grants Update - November 2024 .....	26
14.6	Investments - November 2024 .....	26
14.7	Status Update - December 2024 .....	27
14.8	Questions Taken on Notice at the Previous Council Meeting.....	27
14.9	Proposed Heritage listing of The O'Connell Avenue of Trees .....	28
14.10	Abercrombie Road Black Springs Intersection .....	28
<b>15</b>	<b>Urgent Business .....</b>	<b>29</b>
<b>16</b>	<b>Closed Session - Confidential Reports .....</b>	<b>29</b>
16.1	Water Write-off Request - Assessment 1237065.....	30
<b>17</b>	<b>Closure Of Meeting.....</b>	<b>30</b>

## 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, Gundungurra and Dharug People, and respects the history and culture of the elders both past and present.

## 3 PRAYER

The Meeting was opened in prayer by Pip Saltmaris, Oberon Life Church.

## 4 RECORD OF ATTENDANCE

Members	Mayor Andrew McKibbin (Chair) Deputy Mayor Katie Graham Clr Anthony Alevras Clr Helen Hayden Clr Clive McCarthy Clr Frank O'Connor Clr Jill O'Grady Clr Lauren Trembath Clr Ian Tucker
Staff	Gary Wallace, General Manager Damian O'Shannassy, Planning and Development Director Mathew Webb, Corporate Services Director Dr Cornelia Wiebels, Technical Services Director Sharon Swannell, Governance and Executive Manager Bennett Kennedy, Senior Town Planner
Leave of Absence	Nil

## 5 DECLARATIONS OF INTEREST

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

## 6 PRESENTATIONS

Nil

## 7 QUESTIONS FROM THE PUBLIC

Emma Jardine, Director of the Oberon Chamber Music Festival expression of thanks for the \$7,000 provided through Section 356 Funding which assisted in making the Festival such a success. The 2024 festival was extraordinary success, 874 people attended, up 30% from previous year. Emma provided a brief rundown of events and informed of results from Sydney as well as providing a recap of expenses and provided future plans.

Lee Hanlon, Tarana resident (Lithgow LGA). Lee addressed Council in relation to a petition for Tarana to join Oberon Local Government Area. There are a number of residents who believe that Tarana would be better off in Oberon Council area. Statements were made around road quality and Lee tabled a written list of question to Council.

The Mayor requested that questions are submitted, they will be taken on notice and a response provided in the next Business Paper.

Michael Kantaras, Oberon resident and ratepayer. Michael stated he wanted to take the opportunity, as he was away when the Council elections were on and submitted a postal vote, to congratulate the new Council members and returning Councillors. He also congratulated the Mayor and Deputy Mayor. Our community has always been challenged over the past number of years and these challenges will be exponential in the future and I hope you will do what is best for all of us.

The Mayor thanked Micheal and advised that the Council will do our best for the community.

Veronika Cvitanovic, Mozart resident. Veronika spoke regarding the State of the Shire Report that was included in the Business Paper and Agenda from 12 November Ordinary Meeting. This report mentioned, on page 17, that fluoridation remained a strongly debated issue for responses both for and against. When this topic was in discussion back in 2018, there was talk of a health study the NSW Health had done.

1. Where is this study?

The Mayor took this question on notice

2. How often the water is tested to ensure the 0.7mg - 1.1mg per litre fluoridation concentration is maintained?

The Director of Technical Services advised that water testing is undertaken daily and this data can be published on the Council website.

3. Has the dosing and testing equipment been certified or calibrated according to the measurement act?

Director of Technical Services advised that the testing equipment is calibrated regularly, the question was taken on notice.

In relation to Item 10.3 on agenda, Impact Analysis on proposed Wind Turbines. It is noted that at the last meeting the notice of motion was put that the project should adhere to the Development Control Plan (DCP). Section 0.6.4 states that under the objectives to restrict development to the rural 1A zone only.

4. What is the zoning of the Forestry Land?

The Mayor advised that the land is Crown Land and approval of the wind farms sits as a State Significant Development. There was a Notice of Motion where Council resolved to request that the project complies with the DCP, however under State Government legislation, they are not absolutely required to.

The General Manager added the change to the legislation that allowed that to occur.

The Mayor responded that they have come back to advise they will be complying with the State Guidelines.

5. Cllr O'Connor, are you still on the committee of OAWT?

Cllr O'Connor responded that he is not on the committee, however is a member of OAWT.

6. Australia Day celebrations for the Australia Day Ambassador nominees will be held at Waldara. Waldara doesn't cater, so it will be catered and what is the estimated budget for this event?

The Mayor advised that the cost is within the budget for the event.

7. What is the budget to actually make a road that holds together. I am questioning how Council budgets its money, why can't we have people who know how to make a road?

The Mayor advised that 70% of the Council's budget is allocated to roads.

Veronika stated that roads have always been an issue, as with Council getting back to people has always been an issue.

8. Whose idea was it to hold the Christmas celebration on the same day as the markets?

The Mayor advised that this was a decision made by the committee.

Corey Demarko, Arkstone resident. Current DA application in for a recreational bike park and understand it has been pulled from today's meeting. I was told that the reason for pulling it was because there are boundaries or roads that are not understood. I do not understand why as these have been on the plan since day one.

1. I would like to know where is it going? My life is on hold, and I would like to know how long this is going to take?

The Mayor responded that as he understood, it was more complicated than what Mr Demarko had stated as it involved Crown Land. The question was taken on notice.

Corey advised that he has spoken to the regional manager for Crown Land who sent an email, which was forwarded on, that states that he does not need permission to access a crown road. It was asked why he didn't purchase the road and Corey advised he did not know this was an option.

2. In relation to my shed - I have all my stuff out on the ground, getting destroyed. Is there any reason my shed cannot go forward?

The Mayor advised that the matter will be taken on notice. The General Manager will convene a meeting tomorrow to review the issues, in particular the shed.

It was noted that report item 13.2 has been withdrawn from the Agenda by the General Manager.

Clr O'Connor asked with regard to the Oberon Chamber Music Festival presentation if she could be given time to discuss the basis of future funding, to which the Mayor advised Clr O'Connor this communication would be best suited to email.

## 8 CONFIRMATION OF MINUTES

<b>8.1</b>	<b>Extraordinary Meeting 7 November 2024</b>
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Moved: Clr Trembath

Second: Clr Graham

That the Minutes of the Extraordinary Meeting held on 7 November 2024 be confirmed.

### Matters Arising from the Minutes

Nil

**Carried** - Resolution No: 1 - 17/12/2024

### Division

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>8.2</b>	<b>Ordinary Meeting 12 November 2024</b>
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Moved: Clr Trembath

Second: Clr Hayden

That the Minutes of the Ordinary Meeting held on 12 November 2024 be confirmed.

### **Matters Arising from the Minutes**

Nil

**Carried** - Resolution No: 2 - 17/12/2024

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>8.3</b>	<b>Extraordinary Meeting 26 November 2024</b>
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Moved: Clr Hayden

Second: Clr Trembath

That the Minutes of the Extraordinary Meeting held on 26 November 2024 be confirmed.

### **Matters Arising from the Minutes**

Nil

**Carried** - Resolution No: 3 - 17/12/2024

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

## **9 MAYORAL MINUTE AND REPORT**

<b>9.1</b>	<b>Mayoral Minute and Report December 2024</b>
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File No: Governance/Mayor/General

Author: Mayor Andrew McKibbin

#### **Summary**

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

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Moved: Clr McKibbin

Second: Clr Hayden

That report item 09.01 is received as information.

**Carried** - Resolution No: 4 - 17/12/2024

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**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

## 10 NOTICES OF MOTION

<b>10.1</b>	<b>Concrete Tank Relocation</b>
File No:	Governance/Meetings/Ordinary
Author:	Clr Clive McCarthy

Moved: Clr McCarthy

Second: Clr Hayden

That Council use funds from Rural Development Community Facility Account to fund concrete tank relocation from O'Connell to Black Springs site.

**Lost**

**Division**

Votes for: Clr Alevras, Clr Hayden, Clr McCarthy and Clr Tucker

Votes against: Clr McKibbin, Clr Graham, Clr O'Connor, Clr O'Grady and Clr Trembath

<b>10.2</b>	<b>Land at Glyndwr Avenue</b>
File No:	Governance/Meetings/Ordinary
Author:	Clr Clive McCarthy

Moved: Clr Trembath

Second: Clr Graham

That the General Manager:

- a) Approach a real estate agent to obtain two appraisals of the property, with the playground equipment removed, as follows:
  - i. As is with no sewer connection or water connection installed;
  - ii. With sewer connection and water connection installed
- b) Obtain a quote from one of more plumbers (as required by Procurement policy) to install the sewer connection and water connection to the property.
- c) On the basis of the most effective cost alternative for council after undertaking a) and b) the property be put up for sale at the recommended sale price.

**Carried** - Resolution No: 5 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Clr Hayden

<b>10.3</b>	<b>Social and Economic Impact Analysis of Proposed Oberon Wind Farm Projects</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Clr Frank O'Connor
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Moved: Clr O'Connor

Second: Clr Trembath

That Oberon Council seek funding to prepare a Social and Economic Impact Analysis of proposed wind farm projects in our local government area. Prospective funding sources include:

- NSW Government Grants
- Stromlo/Tag Energy/Forestry Corporation

The Social and Economic Impact Analysis would look specifically at the social and economic impacts of wind farm projects on the Oberon community, businesses and Council.

**Carried** - Resolution No: 6 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Graham, Clr O'Connor, Clr O'Grady and Clr Trembath

Votes against: Clr Alevras, Clr Hayden, Clr McCarthy and Clr Tucker

## 11 COUNCILLOR AND DELEGATES REPORTS

<b>11.1</b>	<b>Central NSW Joint Organisation Meeting and Meeting with Ministers - 13 - 14 November 2024</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Mayor Andrew McKibbin and General Manager Gary Wallace
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**Summary**

Mayor Andrew McKibbin and General Manager Gary Wallace attended the Central NSW Joint Organisation Board Meeting and State Representation meetings held in Sydney on 13 and 14 November 2024.

---

Moved: Clr McKibbin  
Second: Clr McCarthy

That Council note the report on the Central NSW Joint Organisation (CNSWJO) Board meetings held on 13 and 14 November 2024.

**Carried** - Resolution No: 7 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>11.2</b>	<b>Country Mayors Association Meeting - 15 November 2024</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Deputy Mayor Katie Graham and General Manager Gary Wallace
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**Summary**

Country Mayors Association of NSW held its General Meeting in the Theatre in NSW Parliament House, Sydney on Friday 15 November 2024. Deputy Mayor Councillor Katie Graham and General Manager Gary Wallace attended the meeting on behalf of Oberon Council. The theme for the meeting was skills and education.

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Moved: Clr Graham  
Second: Clr O'Connor

That the delegates report for the 15 November 2024 Country Mayors Association Meeting be received and noted.

**Carried** - Resolution No: 8 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>11.3</b>	<b>Local Government NSW Annual Conference 17 - 19 November 2024</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Clr Andrew McKibbin and Gary Wallace
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**Summary**

The Local Government NSW Annual Conference was held from Sunday 17 to Tuesday 19 November at Tamworth Regional Entertainment and Conference Centre. The conference was attended by

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Mayor Andrew McKibbin and General Manager Gary Wallace. Over 100 motions were debated during the three day conference. This report provides a summary of the event.

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Moved: Clr McKibbin  
Second: Clr Trembath

That Council note the report as information.

**Carried** - Resolution No: 9 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>11.4</b>	<b>Oberon Business and Tourism Association AGM and General Meeting</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Clr Helen Hayden
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**Summary**

This report summarises the business carried out at the Annual General Meeting and Ordinary Meeting of the Oberon Business and Tourism Association held 13 November 2024.

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Moved: Clr Hayden  
Second: Clr Alevras

That Council note the information provided within the report.

**Carried** - Resolution No: 10 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**11.5 Burraga and District Community Association Meeting**

File No: Governance/Meetings/Ordinary

Author: Clr Helen Hayden

**Summary**

This report summarises the activities held at the Burraga District Community Association held 14 November 2024.

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Moved: Clr Hayden

Second: Clr McCarthy

That Council note the information contained within the delegates report.

**Carried** - Resolution No: 11 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**11.6 Oberon Arts Council Meeting 28 November 2024**

File No: Governance/Meetings/Ordinary

Author: Clr Katie Graham

**Summary**

The Oberon Arts Council Meeting was held on Thursday 28 November 2024. Clr Katie Graham attended as the Oberon Council delegate.

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Moved: Clr Graham

Second: Clr O'Connor

That Council receive and note the Oberon Arts Council delegates report.

**Carried** - Resolution No: 12 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

## 12 COMMITTEE REPORTS

Nil

## 13 REPORTS FOR DECISION

<b>13.1</b>	<b>Modification of Consent 80 Wilson Drive Oberon 2 Lot Subdivision (MOD 10.2021.94.3)</b>
File No:	10-2021-94-3 MOD DA
Author:	Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

### Summary

Council is in receipt of an application to Modify Condition 5 of a Development Consent relating to the provision of electricity to a lot to be created by a two Lot subdivision (10.2021.94.1) at 80 Wilson Drive Oberon.

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Moved: Clr Hayden  
Second: Clr Trembath

That Council:

1. Refuse the application for the following reasons:
  - (a) The application as proposed would not be substantially the same development as the original application.
  - (b) The proposed modification would be inconsistent with Section B.12.8 Electricity Supply of Council's Development Control Plan 2001.
  - (c) The proposed modification is inconsistent with the level of essential services (electricity and telecommunications) intended by the conditions of consent for the original application.
  - (d) The Conditions of consent imposed are not onerous on the proponent.
  - (e) The proposed modification is inconsistent with the commitments made by the proponent in the Statement of Environmental Effects prepared by Integral Consulting for the original application.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 13 - 17/12/2024

### Division

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>13.2</b>	<b>DA 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), Accommodation, and shed</b>
File No:	DA 10.2023.30.1
Author:	Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

### Summary

Council is in receipt of a Development Application (PAN-328425) for the use of 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor), Accommodation and Machinery Shed.

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Report item 13.2 was withdrawn by the General Manager prior to the meeting.

<b>13.3</b>	<b>Modification of Consent DA10.2022.59.2 Multi-Dwelling Housing 2A Queen Street, Oberon</b>
File No:	Planning & Building Applications/DA10.2022.59.2
Author:	Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

### Summary

Council is in receipt of an application to Modify Condition 1 of a Development Consent relating to the alterations and additions to an approved Multi Dwelling Housing under DA 10.2022.59.1 at 2A Queen Street, Oberon.

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Moved: Clr Hayden

Second:

That Council:

1. Approve the proposed Modification to DA 10.2022.59.1 at 2A Queen Street, Oberon to include additional bedrooms in two of the proposed dwellings.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

The motion lapsed for want of a seconder.

Moved: Clr Tucker  
Second: Clr O'Connor

That Council,

1. Refuse the proposed Modification to DA 10.2022.59.1 at 2A Queen Street, Oberon to include additional bedrooms in two of the proposed dwellings for the following reason:
  - a) The proposed alterations and additions will result in an over development of the site and unacceptable impact in the streetscape.
2. That a division be called in accordance with Section 375A of the Local Government Act 1993.

**Carried** - Resolution No: 14 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Clr Hayden

<b>13.4</b>	<b>2025/26 IPART Rate Peg Determination</b>
File No:	Finance/Rates
Author:	Mathew Webb (Corporate Services Director), Zoe Marks (Finance Manager)

**Summary**

This report seeks Council to adopt the 5.4% rate peg as approved by the Independent Pricing and Regulatory Tribunal (IPART) as the basis for the development of the 2025/26 Integrated Planning and Reporting documents. Staff require a resolution from Council on the adopted rate peg as this drives the financial modelling in key documents such as the Operation Plan, Revenue Policy and Long-Term Financial Plan.

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Moved: Clr Hayden  
Second: Clr O'Connor

That Council adopt the IPART determined rate peg of 5.4% for the 2025/26 Financial Year.

**Carried** - Resolution No: 15 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil



**13.5 Plan of Management for 24 Crown Reserves - for Adoption**

File No: Land Use Planning

Author: Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

**Summary**

This report presents the Oberon Council Crown Lands Plan of Management (PoM) for adoption. The PoM has been prepared for 24 Crown Reserves across Oberon Council's Local Government Area (LGA). These reserves are under Council's care and control.

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Moved: Clr Trembath

Second: Clr Alevras

That Council:

1. Adopt the Community Land Plan of Management for 24 Crown Reserves.
2. Advise Crown Lands that the subject Plan of Management has been adopted.

**Carried** - Resolution No: 16 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

Bennett Kennedy left the meeting at 7.05pm.

**13.6 Playground Risk Assessment Further Report**

File No: TS/Parks and Reserves/Playgrounds

Author: Geoff Paton (Works Engineer), Dr Cornelia Wiebels (Technical Services Director)

**Summary**

Previously Council resolved to receive a further report in relation to compliance of its playground equipment which was presented to the November Ordinary Meeting of Council.

No decision to adopt, defer, or adopt an alternate motion was taken. This report provides options, including cost estimates, and staff recommendations to address the advice received from independent experts in relation to Council's playgrounds.

The importance of this report has been elevated by comments in relation to Council's current Risk Appetite Statements and recommendations made by Council's Audit Risk and Improvement Committee (ARIC).

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Moved: Clr Tucker  
Second: Clr Alevras

That:

1. If TfNSW is unwilling to fund the maintenance of the playground equipment in Hassall Park, then the equipment be removed, and any of the equipment which complies with safety standards be installed to replace non-compliant equipment in other parks.
2. Council consider establishing a new playground at O'Connell Recreation Ground.
4. Repairs and maintenance to the playgrounds at Black Springs Recreation Ground (\$700) and Burruga Park (\$5200) be carried out using the additional \$150,000 allocated to the Technical Services Department.
5. Replenishment of soffit at parks other than The Common be carried out using the parks and gardens maintenance budget, and that the construction of soffit barriers be deferred until after the safety upgrades have been completed
6. The Town Improvement Legacy Fund (\$226,637.50) plus Section 7.11 and 7.12 Contributions funds for Open Spaces and Community Facilities (\$81,000) be used to carry out recommended playground improvements, except soffit and barriers, at Cunynghame Oval Park stages 1 and 2 (\$94,622), Herb David Park (\$1725), Pool Playground (\$17,825), The Common (Fenced) stage 1 (\$27,888), The Common (Accessible) (\$2128), The Common (Adventure) (\$91,471), The Common (Swings) (\$9453), Buckley Crescent (\$23,460), Temporary Fencing (\$6961).
7. Any potential risks related to the playground equipment at Armstrong Place, Bligh St, Glyndwr Avenue (south) and Miss Wilson Park be eliminated by barricading these playgrounds and ensuring the equipment is unusable until funds are available to upgrade them to comply with safety standards.
8. Funds remaining after completion of the upgrades in 6 (above) be utilised to commence upgrades at The Common (Fenced) stage 2, installation of new equipment at Armstrong Place, Bligh St, Glyndwr Avenue (south) and Miss Wilson Park, and the construction of soffit barriers.
9. Council continue to seek funding opportunities to complete the safety upgrades at all remaining playgrounds, and the construction of soffit barriers.
10. Council implement a communications strategy to explain why some playgrounds have been temporarily barricaded, and what mechanisms are proposed to upgrade them to comply with safety standards

## Lost

### Division

Votes for: Clr Alevras, Clr Hayden, Clr McCarthy and Clr Tucker

Votes against: Clr McKibbin, Clr Graham, Clr O'Connor, Clr O'Grady and Clr Trembath

Moved: Clr Hayden  
Second: Clr Alevras

That Council:

1. **Immediate Compliance Upgrades:** Retain all current playgrounds, except for the decommissioning of Glyndwr North playground. Prioritize upgrading non-compliant equipment at Armstrong Place, Buckley Crescent, Bligh Street, Miss Wilson Park, and Glyndwr South to meet Australian Standards AS 4685:2021 and AS 4422:2022 immediately. Allocate the available

\$247,490 from the Town Improvement Legacy Fund and grants for initial compliance upgrades.

2. **Risk Mitigation:** Implement temporary exclusion fencing around non-compliant equipment until upgrades are completed to alleviate immediate safety risks. Ensure regular inspections and maintenance of exclusion fencing to prevent hazards and maintain safety.
3. **Additional Funding:** Identify and secure additional funding sources to cover the shortfall of approximately \$142,250 required to fully implement the compliance upgrades. Explore grants, partnerships, and other funding opportunities to support the ongoing maintenance and upgrades of playgrounds.
4. **Legal and Compliance Assurance:** Ensure all upgrades and maintenance activities are documented and comply with Australian Standards to mitigate legal liability.
5. **Phased Implementation:** Adopt a phased approach to the works program, starting with the most critical upgrades at Armstrong Place, Buckley Crescent, Bligh Street, Miss Wilson Park, and Glyndwr South.
6. **Community Engagement:** Implement a Communications Strategy to inform the community about the rationale for the upgrades, the importance of compliance, and the planned improvements. Engage with the community to address concerns and maintain public trust throughout the upgrade process.
7. **Long-Term Maintenance:** Invest in durable materials, such as rubber softfall, to reduce ongoing maintenance costs and extend the lifespan of playground equipment. Establish a sustainable funding strategy for regular maintenance, inspections, and compliance monitoring to ensure the long-term safety and usability of playgrounds.

## Lost

### Division

Votes for: Clr Alevras, Clr Hayden and Clr Tucker

Votes against: Clr McKibbin, Clr Graham, Clr McCarthy, Clr O'Connor, Clr O'Grady and Clr Trembath

Moved: Clr O'Connor

Second: Clr Trembath

That Council:

1. Endorse the removal of all non-compliant play equipment at the parks at Armstrong Place, Bligh Street, Buckley Crescent, Burraga, Cunynghame Oval, Glyndwr Street North, Glyndwr Street South and Miss Wilson (Option A).
2. Approve the proposed Works Program for the parks at Buckley Crescent, Burraga, Cunynghame Oval, Hassall Park, Herb David, the Pool and multiple playground areas within the Oberon Common (Option A).
3. Implement a Communications Strategy outlining the rationale behind the need to remove the current non-compliant play equipment and what mechanisms Council proposes to replace the non-compliant equipment.
4. Receive a further report with the aim to consider the implementation of a Playground Service Hierarchy.

### **Amendment**

Moved: Clr Hayden

Second: Clr Alevras

That Council:

1. Endorse the removal of all non-compliant play equipment at the parks at Armstrong Place, Bligh Street, Buckley Crescent, Burraga, Cunynghame Oval, Glyndwr Street North, Glyndwr Street South and Miss Wilson (Option A).
2. Approve the proposed Works Program for the parks at Buckley Crescent, Burraga, Cunynghame Oval, Hassall Park, Herb David, the Pool and multiple playground areas within the Oberon Common (Option A).
3. Implement a Communications Strategy outlining the rationale behind the need to remove the current non-compliant play equipment and what mechanisms Council proposes to replace the non-compliant equipment.
4. Receive a further report with the aim to consider the implementation of a Playground Service Hierarchy.
5. Replace play equipment in Armstrong Place, Buckley Crescent, Bligh Street, Miss Wilson Park and Glyndwr South in a staged process as funds for this purpose become available.

The Amendment was put and won, the Amendment becomes the Motion.

Moved: Clr Hayden

Second: Clr Alevras

That Council:

1. Endorse the removal of all non-compliant play equipment at the parks at Armstrong Place, Bligh Street, Buckley Crescent, Burraga, Cunynghame Oval, Glyndwr Avenue North, Glyndwr Avenue South and Miss Wilson (Option A).
2. Approve the proposed Works Program for the parks at Buckley Crescent, Burraga, Cunynghame Oval, Hassall Park, Herb David, the Pool and multiple playground areas within the Oberon Common (Option A).
3. Implement a Communications Strategy outlining the rationale behind the need to remove the current non-compliant play equipment and what mechanisms Council proposes to replace the non-compliant equipment.
4. Receive a further report with the aim to consider the implementation of a Playground Service Hierarchy.
5. Replace play equipment in Armstrong Place, Buckley Crescent, Bligh Street, Miss Wilson Park and Glyndwr Avenue South in a staged process as funds for this purpose become available.

**Carried** - Resolution No: 17 - 17/12/2024

### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr O'Connor, Clr O'Grady and Clr Trembath

Votes against: Clr McCarthy and Clr Tucker

**13.7 Councillor and Staff Interaction Policy - New Policy**

File No: Council/Policies

Author: Gary Wallace (General Manager), Mathew Webb (Corporate Services Director)

**Summary**

This report seeks Council endorsement of a new Policy which has been resolved by Council in relation to Councillor and Staff Interaction. The draft has been presented and endorsed by Oberon Council Audit Risk and Improvement Committee (ARIC) at its 11 December Meeting.

The proposed Policy aims to establish respectful, professional communication guidelines, clarify roles, ensure fair access to information and address breaches through the Code of Conduct. It responds to ARIC's recommendations following a playground audit report.

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Moved: Clr Hayden

Second: Clr O'Grady

That Council:

1. Endorse Policy – Councillor and Staff Interaction and place it on public Exhibition for a period of 28 days.
2. If no submissions are received during the exhibition period, the policy be adopted as presented.
3. Delegate to the General Manager to amend any minor changes proposed.

**Carried** - Resolution No: 18 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Clr McCarthy

**13.8 Financial Assistance Policy 2209**

File No: Governance/Policies

Author: Mathew Webb (Corporate Services Director)

**Summary**

The Oberon Financial Assistance Policy has undergone a comprehensive review and a revised version is presented to Council for community consultation through public exhibition. The updated policy introduces clearer categories for financial assistance, enhanced documentation and reporting requirements and a formalised review and public notification process. A significant change is the removal of recurrent grants, ensuring that funding is allocated based on current needs rather than establishing ongoing financial obligations.

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Moved: Clr O'Connor

Second: Clr Trembath

That Council:

1. Place the renewed Financial Assistance Policy 2209 on public exhibition for a period of 42 days, inviting public submissions during this time.
2. Note the proposed removal of annual recurrent donations and consultation process with impacted community organisations.
3. Note that a subsequent report summarising the consultation outcomes and submissions received will be presented to Council before the final adoption of the policy.

**Carried** - Resolution No: 19 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**13.9 Policy 1101 - Model Code of Meeting Practice**

File No: OD/Oberon Council/Policies

Author: Gary Wallace (General Manager), Mathew Webb (Corporate Services Director), Sharon Swannell (Governance and Executive Manager), Dr Cornelia Wiebels (Technical Services Director), Damian O'Shannassy (Planning and Development Director)

**Summary**

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

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Moved: Clr McKibbin  
Second: Clr Tucker

That Council defer consideration of Policy 1101 until further clarification is available regarding the amendments proposed by the Minister for Local Government to the Model Code of Meeting Practice.

**Carried** - Resolution No: 20 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker  
Votes against: Nil

<b>13.10</b>	<b>Oberon Sports Complex - Progress Update</b>
File No:	Infrastructure/Oberon Sports Ground
Author:	Garry Styles (Special Projects Engineer)

**Summary**

The purpose of this report is to provide an update on project progress and to advise Council on the intended approval process for the sportsground Stage 4 Development Application (DA) for the external servicing including the water, fire control systems (mains and hydrants etc), electricity and gas connection and the sewer rising main and the Stage 5 DA which incorporates carparking, internal roads and the intersection on O'Connell Road in order to assist with timely delivery of the project.

With the Council break coming and no meetings in January, it is considered appropriate that the Development Application for the work – Stage 4 and Stage 5 be determined under staff delegation and if approved, certified by Council staff.

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Moved: Clr Hayden  
Second: Clr McCarthy

That Council:

1. Note the progress in the report,
2. Endorse the consideration of the Stage 4 Development Application (DA) for the external servicing including the water, fire control systems, electricity and gas connection and the sewer rising main, and, the Stage 5 DA which incorporates carparking, internal roads and the intersection on O'Connell Road, during the end of year shutdown 2024 and the January 2025 period under staff delegation as outlined in this report.

**Carried** - Resolution No: 21 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker  
Votes against: Nil

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## 14 REPORTS FOR INFORMATION

### **14.1 Monthly Activity Report General Manager - December 2024**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Sharon Swannell (Governance and Executive Manager), Rebecca Burgess (Work Health Safety and Risk Manager), Hannah Booth (Records and Communications Coordinator), Julie Baker (Library Manager)

#### **Summary**

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

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Moved: Clr Hayden

Second: Clr Trembath

That report Item 14.1 is received as information.

**Carried** - Resolution No: 22 - 17/12/2024

#### **Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

### **14.2 Monthly Activity Report - Planning & Development - December 2024**

File No: Governance/Meetings/Ordinary

Author: Kirsty Hanrahan (Building Surveyor), Damian O'Shannassy (Planning and Development Director), Janet Bailey (Development Control Administration Officer), Lyn Hancox (Planning and Development Administration Assistant), David Sellers (Facilities Manager)

#### **Summary**

This report item summarises the main activity in the Planning and Development Department since the November 2024 Council Meeting.

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Moved: Clr Hayden

Second: Clr Trembath

That report item 14.2 is received as information.

**Carried** - Resolution No: 23 - 17/12/2024

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**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**14.3 Monthly Activity Report Technical Services - December 2024**

File No: Governance/Meetings/Ordinary

Author: Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager), Donah Foley (Technical Services Administrative Assistant), Geoff Paton (Works Engineer), Dani Bradshaw (Change Management Analyst), Lauren Dukes (Trainee Civil Engineer), Paul Robinson (Plant Manager), Sam Golam (Project Engineer), Andrew Krol (Water and Sewer Officer in Charge)

**Summary**

This report item summarises the main activity in the Technical Services Department during the month of November 2024.

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Moved: Clr Hayden

Second: Clr Trembath

That report 14.3 is received as information.

**Carried** - Resolution No: 24 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**14.4 Monthly Activity Report Corporate Services - November 2024**

File No: Governance/Meetings/Ordinary

Author: Mathew Webb (Corporate Services Director), AJ Jack (IT and GIS Co-ordinator), Victoria Bewley (Acting Community Services Coordinator), Zoe Marks (Finance Manager), Rhiannon Mijovic (Library Manager), Debra Keane (Tourism and Economic Development Manager)

**Summary**

This report provides an update on the activities of the Corporate Services Directorate in November and forward plans.

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Moved: Clr Hayden  
Second: Clr Trembath

That report item 14.4 is received as information.

**Carried** - Resolution No: 25 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**- 14.5 Grants Update - November 2024**

File No: Governance/Grants 2024

Author: Toni Dwyer (Grants Co-ordinator), Mathew Webb (Corporate Services Director)

**Summary**

This report provides a summary of grant funding applications submitted and funding notifications received during November 2024.

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Moved: Clr O'Connor  
Second: Clr McCarthy

That report item 14.5 is received as information.

**Carried** - Resolution No: 26 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

**14.6 Investments - November 2024**

File No: Financial Management/Investments/Register

Author: Lisa Koleda (Management Accountant), Zoe Marks (Finance Manager)

**Summary**

This report provides Council with the Statement of Investments as of 30 November 2024.

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Moved: Clr Trembath  
Second: Clr McCarthy

That report item 14.6 is received as information.

**Carried** - Resolution No: 27 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker  
Votes against: Nil

<b>14.7</b>	<b>Status Update - December 2024</b>
File No:	Governance/Meetings/Ordinary
Author:	Gary Wallace (General Manager), Dr Cornelia Wiebels (Technical Services Director), Damian O'Shannassy (Planning and Development Director), Mathew Webb (Corporate Services Director)

**Summary**

This report item summarises the current status of Council resolutions and provides updates for actions taken.

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Moved: Clr Hayden  
Second: Clr Alevras

That report 14.7 is received as information.

**Carried** - Resolution No: 28 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker  
Votes against: Nil

<b>14.8</b>	<b>Questions Taken on Notice at the Previous Council Meeting</b>
File No:	Governance/Meetings/Ordinary
Author:	Gary Wallace (General Manager)

**Summary**

This report item provides a formal record of questions taken on notice at the previous Council meeting and subsequent responses.

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Moved: Clr Hayden  
Second: Clr McCarthy

That report 14.8 is received as information and the responses noted.

**Carried** - Resolution No: 29 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>14.9</b>	<b>Proposed Heritage listing of The O'Connell Avenue of Trees</b>
File No:	Governance/Meetings/Ordinary
Author:	Damian O'Shannassy (Planning and Development Director) Christo Aitkin (Heritage Advisor)

**Summary**

This report provides a response to the Notice of Motion from Clr Frank O'Connor from Ordinary Meeting of 12 November 2024.

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Moved: Clr O'Connor  
Second: Clr Trembath

That report Item 14.9 is received as information.

**Carried** - Resolution No: 30 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

<b>14.10</b>	<b>Abercrombie Road Black Springs Intersection</b>
File No:	{custom-field-file-no}
Author:	Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager)

**Summary**

Council undertook road works on Abercrombie Road at the Black Springs intersection in FY2023/24. These works have now developed defects. The report is summarising the cause, remediation and cost for these defects.

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Moved: Clr Hayden  
Second: Clr O'Connor

That report Item 14.10 is received as information.

**Carried** - Resolution No: 31 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker  
Votes against: Nil

## 15 URGENT BUSINESS

Nil

## 16 CLOSED SESSION - CONFIDENTIAL REPORTS

Moved: Clr Hayden  
Second: Clr O'Connor

That:

1. Council resolve into Closed Council to consider the 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** - Resolution No: 32 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor,  
Clr O'Grady, Clr Trembath and Clr Tucker  
Votes against: Nil

Council moved into Closed Council at this point 8:27 pm. Members of the public present left the meeting.

**16.1 Water Write-off Request - Assessment 1237065**

File No: Finance/Rates

Author: Mathew Webb (Corporate Services Director), Zoe Marks (Finance Manager)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(b) of the Local Government Act 1993, as it relates to the personal hardship of any resident or ratepayer.*

Moved: Clr Hayden

Second: Clr Trembath

That Council do not write-off the water consumption charges for Assessment 1237065 but instead offer a payment plan arrangement for full cost recover.

**Carried** - Resolution No: 33 - 17/12/2024

**Division**

Votes for: Clr McKibbin, Clr Alevras, Clr Graham, Clr Hayden, Clr McCarthy, Clr O'Connor, Clr O'Grady, Clr Trembath and Clr Tucker

Votes against: Nil

## 17 CLOSURE OF MEETING

The Mayor declared the meeting closed at 8.32 pm.

## 9 MAYORAL MINUTE AND REPORT

### 9.1 Mayoral Minute and Report - February 2025

File No: Governance/Mayor/General

Author: Mayor Andrew McKibbin

#### Summary

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

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#### Recommendation:

That Report Item 09.01 is received as information.

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#### A. Meetings

11 Dec 2024	Audit Risk and Improvement Committee Meeting
11 Dec 2024	Councillor Briefing from Currajong regarding Comprehensive Land Use Strategy
11 Dec 2024	John Borg and Victor Bendevski regarding Planning Matters
11 Dec 2024	Australia Day Working Party Meeting
12 Dec 2024	Department of Planning, Housing and Infrastructure Meeting
12 Dec 2024	Black Springs Recreation Ground Draft Landscape Masterplan Community Consultation
12 Dec 2024	Burruga and District Community Association Meeting
13 Dec 2024	2BS Radio Interview
16 Dec 2024	Central NSW Joint Organisation Regional Transport Planning and Infrastructure Prioritisation Meeting
16 Dec 2024	Craig Taylor and Heath Molden regarding Central West Forestry Hub
17 Dec 2024	Councillor Workshop Debt Recovery / Reserves
17 Dec 2024	Ordinary Council Meeting
19 Dec 2024	Councillor Inspection of Oberon Sports Complex
20 Dec 2024	2BS Radio Interview
20 Dec 2024	Central Tablelands Weeds Authority Roadside Weed Control Meeting
20 Dec 2024	Central Tablelands Weeds Authority General Meeting
9 Jan 2025	Burruga and District Community Association Meeting
10 Jan 2025	2BS Radio Interview
17 Jan 2025	2BS Radio Interview
17 Jan 2025	Lucy O'Flaherty Columbia Aged Care
17 Jan 2025	Joanna Murphy and Matthew Parton – The Pines Wind Farm re future meetings
24 Jan 2025	2BS Radio Interview
26 Jan 2025	Australia Day Official Celebrations

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3 Feb 2025	Central NSW Joint Organisation Transport Advocacy Plan Feedback Session
4 Feb 2025	Central Tablelands Weeds Authority Organisational Structure Working Group Meeting and General Manager Recruitment Working Group Meeting
7 Feb 2025	2BS Radio Interview
10 Feb 2025	Central NSW Integrated Transport Group Meeting
11 Feb 2025	Currajong Planning Update – Oberon Land Use Strategies Project
11 Feb 2025	Anthony Hoolihan regarding Abercrombie Road
11 Feb 2025	Councillor Informal Briefing Session

## **B. Representation**

11 Dec 2024	Oberon Business and Tourism Association Christmas Dinner
16 Dec 2024	O’Connell Public School Presentation Evening
25 Jan 2025	Australia Day Ambassador Welcome Function
2 Feb 2025	Meguiar’s Bathurst 12 Hour Mayoral Luncheon
8 Feb 2025	Official Opening Oberon Show

## **C. Correspondence**

16 Dec 2024	Country Mayors Association update and submission into the NSW Inquiry into the Reconstruction Authority Act 2022.
16 Dec 2024	Country Mayors Association providing an update from the Rural Doctor Network.
16 Dec 2024	The Hon Courtney Houssos MLC, Minister for Finance providing information about recent legislative developments concerning parking fines and seeking feedback on associated draft Regulations.
19 Dec 2024	Chairman of Country Mayors Association Clr Rick Firman OAM Christmas message
24 Dec 2024	Heath Molden, Central West Forestry Hub follow up after meeting with Council.
6 Jan 2025	Joanna Murphy, Project Director The Pines Wind Farm request to meet to discuss format and opportunities for future update meetings with Council.
6 Jan 2025	Invitation to attend the Bathurst Harness Racing Oberon Community Night being held on Friday 10 January 2025.
9 Jan 2025	Correspondence forwarded to Forestry Corporation requesting the flashing lights on Arkstone Road be repaired, response received.
15 Jan 2025	The Hon Paul Toole MP acceptance of invitation to attend Australia Day celebrations.
17 Jan 2025	Correspondence forwarded to Jess Jennings in relation to the Oberon Windfarm developments.
17 Jan 2025	Joanna Murphy, Project Director The Pines Wind Farm proposing the first quarterly meeting with Oeron Council be held on 18 March 2025 at 3.30pm.
22 Jan 2025	Andrew Gee MP acceptance to attend Australia Day Ambassador Welcome Function.
26 Jan 2025	Peter Deakin, invitation to attend a Book Presentation of “The Parchment” being held at Bathurst Library on 31 January, response provided.



- 29 Jan 2025 Invitation to attend the Oberon Rodeo being held on 22 February 2025.
- 4 Feb 2025 Correspondence forwarded to Stromlo/Tag Energy and Forestry Corporation reiterating Council's resolution and requesting that the proposed wind farm development in Oberon comply with all aspects of the Oberon Council's and communities Development Control Plan – Wind Power Generation 2005.
- 5 Feb 2025 Correspondence forwarded to Stromlo/Tag Energy and Forestry Corporation requesting funding to undertake a detailed Social and Economic Impact Analysis of the proposed wind farms in the Oberon Local Government Area.
- 11 Feb 2025 Correspondence with Jason Green, Yless 4 in relation to options to include an internet tower in Black Springs, several emails exchanged and information also forwarded to Michelle Swaan in relation to the request.

## 10 NOTICES OF MOTION

<b>10.1</b>	<b>Acknowledgment of Country</b>
File No:	Governance/Meetings/Ordinary
Author:	Clr Helen Hayden

### Motion

That Council:

1. Remove the acknowledgment to country from the Oberon council's code of meeting practice.
  2. Discontinue the practice of acknowledgment or welcome to country at all future council events, openings and dignitary visits.
  3. Remove any reference to acknowledgment or welcome to country from the council's websites and media.
  4. Ensure that all visitors, council members and staff are informed of the updated practices.
- 

### Reason

This motion seeks to address concerns about cultural misappropriation and the practical relevance of the Acknowledgment of Country in council meetings and events. There has been talk for decades about closing the "GAP" this is one way to make sure all are treated equal and fair, the only way to close any gap is by fairness and equality, we are all Australians, and by removing these made up appeasing speeches of words we can get back to all being ONE, one people no-matter the ethnicity of race, creed nor colour. It is proposed that the Council should consider these points and decide based on the best interests of this community, the same community that voted 78.75% NO in the "Voice" referendum.

**General Manager's Note:** Currently there is no requirement in the Model Code of Meeting Practice that mandates the Acknowledgement of Country however within the recommended order of business as set out in the Meeting Code of Practice, 8.1, an Acknowledgement to Country is included.

The Local Government Act 1993 Local Government Act 1993 further indicates under 8A Guiding principles for councils, that:

*(2) Decision-making The following principles apply to decision-making by councils (subject to any other applicable law)—*

*(a) Councils should recognise diverse local community needs and interests.*

*(b) Councils should consider social justice principles.*

*(c) Councils should consider the long term and cumulative effects of actions on future generations.*

*(d) Councils should consider the principles of ecologically sustainable development.*

*(e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.*

Reconciliation Australia indicates that:

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*An Acknowledgement of Country is an opportunity for anyone to show respect for Traditional Owners and the continuing connection of Aboriginal and Torres Strait Islander peoples to Country.*

*An Acknowledgement of Country can be offered by any person and like a Welcome to Country, is given at the beginning of a meeting, speech or event.*

*There is no specific wording for an Acknowledgement of Country, just be sincere and, if possible, do some research on the Country you are acknowledging.*

**10.2 Recognition of Australia Day**

File No: Governance/Meetings/Ordinary

Author: Clr Helen Hayden

**Motion**

That Council:

1. Schedule all citizenship ceremonies on Australia Day, the 26th of January, every year commencing from 2026.
2. Reaffirms its commitment to recognising and celebrating Australia Day on January 26th as a day of national significance.

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**Reason**

Australia Day, celebrated on January 26th, marks an important occasion for all Australians. It is a day to reflect on our history, celebrate our achievements, and look forward to the future. Citizenship ceremonies held on this day provide new citizens with a meaningful and memorable experience, reinforcing their connection to the community and the nation.

**General Manager's Note:** Oberon Council traditionally schedules a Citizenship Ceremony and Citizenship Affirmation Ceremony to coincide with its Australia Day Celebrations on 26 January each year. In addition Council holds additional ceremonies throughout the year when a member of the community receives advice they are eligible to attend a ceremony. During 2023 Council held five ceremonies, including one on Australia Day and during 2024 there was only one ceremony held. A Citizenship Ceremony was held during the 2025 Australia Day Celebrations.

The Australian Citizenship Code states:

*In keeping with government policy that ceremonies be held at regular intervals, most local government councils should arrange for ceremonies to be held at least every two to three months, regardless of the number of conferees available to attend, and more frequently if necessary. There is no maximum or minimum number of conferees prescribed for citizenship ceremonies. (page20)*

*The Government expects ceremony organisers to schedule citizenship ceremonies on days of significance, for example in the context of annual celebrations to mark Australia Day 26 January and Australian Citizenship Day 17 September. (page21)*

Australian Citizenship Act 2007:

*The approval of application for Australian citizenship by conferral can be cancelled under section 25(3) of the Australian Citizenship Act 2007 if conferees no longer satisfy certain eligibility criteria for Australian citizenship and/or if they fail to make a pledge of commitment at a citizenship ceremony within 12 months of being notified that their application to become an Australian citizen was approved, and the reason for the failure is not one that is prescribed by the Citizenship Regulation 2016.*

**10.3 Voice to NSW Parliament**

File No: Governance/Meetings/Ordinary

Author: Cllr Helen Hayden

**Motion**

That Council:

1. **Oppose** any support of a First nation Voice to NSW Parliament as stated in resolution 97 of the Local Government NSW annual Conference Business Paper 2024.
2. Mayor and/or General Manager are to consult with the “whole of Council” (*Governing Body*) before voting on any such motion that is the direct opposite of the outcome of the 2023 federal “Voice” referendum, at any NSWJO, country Mayors association meeting or LGNSW conference.
3. Recognise that the 2023 Voice referendum outcome in the Oberon Community 78.75% Voted-NO.
4. Recognise that the majority of Australians in every jurisdiction other than the ACT voted **No** to the Federal Voice referendum 2023.

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**Reason**

The Below images are a motion and resolution that was included at the LGNSW Annual Conference in November 2024, put forward by the City of Canterbury-Bankstown Council, you can clearly see the resolution to this motion was “Carried”. Most local councils governing bodies were not informed nor asked to give direction on how the mayors of each of the local councils should vote to certain motions.

Considering the Voice Referendum was a massive failure, and cost the Australian taxpayers around \$450 million dollars, with the Federal government contributing \$364 million dollars, which could have been better spent on Health, Housing, Education, Aged Care and Domestic and Family Violence in rural and remote communities across Australia.

The Australian public have already spoken as a majority and voted NO, this resolution is underhanded, sneaky, and outright a contradiction of how the majority of Australians voted.

We as a council should uphold the views of our community who elect us to be their governing body, and we must stand firm and repeat **NO** we do not support a Voice at a State level nor a federal level of government.

**97 City of Canterbury-Bankstown Council      First Nations voice to NSW Parliament**

That Local Government NSW lobbies the NSW Government to commit to the state-based implementation of the Uluru Statement from the Heart - Voice, Treaty and Truth - by implementing the First Nations Voice to NSW Parliament.

**Note from Council**

Following the failed 2023 referendum to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution, the NSW Government must consider, in consultation with First Nations people and representative bodies of NSW, the merits of implementing a First Nations Voice to NSW Parliament (NSW Voice).

While NSW's Constitution Act 1902 was amended in 2010 to recognise the "State's first people and nations" and work towards a Treaty framework and Reconciliation in NSW continues, much more needs to be done locally to improve opportunities and outcomes for, and the physical, mental, cultural and spiritual wellbeing of First Nations people.

A NSW Voice would enshrine the fundamental principles of self-determination, representation and understanding from the Uluru Statement from the Heart at the highest levels of decision-making in NSW Parliament, State and Local Government on laws, policies and matters that affect First Nations peoples, families and communities.

A NSW Voice would also serve as a body through which First Nations peoples can inform and share decision making with the State and Local Governments across NSW to progress priority reforms in the National Agreement on Closing the Gap, as signed in 2020 by Federal, State and Territory Governments and the Australian Local Government Association on behalf of the local government sector.

**Outcome of LGNSW Conference**

**97 City of Canterbury-Bankstown Council      First Nations voice to NSW Parliament**

That Local Government NSW lobbies the NSW Government to commit to the state-based implementation of the Uluru Statement from the Heart - Voice, Treaty and Truth - by implementing the First Nations Voice to NSW Parliament.

**Decision: Carried**

**General Manager's Note:** Information below has been provided by LGNSW.

**Motions**

Of the 103 member motions put forward for debate at the 2024 Conference:

- 43 were from metro members
- 60 were from rural and regional members

Resolutions of the LGNSW Annual Conference set LGNSW's policy positions and inform the LGNSW advocacy agenda.

Resolutions of the conference do not bind individual councils in NSW. Each council is still entitled to consider any matter for themselves.

**Voting delegates**

The LGNSW Rules ensure equal voting entitlements between the rural/regional group of councils and the metropolitan/urban group.

Under Rule 23, there are a series of steps applied to determine the overall council voting entitlement on a council-by-council basis. This includes a formula that applies to set an initial number of voting delegates available to be taken up by each council. In 2024, Oberon Council was allocated 1 vote.

Not all councils take up their full entitlement of voting delegates at each conference. At the 2024 Annual Conference, the total number of registered voting delegates was 399. The majority of the registered voting delegates were from rural/regional members. Not all voting delegates vote on each matter (i.e. they may be out of the room or simply choose not to).

**Additional background on Resolution 97/2024**

Motion 97/2024 went to a division, with 58% of votes for the motion and 42% of votes against the motion. The motion, which became a resolution, seeks a First Nations Voice to the NSW Parliament to provide advice on matters that affect First Nations peoples. This contrasts with the 2023 Australian referendum which sought to amend the Australian Constitution to establish an Aboriginal and Torres Strait Islander Voice to Parliament.

Again, this does not bind your council to act in this way or to support this position.

**10.4 Fluoridation of Oberon Water Supply**

File No: Governance/Meetings/Ordinary

Author: Clr Tony Alevras

**Motion**

That Council:

1. Send the letter attached to this motion to the NSW Minister for Health raising concerns about the recent U.S. District Court ruling on fluoride in drinking water, highlighting the potential neurotoxic risks to children, and the higher fluoride dosage allowed in Australia compared to the U.S. For context, attach the U.S. District Court ruling, report from the U.S. Department of Health and Human Services and the Cochrane Report. The letter will also request the NSW Ministry of Health to review the current fluoride policies in the Public Health Act 2010 (NSW) in light of recent developments and emerging scientific research, provide guidance to Oberon Council on any health implications of fluoridation, and consider granting councils the autonomy to set local fluoridation policies.
2. Council to provide a financial analysis of the costs involved in fluoridating the local water supply, including the costs of purchasing, transporting, and administering fluoride.
3. Investigate if Hydro fluorosilicic acid in the Oberon water supply is reacting with old copper and clay piping, particularly if the pipes are corroded, have mineral deposits, or contain contaminants like lead or iron affecting the quality of the water supply.
4. Council to conduct survey to gather data on community's current position on water fluoridation.
5. Subject to the advice received from the NSW Health Minister, consider reallocating funds currently allocated for water fluoridation towards supporting a possible dental practice in Oberon.
6. Send a copy of our letter addressed to the Minister along with supporting documentation and to all councils in NSW.

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**List of Attachments**

{attachment-list}

Three additional attachment documents have been uploaded to the Councillor portal and Council's website as separate documents due to the size of the files. Attachments are:

1. 2024 Cochrane Database of Systematic Reviews – Water Fluoridation for the prevention of dental caries (Review)
2. United States District Court Ruling – Northern District of California
3. National Toxicology Program – US Department of Health and Human Services

**Reason**

The issue of fluoridation in Oberon's water supply has been a contentious topic for many years, with divided opinions among the community and within the Council itself. In 2014, Oberon Council voted 5-4 against fluoridation, following a public consultation that highlighted strong opposition from a significant portion of the community. Members of the community raised concerns about potential health risks of fluoridation, including the impact on children's health, and questioned the



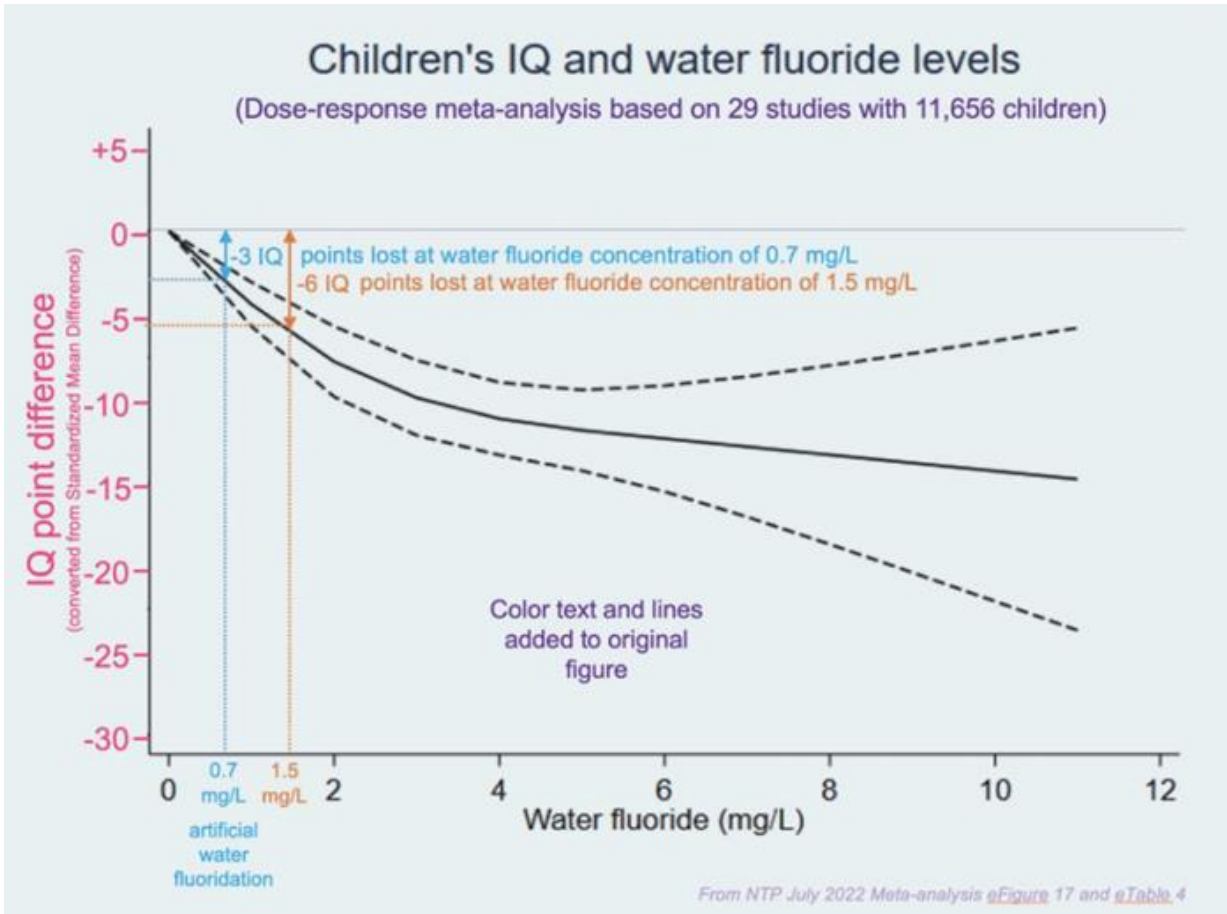
effectiveness of fluoride in addressing dental decay. Despite these concerns, in 2018, after further consultations and a change in councillors, the Council voted 5-3 (1 absent) in favour of introducing fluoridation into the town's water supply. This decision followed a survey commissioned by NSW Health and presented by Council staff, which indicated that a majority of respondents were in favour of fluoridation.

However, this change was met with continued resistance from members of the public who argued that the small survey numbers (371) by NSW Health did not accurately reflect the broader community's views. These critics pointed to conflicting surveys, including one conducted by council, which showed that a larger portion of the community was opposed to fluoridation. The survey revealed that 69% of the 121 respondents were against fluoridation, which contrasted with the NSW Health-backed survey that showed 53% of respondents in favour. This disparity has led to many community members feeling their concerns were not adequately addressed and questioned the validity and representativeness of these surveys.

The recent United States District Court ruling in the Northern District of California has heightened concerns regarding the safety of fluoride in drinking water. The court ruled that fluoride poses an "unreasonable risk" to children's health, particularly regarding neurotoxic effects such as loss of IQ or other adverse developmental neurobehavioral outcomes. While this ruling pertains to the U.S., it raises important questions for Australia, where fluoride levels of up to 1.2 parts per million (ppm) are permissible in drinking water—higher than the 0.7 ppm recommended in the U.S. The court's recent ruling, alongside increasing research on the neurotoxic effects of fluoride, has its implications and could extend globally, including to Australia, and may warrant a reassessment of current fluoridation practices, especially as emerging studies suggest long-term exposure to fluoride may have developmental consequences,

particularly for children's brain development. Regardless of legal jurisdiction, the ruling provides well-founded legal reasoning based on new scientific evidence, highlighting potential risks associated with fluoride.

The chart below depicts the meta-analysis from the 29 studies conducted by the National Toxicology Program (NTP) review which formed the basis of the landmark court ruling. Meta-analysis is when information from all the relevant studies are combined to get a fuller and unbiased overall picture, rather than just looking at individual studies in isolation. The NTP's meta-analysis also puts the magnitude of harm into perspective.



The NTP review states: “The data support a consistent inverse association between fluoride exposure and children’s IQ.” “Research on other neurotoxicants has shown that subtle shifts in IQ at the population level can have a profound impact on the number of people who fall within the high and low ranges of the population’s IQ distribution. For example, a 5-point decrease in a population’s IQ would nearly double the number of people classified as intellectually disabled.”

Current standing Tolerable Upper Intake Level (UL) for fluoride in children – U.S. vs Australia:

Age Group	US Institute of Medicine	National Health and Medical Research Council (AUS)
0-6 months:	0.7 mg/day	1.2 mg/day
7-12 months:	0.9 mg/day	1.8 mg/day
1-3 years:	1.3 mg/day	2.4 mg/day
4-8 years:	2.2 mg/day	4.4 mg/day

For context, a pea-sized amount of toothpaste (0.25g) contains approximately 0.4 mg of fluoride, while a 250ml glass of fluoridated water may contain up to 0.28 mg. However, the direct contact benefit to teeth from fluoridated water is estimated to be less than 10%, raising questions about its overall effectiveness compared to topical fluoride sources such as toothpaste and gels.

Furthermore, tea (black, green, and white) leaves naturally accumulate fluoride from the soil and fluoride-containing pesticides, making brewed tea a significant dietary source of fluoride. Fluoride content can range from 1–6 mg/L depending on the type and brewing time. Farmed fish and shellfish

also contain moderate levels of fluoride, especially when eaten whole. Fruit and vegetables such as: grapes, spinach, kale plus other leafy greens and potatoes may contain moderate to low levels of fluoride if grown in fluoride contaminated soil sprayed with systemic fluoride-containing pesticides and herbicides.

The National Health and Medical Research Council (NHMRC) established its UL recommendations using scientific evidence, frequently referencing international research and reports, such as those from the US Institute of Medicine. The observed disparity stems mainly from differing public health priorities and risk tolerance. This highlights the critical need to monitor total fluoride intake from all sources—drinking water, toothpaste, and dietary sources—to ensure it remains within the recommended safe limits as indicated by NHMRC.

In the 1960s water fluoridation began in Australia. Between the early 1970s and late 1980s warning labels on toothpaste were used to prevent overuse or accidental ingestion, especially in children. However, concerns arose among health authorities and manufacturers that these labels might discourage use, potentially undermining the use of fluoride toothpaste. Consequently, the labels were removed and during the 1990s and 2000s public awareness campaigns were launched to promote the correct amount of toothpaste and brushing techniques for children. Despite these efforts, segments of both the medical community and public remained sceptical, raising concerns about potential "hidden" health effects from improper fluoride exposure and ingestion. "Hidden" health effects due to excessive fluoride consumption include: dental fluorosis (discoloration, pitting, and enamel damage), diabetes, skeletal fluorosis (reduced bone strength, & increased risk of fractures), neurotoxicity and reduced thyroid, pineal and kidney function.

The fluoride added to public water supplies is typically in the form of hydrofluorosilicic acid, a liquid byproduct of the phosphate fertiliser industry. This substance has been known to interact with aging pipework, potentially compromising the quality of the water supply. Hydrofluorosilicic acid is essentially an industrial waste product from the fertiliser industry primarily produced in China during the processing of phosphate rock with sulfuric acid, and not a naturally occurring form of fluoride. A chemically similar compound, sodium fluoride, the powdered form of hydrofluorosilicic acid, was used as an insecticide in the 1940s and 50s to control cockroaches, waterbugs, and lice on poultry. The product bore a prominent warning label: "Poison – not for internal use."

At what point do we possess sufficient knowledge to challenge and reevaluate long-standing beliefs? History offers compelling examples of how new evidence can reshape our understanding and prompt transformative change. One landmark case is the discovery of the neurotoxic effects of lead, which led to the successful banning of lead in gasoline and paint. This pivotal moment in scientific and public health history highlights the necessity of reassessing entrenched practices in light of new evidence, regardless of how widely accepted they may seem. Similarly, tobacco companies once marketed smoking as beneficial—endorsed even by doctors—and was later unequivocally linked to lung cancer and other life-threatening diseases. The thalidomide drug once prescribed as a safe treatment for morning sickness in expectant mothers was later revealed to cause severe birth defects, underscoring the critical importance of rigorous evaluation and oversight. More recently, the FDA's ban on Red Dye No. 3 (erythrosine) in foods marks another significant step. Approved in 1969, this synthetic petroleum-based dye was later linked to cancer and adverse neurological reactions (particularly in young children) in both humans and animals, prompting

its removal. Investigations into other synthetic food dyes are now underway, continuing the trend of questioning long-standing practices in favour of public health.

These examples collectively remind us that knowledge is not static. Reevaluating accepted norms and practices in light of new discoveries is not only prudent but essential to societal progress and safety. We need to avoid the 'Semmelweis Reflex' mindset, which is the tendency to reject new ideas or evidence that contradict established norms or beliefs, often without rational consideration. It is named after Ignaz Semmelweis, a 19th-century Hungarian physician, who discovered that

handwashing with a chlorine solution significantly reduced infections and maternal mortality from 18% down to 2%, but still faced widespread rejection from the medical community at that time.

Consequently, there has been a global trend in recent years, with several of the remaining 25 countries that fluoridate their water supply to begin removing fluoride from the water. Notably, in 11 of these countries, less than 20% of the population consumes fluoridated water. By and large, Europe has moved away from water fluoridation. For instance, in non-fluoridated European countries such as Denmark and the Netherlands, where fluoride toothpaste is widely used, cavity rates have shown a significant decline, primarily due to improved oral hygiene practices. Countries such as the USA and Canada are also beginning to scale back water fluoridation due to health concerns, evolving scientific evidence, and public opposition. Recently in Florida, the State Surgeon General has expressed particular concern and has advised that water fluoridation in the state's water supply is to be discontinued. Furthermore, the newly elected U.S. government has signalled its intention to recommend the complete removal of fluoride from the nationwide water supply in 2025. This global shift underscores the need for further review of local fluoridation policies.

The process of fluoridating drinking water incurs significant costs for the council, including expenses for purchasing and administering fluoride chemicals, as well as for continuous testing and monitoring, plus the likelihood of adverse interactions with our aging pipework. Considering these concerns and financial burdens, and in light of the advice received from the NSW Health Minister, would it be more effective to reallocate these funds toward supporting a local dental practice in Oberon? Such an investment could directly benefit the community as a whole by improving access to professional dental care and preventative services, fostering better long-term oral health outcomes for residents.

Finally, given the conflicting results from community surveys, the ongoing debates surrounding fluoridation, the global shift in perspectives, the potential for new legal and scientific developments regarding fluoride exposure and its neurotoxic effects particularly in young children and given the widespread use of fluoride toothpaste and improved oral hygiene and dietary habits, it is imperative that we address our local community's safety concerns with the NSW Minister for Health. We must seek urgent clarity and guidance including the autonomy to administer local fluoridation policies. The Cochrane Report which reviewed evidence from 157 global studies on water fluoridation, states; "The evidence suggests that water fluoridation may slightly reduce tooth decay in children." Fluoride exposure from water during direct contact may account for only a fraction of total fluoride benefits - below 10%. However, the broader implications for public health and child development must be carefully considered, as the potential risks and long-term effects appear to significantly outweigh the modest benefits. For context, The Cochrane Library is highly respected by Australian Departments of Health, as well as by health professionals, researchers, and policymakers in Australia and globally. It is considered as one of the most credible and authoritative sources of evidence-based healthcare research – the gold standard.

**General Manager's Note:**

The fluoridation of public water systems is managed under the Fluoridation of Public Water Supplies Act 1957 and the Fluoridation of Public Water Supplies Regulation 2017. The responsible authority for the oversight of fluoridation legislation is the NSW Department of Health.

**Oberon Council**

**The Hon. Ryan Park, MP**

Minister for Health  
NSW Government  
Locked Mail Bag 2030  
St Leonards NSW 1590  
Australia

Dear Minister Park

**Re: Concerns Regarding the recent U.S. District Court Ruling on Fluoride and its Potential Impact on the Oberon Community's Water Fluoridation Program**

We are writing to raise concerns related to the **recent ruling by the United States District Court of the Northern District of California**, which directed the **Environmental Protection Agency (EPA)** to take immediate regulatory action to address the “unreasonable risk” posed by fluoride in drinking water, particularly to children’s health. The court’s decision, which highlights the **potential neurotoxic effects** of fluoride, particularly at higher exposure levels, has sparked significant discussion. While the ruling is specific to the U.S., its implications could extend globally, including to Australia, and may warrant a reassessment of current fluoridation practices. Excerpts of the court ruling (attached) are as follows:

*“The Court finds that fluoridation of water at 0.7 milligrams per liter (“mg/L”) – the level presently considered “optimal” in the United States – poses an unreasonable risk of reduced IQ in children...the Court finds there is an unreasonable risk of such injury, a risk sufficient to require the EPA to engage with a regulatory response.”*

*“In all, there is substantial and scientifically credible evidence establishing that fluoride poses a risk to human health; it is associated with a reduction in the IQ of children and is hazardous at dosages that are far too close to fluoride levels in the drinking water of the United States...Reduced IQ poses serious harm. Studies have linked IQ decrements of even one or two points to, e.g., reduced educational attainment, employment status, productivity, and earned wages.”*

The **National Toxicology Program (NTP)**, the research arm of U.S. regulatory agencies, operates under the **National Institute of Environmental Health Sciences**, which itself falls under the umbrella of the **National Institutes of Health** which promotes water fluoridation. In its toxicology report (attached), which formed the basis of the **significant court ruling**, the NTP stated: “52 of 55 studies found lower IQ with higher fluoride exposures, demonstrating remarkable consistency. Of the 19 studies rated as higher quality, 18 showed a lowering of IQ. The meta-analysis could not detect any safe level of exposure.” This review stands as the **most comprehensive investigation into fluoride’s neurotoxicity ever conducted** and marks the first instance of any government undertaking such an extensive task. The NTP dedicated three years to completing the monograph and sought a **peer review** of their work by the **National Academies of Sciences, Engineering, and Medicine**.

As you may be aware, **Oberon Shire Council** resolved in **2018** to introduce fluoride into the town's drinking water supply to improve dental health, particularly among children. However, in light of the growing body of scientific evidence and international recent legal rulings, we are increasingly concerned that the current allowable **dosage levels of fluoride** in Australia, could present health risks for **vulnerable populations** - especially children - risks that may not have been fully considered. This concern becomes especially significant in light of recent developments, such as the U.S. District Court decision, which underscores the potential risks of fluoride exposure. The ruling presents **well-founded legal reasoning**, drawing on emerging scientific evidence that challenges long-standing assumptions about fluoride’s safety.

In the U.S., the recommended dosage for water fluoridation is **0.7 parts per million (ppm)**, a level that has been established with an awareness of potential health risks. In contrast, Australia has one of the highest rates of water fluoridation in the world and permits levels as high as **1.2 parts per million (ppm)** of fluoride in drinking water, a level that, as the U.S. court ruling suggests, would pose **elevated neurodevelopmental impact** risks and **cognitive impairments**, particularly in young children. Given the emerging evidence and the widespread availability of fluoride toothpaste, improved oral hygiene and other dental care products since the 1970's, the necessity for water fluoridation is increasingly questioned, especially when considering potential long-term health implications associated with current fluoride levels.

Furthermore, in recent years a **significant global shift** has occurred, with several of the remaining 25 countries that fluoridate their water supplies beginning to reconsider this practice. Nations such as the **United States** and **Canada** are scaling back their fluoridation efforts due to growing health concerns, evolving scientific evidence, and increasing public opposition. Recently in Florida, the State Surgeon General has expressed particular concern, stating; *"Due to the neuropsychiatric risks associated with fluoride exposure, especially in pregnant women and children, coupled with the wide availability of alternative fluoride sources for dental health, the State Surgeon General recommends against community water fluoridation."* Moreover, the newly elected U.S. government has signalled its intention to recommend the **complete removal of fluoride from the nationwide water supply in 2025**. This marks a critical moment in the ongoing debate surrounding the safety and efficacy of water fluoridation worldwide.

Given these concerns, we respectfully urge the Minister to review the Public Health Act 2010 (NSW), and:

1. **Reevaluate the safety of fluoride levels** in Australian drinking water, particularly in light of the growing body of evidence pointing to the **neurotoxic effects of fluoride** at concentrations of 0.7 ppm and higher. The U.S. court ruling, coupled with emerging scientific studies, underscores the urgency of reassessing current fluoride policies **to ensure public safety**. Since topical applications such as toothpaste and gels have been widely adopted and proven effective, systemic water fluoridation is increasingly viewed as a redundant and ethically questionable intervention. It introduces avoidable risks—such as fluorosis and potential neurodevelopmental concerns—without a compelling necessity or clear added benefit.
2. **Conduct a review of the fluoridation program** overseen by local councils, particularly in light of the legal and scientific issues highlighted by the U.S. court ruling. Consider **granting councils the autonomy to set fluoridation policies** which would foster more tailored and community-specific decision-making. From our local perspective, it is vital to ensure that Oberon's residents, especially parents, are fully informed about any **potential health risks** and prioritise the health and **well-being of the community**.

While fluoridation has long been regarded as an effective means of preventing tooth decay when applied topically, the **health and safety of our children** and the broader community must always be the primary concern. The potential risks posed by fluoride exposure in our drinking water, especially in higher concentrations, warrant careful reconsideration. Prioritising topical applications allows for targeted, consent-based prevention while eliminating the ethical dilemma of mass medication. This approach aligns with modern principles of personalised healthcare and risk minimisation, particularly **when safer alternatives exist**.

The recent **Cochrane Report** (attached), which analysed evidence from **157 global studies** on fluoride in drinking water states; *"The evidence suggests that water fluoridation may slightly reduce tooth decay in children."* In light of this, we believe that for the well-being of our community, the broader implications for public health and child development must be thoroughly and critically evaluated. The **potential risks** and

long-term effects of fluoride exposure may **outweigh its limited benefits**, warranting a reassessment of its use in drinking water.

We trust the Minister will take these concerns seriously and review **local councils' fluoridation program** in light of **new scientific evidence** and the **recent U.S. court ruling** - which provides well-founded legal reasoning irrespective of jurisdiction - and to ensure that any decisions made are in the best interests of public health. We look forward to your response and any steps the Minister may take to help safeguard the health of Oberon's residents.

**Oberon Council**

## Oberon Council: Community Survey on Water Fluoridation

Oberon Council is seeking community input on the topic of fluoride in the town's drinking water. This survey aims to understand public opinion on the continuation of water fluoridation in Oberon, to help guide future decisions regarding this public health issue.

Your responses will be kept confidential and will only be used for the purposes of informing the Council's decision-making process.

Please take a few minutes to share your thoughts.

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### Section 1: General Information

1. Is your property connected to Oberon's water supply?
    - Yes
    - No
  
  2. How long have you lived in the Oberon area?
    - Less than 1 year
    - 1-5 years
    - 6-10 years
    - 10+ years
- 

### Section 2: Opinion on Fluoridation

3. Are you aware that fluoride has been added to Oberon's water supply?
  - Yes
  - No
  
4. Do you support or oppose the continuation of fluoride in Oberon's drinking water?
  - Strongly support
  - Somewhat support
  - Neutral
  - Somewhat oppose
  - Strongly oppose



5. If you oppose fluoride in the water supply, what is your primary reason? (Please select all that apply)
- Concerns about health risks (e.g., neurotoxicity, dental fluorosis)
  - Ethical concerns about mass medication
  - Belief that fluoride is not effective in preventing dental decay
  - Environmental concerns (e.g., fluoride in wastewater)
  - Other (Please specify): \_\_\_\_\_
6. If you support fluoride in the water supply, what is your primary reason? (Please select all that apply)
- Belief that it improves dental health, especially for children
  - Scientific evidence supporting its effectiveness in preventing cavities
  - The fluoride levels are safe and monitored
  - It is a cost-effective public health measure
  - Other (Please specify): \_\_\_\_\_
- 

### Section 3: Community Feedback

7. Do you believe the community had sufficient opportunity to express their views before the decision to fluoridate Oberon's water supply in 2018?
- Yes
  - No
  - Unsure
8. How would you prefer that the Council handle the issue of water fluoridation in the future?
- Hold a public referendum or vote
  - Conduct further community consultation (e.g., surveys, library room meetings)
  - Maintain the current fluoridation program without change
  - Cease fluoridation and look for alternative public health measures
  - Other (Please specify): \_\_\_\_\_
9. In your opinion, what is the most important factor for the Council to consider when deciding whether to continue or discontinue fluoride in the water supply?
- Scientific evidence on health effects
  - Public opinion and community concerns
  - Costs of fluoridation vs. benefits
  - Opinions of public health experts
  - The impact on children's dental health
  - Other (Please specify): \_\_\_\_\_

Section 4: Additional Comments

10. Do you have any additional comments or concerns about fluoride in the Oberon water supply that you would like the Council to consider?

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Survey Completion and Submission

Thank you for participating in this survey. Your feedback is valuable and will help shape future decisions regarding the fluoridation of Oberon's water supply.

- Please submit this survey by returning it to the Council Office or submitting online **[url]**
- The survey deadline is **[Insert Deadline Date here]**.



## State Surgeon General Dr. Joseph A. Ladapo Issues Community Water Fluoridation Guidance

**Contact:**

Communications Office  
[NewsMedia@flhealth.gov](mailto:NewsMedia@flhealth.gov),  
850-245-4111

**Tallahassee, Fla.**—Today, State Surgeon General Dr. Joseph A. Ladapo announced [guidance](#) recommending against community water fluoridation due to the neuropsychiatric risk associated with fluoride exposure.

Fluoride is a naturally occurring chemical compound present in groundwater, fresh and salt water, rainwater, soil, plants, and foods. Community water [fluoridation](#) is the process of adjusting the amount of fluoride in drinking water to a level recommended to prevent tooth decay. Historically, community water fluoridation was considered to be a method to systemically, through ingestion, deliver fluoride to all community members. However, currently many municipalities across the U.S. and several European countries, including Austria, Belgium, France, Germany, Italy, Norway, and Sweden, have [eliminated water fluoridation](#).

Today, fluoride is widely available from multiple sources, including topical fluorides, such as toothpaste, mouthwashes, and fluoride applications by dental providers. Evidence shows fluoride strengthens teeth, making them more decay resistant. However, additional research is being conducted to review the impacts of overall fluoride exposure in the population.

Floridians should be aware of safety concerns related to systemic fluoride exposure including:

- Adverse effects in children [reducing IQ](#), cognitive impairment, and [attention deficit hyperactivity disorder](#).
- Increased [neurobehavioral problems](#) in children whose mothers ingested fluoride during pregnancy.
- Accumulation of fluoride in the pineal gland, causing [sleep cycle disturbance](#).
- [Skeletal fluorosis](#), which could increase the risk of bone fracture.
- Potential risk of [premature menarche](#) in adolescent girls.

- Potential [suppression of the thyroid gland](#) by inhibiting iodine absorption.

**Due to the neuropsychiatric risk associated with fluoride exposure, particularly in pregnant women and children, and the wide availability of alternative sources of fluoride for dental health, the State Surgeon General recommends against community water fluoridation.**

The Florida Department of Health strongly supports oral and overall health through:

- Operation and expansion of school-based preventive dental services.
- County health department dental clinics, which provide dental services to communities.
- Screening and treatment referral in pre-school and school settings.
- Provider education, including training on oral health service delivery for those with special health care needs.
- Promotion of healthy habits, with emphasis on a reduction in sugar consumption, through oral health education to communities.
- Providing oral health care supplies to community partners.
- Providing tobacco and vaping cessation resources and services.

“It is clear more research is necessary to address safety and efficacy concerns regarding community water fluoridation,” **said State Surgeon General Dr. Joseph A. Ladapo.** “The previously considered benefit of community water fluoridation does not outweigh the current known risks, especially for special populations like pregnant women and children.”

Based on self-reported data from 2023, it is estimated that more than 70% of Floridians on community water systems receive fluoridated water. To see if your community water system is included, please visit the Florida Department of Health's [Public Water Systems Actively Fluoridating webpage](#).

## About the Florida Department of Health

The Florida Department of Health, nationally accredited by the [Public Health Accreditation Board](#), works to protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

## 11 COUNCILLOR AND DELEGATES REPORTS

<b>11.1</b>	<b>Burruga and District Community Association Meeting</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Mayor Andrew McKibbin
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### Summary

The most recent meeting of the Burruga and District Community Association was held at Burruga on 12 December 2024 at 7.30pm.

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### Recommendation:

That Council receive and note the Burruga and District Community Association Meeting delegates report.

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### List of Attachments

Nil

### Comment

#### 1. Attendance

The meeting was attended by Leon Booth (President), Cheryl Booth (Treasurer), Ross McDonald (Secretary), Chris Francis, Marilyn Clayton, Kevin Pearce, Neil Francis (part Mtg) and Cllr Andrew McKibbin.

#### 2. Minutes Meeting 14 November 2024

The Minutes were approved.

Business Arising:

- a) The sponsorship Agreement with Stromlo (Pines Windfarms) has been executed by President and Secretary for the \$5,000 to be used for new flooring where Particleboard is currently installed in Hall floor. Timber to be ordered by Ross.
  - b) The two handrails have been installed on the steps at the Hall by L & M Nicholson for \$486.20 for both.
  - c) The Community consultation and circular had been circulated about naming the Rotunda the "Bill Klower Rotunda". There had been no objections so agreed should proceed. Two issues arose:
    - i. Signage for the Rotunda; Query what design of the design and who would construct; Adam Klower may be interested in building the sign in metal, Financing sign query whether Council could contribute. Cllr McKibbin advised he would ask however it could set a precedent where each village has Council pay for signage of monuments/buildings to former prominent locals. So, on that basis unlikely to be directly funded. Village Funds could be used. Leon, Neil and Ross to measure the distance between posts and determine height of sign.
    - ii. Headstone and rock for Bill Klower at base of rotunda. McMurtrie & Sons 207 McLachlan Street *Orange* Phone (02) 6361 4094 to be contacted by Kevin Pearce for a Brass Plaque costing and possible Mounting stone.
-

- d) Request if Clr Helen Hayden had contacted Leonie Lawson about access to the Buckburruga Cemetery by BDCA to kill elms, spray, mow and tend the cemetery Clr McKibbin to follow up.
- e) The Jeremy Rd- Burruga Dam crossing on Arkstone Road had flashing lights as per Minutes 14 November but these had not worked for at least 18 months. Noted Forestry not Council installation. Clr McKibbin to contact Jason Molkentin re issue.

### **3. Correspondence**

- a) Stromlo Sponsorship Agreement sent to Stromlo
- f) Letter sent to Borg/Plantation Pines requesting funding to upgrade the pump shed at the dam for \$15,000. The letter noted the increased purchases in the Burruga area by Plantation pines and necessity for firefighting potential.
- g) Volunteers grant opportunity forwarded by Andrew Gee for \$1,000. Ross noted that it included reimbursement for community groups insurance. Noted that BDCA insurances exceeded \$1,000. Resolved submit the grant application seeking grant for insurance costs.
- h) Letter from Electricity Provider wanting to change meter at the Dam.
- i) ENRAD had sent letter re water return for dam being filled out incorrectly; action on Leon.

### **4. New Business**

- a) Pines/Stromlo Round 2 application request has come out and agreed submit application for Pump Shed at Dam if no response from Borg.
- b) Noted that Annual Pest inspection for under Hall Floor required in February 2025. Needs to be booked in with Canham Pest Control. Action Neil Francis

### **5. Next meeting**

The next meeting is 9 January 2024 at 7.30pm.

The meeting closed at 9.00pm.

## 12 COMMITTEE REPORTS

<b>12.1</b>	<b>Audit Risk and Improvement Committee Meeting - 11 December 2024</b>
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File No:	Governance/Meetings/ARIC
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Author:	Mathew Webb (Corporate Services Director)
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### Summary

Minutes of the Audit Risk and Improvement Committee Meeting held on 11 December 2024 are submitted for Council's information and endorsement.

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### Recommendation:

That Council receive and note minutes of the Audit Risk and Improvement Committee Meeting held on 11 December 2024.

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### List of Attachments

1. 241211 Minutes ARIC 11 December 2024 [**12.1.1** - 6 pages]

### Comment

The Audit Risk and Improvement Committee held its last meeting on 11 December 2024.

Phil Swaffield and Stephen Prowse from National Audits Group provided a presentation of the Internal Audit Methodology and the plan to schedule the first Internal Audit which will review Plant Utilisation and Renewal.

Farisha Ali, Audit Office also provided an overview of the report on the Conduct of the Audit and commended Council for their timely completion of the audit.

Reports were considered as follows:

- Internal Audit Update, including information about the appointment of an external agency, proposed methodology and next steps for planned audits.
- Audit Office Report on the performance of Local Government on Asset Management in Roads.
- The proposed Councillor and Staff Interaction Policy (note this policy was also presented to Council at its 17 December 2024 Ordinary Meeting).
- Review of the Council's Cyber Security Policy.
- Audited Financial Statements for Financial Year 2023/24.
- ARIC Meeting dates for 2025

The Committee also received an update of action items.

### Next Meeting Date

The next meeting of the Audit Risk and Improvement Committee is scheduled for Wednesday 12 March 2024 commencing at 9.00am.

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## MINUTES

# AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

The Meeting was held on 11 December 2024, in the Council Chambers, 137-139 Oberon Street, Oberon and via Microsoft Teams.

The Meeting commenced at 9.00am..

### Attendance

<p><b>Members</b> Kylie McRae, Independent Member (Chair) Ron Gillard, Independent Member Andrew Cox, Independent Member</p> <p><b>Councillor Delegate</b> Clr Ian Tucker (Delegate)</p> <p><b>Audit Representatives</b> Farisha Ali, Audit Office</p>	<p><b>Staff Delegates</b> Gary Wallace, General Manager Mathew Webb, Corporate Services Director Lisa Koleda, Management Accountant Rebecca Burgess, WHS/Risk Coordinator Victoria Brewley, Acting Community and Youth Services Coordinator Geoff Paton, Project Engineer Sharon Swannell, Governance and Executive Manager</p>
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## 1 APOLOGIES

Apologies were received from Zoe Marks, Finance Manager and Leanne Smith, Intentus.

## 2 DECLARATIONS OF INTEREST

Pecuniary - Nil  
Non-Pecuniary Significant - Nil



Non-Pecuniary Less than Significant - Nil

### 3 CONFIRMATION OF PREVIOUS MINUTES

<b>3.1 Minutes from meeting held on 11 September 2024</b>
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Moved: Ron Gillard  
Seconded: Kylie McRae

**ARIC Resolution:**

That the Minutes of the Audit Risk and Improvement Committee Meeting held on 11 September be noted and received.

Carried

**Matters Arising from the Minutes**

Nil

### 4 REPORTS

<b>4.1 Internal Audit Update</b>
Author: Mathew Webb (Corporate Services Director)

**Summary**

To provide the Audit, Risk, and Improvement Committee (ARIC) with an update on the progression of the Internal Audit function, including the appointment of an external agency, proposed methodology and next steps for the planned audits.

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Phil Swaffield and Stephen Prowse from National Audits Group provided a presentation of the Internal Audit Methodology and the plan to schedule the first Internal Audit which will review Plant Utilisation and Renewal.

Moved: Ron Gillard  
Seconded: Kylie McRae

**ARIC Resolution:**

That the Oberon Audit Risk and Improvement Committee note and receive the report on the Internal Audit update.

Carried

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**4.2 Audit Office Report on Performance of Local Government on Asset Management in Roads**

Author: Dr Cornelia Wiebels (Technical Services Director), Mathew Webb (Corporate Services Director)

**Summary**

This paper presents the findings of the NSW Audit Office's report on road asset management to Oberon Council's Audit, Risk, and Improvement Committee (ARIC). It highlights initial considerations for enhancing the Council's practices, including aligning strategic frameworks, improving data systems and engaging with community expectations. The recommendations aim to strengthen road infrastructure management and support sustainable service delivery.

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Moved: Kylie McRae

Seconded: Andrew Cox

**ARIC Resolution**

That the Oberon Audit Risk and Improvement Committee note and receive the report on the Audit Office Report on the performance of Local Government on Asset Management in Roads.

That a gap analysis be provided to the March ARIC Meeting based on the report.

That an update on the Asset Management Process be included in future ARIC meetings.

Carried

**4.3 Councillor and Staff Interaction Policy**

Author: Mathew Webb (Corporate Services Director), Sharon Swannell (Governance and Executive Manager)

**Summary**

The proposed Councillor and Staff Interaction Policy aims to establish respectful, professional communication guidelines, clarify roles, ensure fair access to information and address breaches through the Code of Conduct. It responds to ARIC's recommendations following a playground audit report.

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Moved: Ron Gillard

Seconded: Kylie McRae

**ARIC Resolution:**

That the Oberon Audit Risk and Improvement Committee:

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1. Note and receive the report on the Councillor and Staff Interaction Policy.
2. Support the draft Councillor and Staff Interaction policy and recommend for Council endorsement subject to the minor amendment of item 8k.

Carried

<b>4.4</b>	<b>Cyber Policy Refresh</b>
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Author:	Mathew Webb (Corporate Services Director), Sharon Swannell (Governance and Executive Manager)
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### Summary

The Oberon Council Cyber Security Policy is due for its scheduled review and update. Following an assessment by staff, only minor amendments have been made to the existing policy. The updated policy is now presented to the Audit, Risk, and Improvement Committee for feedback and support.

---

Moved: Kylie McRae  
Seconded: Andrew Cox

### ARIC Resolution:

That the Oberon Audit Risk and Improvement Committee note and receive the report on the Cyber Security Policy.

That Council review the Cyber Security Policy in conjunction with the new SISO officer prior to presenting to Council for endorsement.

Carried

<b>4.5</b>	<b>Audited Financial Statements FY23/24</b>
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File No:	Financial/2023-24FY
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Author:	Zoe Marks (Finance Manager), Mathew Webb (Corporate Services Director)
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### Summary

The Audit Office of NSW has completed their audit of Oberon Council's Financial Statements for the year ended 30 June 2024.

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Geoff Paton joined the meeting at 10.45

Moved: Ron Gillard  
Seconded: Andrew Cox

### ARIC Resolution:

That the Oberon Audit Risk and Improvement Committee note and receive the report on the FY23/24 Audited Financial Statements.

That the ARIC congratulate the Finance Team and the Audit Office for the early completion of the FY23/24 Audited Financial Statements.

Carried

Farisha Ali left the meeting at 10.52am.

<b>4.6</b>	<b>ARIC Meeting Dates 2025</b>
Author:	Mathew Webb (Corporate Services Director)

### Summary

This paper aims to confirm the 2025 meeting schedule for the Oberon Risk and Improvement Committee.

---

Moved: Kylie McRae  
Seconded: Ron Gillard

### ARIC Recommendation:

That the Oberon Audit Risk and Improvement Committee

1. Note and receive the report on the 2025 meeting dates.
2. Approve the proposed dates and times for the 2025 meeting schedule.

Carried

## 5 ACTION ITEMS

<b>5.1</b>	<b>Action Items</b>
Author:	Zoe Marks (Finance Manager), Mathew Webb (Corporate Services Director)

### Summary

This report summarises the current status of action items from the Audit Risk and Improvement Committee Meetings and provides updates for actions taken.

---

Moved: Kylie McRae  
Second: Ron Gillard

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**ARIC Resolution:**

The Audit Risk and Improvement Committee note and receive the report on the status of actions.

That the ARIC recommend that Council be clear in relation to the resolution regarding playgrounds where they may be accepting risk outside their adopted Risk Appetite Statements.

Carried

## **6 GENERAL BUSINESS**

Nil

## **7 NEXT MEETING DATE AND MEETING CLOSE**

### **7.1 Next Meeting Date And Meeting Close**

The next meeting of the Audit Risk and Improvement Committee is scheduled for Wednesday 12 March 2024 commencing at 9.00am.

The meeting closed at 11.30am.

## 13 REPORTS FOR DECISION

<b>13.1</b>	<b>Quarterly Budget Review Statement 2 - October - December 2024</b>
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File No:	Finance/2024-25FY/QBR1
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Author:	Zoe Marks (Finance Manager), Mathew Webb (Corporate Services Director)
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### Summary

The Quarterly Budget Review Statements (QBRs) for the period 1 October to 31 December 2024 are provided as an attachment following this report in accordance with the requirements, of the Office of Local Government.

---

### Recommendation:

That Council:

1. Note movements from previous resolutions incorporated into Quarterly Budget Review process.
  2. Endorses the following Operational Plan budget adjustments
    - a. Adjustments to Local Roads and Community Infrastructure Phase 4 projects and expenditure revisions.
    - b. Additional capital works of \$300,000 for the Sewer Rising Main Program from Sewer Fund reserves.
    - c. An additional capital project of \$60,000 for the survey, concept development and detailed design of a new landfill cell from Waste Fund reserves.
    - d. An \$85,000 increase in the consultant budget from Waste Fund reserves for the development of a new waste strategy.
  3. Authorises the General Manager to make minor administrative changes as required.
- 

### List of Attachments

1. QBRs 2425 QB R 2 [13.1.1 - 21 pages]
2. Capital Projects QB R 2 [13.1.2 - 1 page]
3. Roads Funding Programv 2 QB R 2 [13.1.3 - 1 page]
4. 2023-24 Quaterly TI [13.1.4 - 1 page]

### Comment

Council's 2024-25 adopted consolidated budget recognised a loss of \$135,879 after capital expenses (General Fund loss \$135,879; Water and Sewer Funds both being balanced budgets at \$0.00).

Current 2024-25FY revised budget forecast after funding is \$5,879 loss:

- Operational Plan Budget \$135,879 loss
- September 2024 Quarterly Budget Adjustments \$130,000 profit
- December 2024 Quarterly Budget Adjustments no change

Please be advised of the following adjustments in December 2024 budget review:

### 1. Carried Forward Adjustments

NA

---

## **2. Approved Changes Outside of QBR process**

### **Capital Items**

#### **General Fund**

- Council resolved to provide an additional \$150,000 from the Works Construction Internal Reserve to the Plant Replacement Program for the year. Council also resolved to adjust the net replacement value of a number of items to appropriate reflect due to new information.

**The net effect of this is nil.**

### **Operational Items**

Nil.

## **3. Recommended changes to 2024/25 Operational Plan**

### **Capital Items**

#### **General Fund**

- The Local Roads and Community Infrastructure (LRCI) Phase 4 projects have undergone a review and costings adjusted enabling the inclusion of additional works. No additional funds or expenditure is required.

**The net effect of this is nil.**

#### **Sewer Fund**

- To ensure ongoing compliance and improvements to the sewer program a transfer of \$300,000 from the sewer reserve to complete works this financial year in the Sewer Rising Main Program is requested. This is an endorsed capital works program, which has been previously secured. Originally it was not planned to be undertaken in the 2024/25 FY. Unforeseen breakages will allow for this program to be accelerated. The allocation will be sourced from the endorsed program which sits within the existing Sewer Fund.

**The net effect of this is nil.**

#### **Waste Fund**

- A budget of \$60,000 is required for the survey, concept drawings and detailed design of a new landfill cell. Previous allocations have been provided in the Waste Fund to allow for this program to be completed. The transfer is the first required step for the closure of the existing landfill and the opening of the new landfill previously approved and activated in 2013. This will be funded from Waste Fund Reserves.

**The net effect of this is nil.**

### **Operational Items**

#### **Waste Fund**

- Council is seeking to appoint a consultant that will evolve the waste strategy for Oberon moving toward 2030. As Council is aware substantial changes to the waste legislation took place in September 2024 and the way Council will need to respond to those changes will see a shift in process. The Waste Strategy is the first step in strategically developing a program for Council and providing an action plan heading towards 2030. This item was not originally

included in the 2024/2025 Operational Plan however has been moved forward to give Council time to undertake, implement and respond to the changes in the waste space. The estimated budget will be funded from Waste Fund Reserves.

**The net effect of this is nil.**

#### **4. Revised Budget Forecast Position**

These quarterly adjustments have impacted the yearly revised budget forecast after funding adjustments to a reduced deficit of **\$5,879**.

#### **5. Additional Assumptions and Analysis**

Councils operating expenses are sitting at 68% of the revised budget (excluding depreciation and amortisation). This can be attributed to the recognition of insurances, subscriptions and staff salary paid to date. Council is currently tracking expenditure appropriately for the time of year.

#### **6. Legacy Town Improvement Levy**

Council has expended \$96,449.75 of the legacy Town Improvement Levy from 1 July – 31 January 2025. A supplementary table has been provided in the attachments.

#### **7. Other Budget Commentary**

Nil.



Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 December 2024**

It is my opinion that the Quarterly Budget Review Statement for Oberon Council for the quarter ended 31/12/24 indicates that Council's projected financial position at 30/6/25 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



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Date: 10/02/2025

Zoe Marks  
Responsible Accounting Officer

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Oberon Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2024

Income & expenses - Council Consolidated

(\$000's)	Original budget 2024/25	Approved Changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Income</b>											
Rates and annual charges	7,787	0	0	0	0	0	7,787	0		7,787	7,399
User charges and fees	4,779	0	0	0	0	0	4,779	0		4,779	2,029
Other revenues	672	0	0	0	0	0	672	0		672	313
Other income	11	0	0	0	0	0	11	0		11	179
Grants and contributions - operating	4,164	0	0	17	0	0	4,181	0		4,181	1,168
Grants and contributions - capital	9,412	0	0	0	0	0	9,412	0		9,412	38
Interest and investment revenue	570	0	0	280	0	0	850	0		850	805
Net gain from disposal of assets	0	0	0	0	0	0	0	0		0	-276
Fair value increment on investment properties	0	0	0	0	0	0	0	0		0	0
Reversal of revaluation decrements on IPPE previously expensed	0	0	0	0	0	0	0	0		0	0
Reversal of impairment losses on receivables	0	0	0	0	0	0	0	0		0	0
Rental income	0	0	0	0	0	0	0	0		0	0
Internal Income Movements	0	0	0	0	0	0	0	0		0	2,054
<b>Total income from continuing operations</b>	<b>27,395</b>	<b>0</b>	<b>0</b>	<b>297</b>	<b>0</b>	<b>0</b>	<b>27,692</b>	<b>0</b>		<b>27,692</b>	<b>13,708</b>
<b>Expenses</b>											
Employee benefits and on-costs	8,097	0	0	0	0	0	8,097	85		8,182	4,444
Borrowing costs	87	0	0	0	0	0	87	0		87	64
Materials and services	7,771	0	0	167	0	0	7,938	0		7,938	6,444
Depreciation and amortisation	4,650	0	0	0	0	0	4,650	0		4,650	0
Impairment of receivables	0	0	0	0	0	0	0	0		0	0
Legal costs	0	0	0	0	0	0	0	0		0	0
Consultants	0	0	0	0	0	0	0	0		0	0
Other expenses	0	0	0	0	0	0	0	0		0	76
Interest & investment losses	0	0	0	0	0	0	0	0		0	0
Net Loss from disposal of assets	0	0	0	0	0	0	0	0		0	0
Revaluation decrement/impairment of IPPE	0	0	0	0	0	0	0	0		0	0
Fair value decrement on investment properties	0	0	0	0	0	0	0	0		0	0
Share of interests in joint ventures	0	0	0	0	0	0	0	0		0	0
<b>Total expenses from continuing operations</b>	<b>20,606</b>	<b>0</b>	<b>0</b>	<b>167</b>	<b>0</b>	<b>0</b>	<b>20,773</b>	<b>85</b>		<b>20,858</b>	<b>11,028</b>
<b>Net operating result from continuing operations</b>	<b>6,789</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>0</b>	<b>6,919</b>	<b>-85</b>		<b>6,834</b>	<b>2,679</b>
Discontinued operations - surplus/(deficit)	0	0	0	0	0	0	0	0		0	0
<b>Net operating result from all operations</b>	<b>6,789</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>0</b>	<b>6,919</b>	<b>-85</b>		<b>6,834</b>	<b>2,679</b>
<b>Net Operating Result before Capital Items</b>	<b>-2,623</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>0</b>	<b>-2,493</b>	<b>-85</b>		<b>-2,578</b>	<b>2,641</b>

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Oberon Council

Quarterly Budget Review Statement

for the period 01/10/24 to 31/12/24

Income & expenses budget review statement

Budget review for the quarter ended 31 December 2024

Income & expenses - General Fund

(\$000's)	Original budget 2024/25	Approved Changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
<b>Income</b>											
Rates and annual charges	5,665					5,665			5,665	5,729	
User charges and fees	2,619					2,619			2,619	933	
Other revenues	661					661			661	302	
Other income						0			0	169	
Grants and contributions - operating	4,164			17		4,181			4,181	1,168	
Grants and contributions - capital	3,450					3,450			3,450	38	
Interest and investment revenue	220			280		500			500	624	
Net gain from disposal of assets						0			0	-276	
Fair value increment on investment properties						0			0		
Reversal of revaluation decrements on IPPE previously expensed						0			0		
Reversal of impairment losses on receivables						0			0		
Rental income						0			0		
Internal Income Movements						0			0	1,952	
<b>Total income from continuing operations</b>	<b>16,778</b>	<b>0</b>	<b>0</b>	<b>297</b>	<b>0</b>	<b>17,075</b>	<b>0</b>		<b>17,075</b>	<b>10,637</b>	
<b>Expenses</b>											
Employee benefits and on-costs	7,801					7,801	85	1	7,886	4,188	
Borrowing costs	18					18			18	28	
Materials and services	5,964			167		6,131			6,131	5,595	
Depreciation and amortisation	4,102					4,102			4,102		
Impairment of receivables						0			0		
Legal costs						0			0		
Consultants						0			0		
Other expenses						0			0	76	
Interest & investment losses						0			0		
Net Loss from disposal of assets						0			0		
Revaluation decrement/impairment of IPPE						0			0		
Fair value decrement on investment properties						0			0		
Share of interests in joint ventures						0			0		
<b>Total expenses from continuing operations</b>	<b>17,885</b>	<b>0</b>	<b>0</b>	<b>167</b>	<b>0</b>	<b>18,052</b>	<b>85</b>		<b>18,137</b>	<b>9,887</b>	
<b>Net operating result from continuing operations</b>	<b>-1,107</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>-977</b>	<b>-85</b>		<b>-1,062</b>	<b>750</b>	
Discontinued operations - surplus/(deficit)						0			0		
	<b>-1,107</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>-977</b>	<b>-85</b>		<b>-1,062</b>	<b>750</b>	
<b>Net Operating Result before Capital Items</b>	<b>-4,556</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>-4,426</b>	<b>-85</b>		<b>-4,511</b>	<b>712</b>	

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Oberon Council

**Quarterly Budget Review Statement**

for the period 01/10/24 to 31/12/24

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2024

**Income & expenses - Water Fund**

(\$000's)	Original budget 2024/25	Approved Changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
<b>Income</b>											
Rates and annual charges	1,180					1,180			1,180	655	
User charges and fees	1,610					1,610			1,610	838	
Other revenues	11					11			11	11	
Other income						0			0		
Grants and contributions - operating						0			0		
Grants and contributions - capital						0			0		
Interest and investment revenue	100					100			100	16	
Net gain from disposal of assets						0			0		
Fair value increment on investment properties						0			0		
Reversal of revaluation decrements on IPPE previously expensed						0			0		
Reversal of impairment losses on receivables						0			0		
Rental income						0			0		
Internal Income Movements						0			0	57	
<b>Total income from continuing operations</b>	<b>2,901</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,901</b>	<b>0</b>		<b>2,901</b>	<b>1,577</b>	
<b>Expenses</b>											
Employee benefits and on-costs	191					191			191	134	
Borrowing costs						0			0		
Materials and services	1,328					1,328			1,328	599	
Depreciation and amortisation	354					354			354		
Impairment of receivables						0			0		
Legal costs						0			0		
Consultants						0			0		
Other expenses						0			0		
Interest & investment losses						0			0		
Net Loss from disposal of assets						0			0		
Revaluation decrement/impairment of IPPE						0			0		
Fair value decrement on investment properties						0			0		
Share of interests in joint ventures						0			0		
<b>Total expenses from continuing operations</b>	<b>1,873</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,873</b>	<b>0</b>		<b>1,873</b>	<b>733</b>	
<b>Net operating result from continuing operations</b>	<b>1,027</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,027</b>	<b>0</b>		<b>1,027</b>	<b>845</b>	
Discontinued operations - surplus/(deficit)						0			0		
<b>Net operating result from all operations</b>	<b>1,027</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,027</b>	<b>0</b>		<b>1,027</b>	<b>845</b>	
<b>Net Operating Result before Capital Items</b>	<b>1,027,105</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,027,105</b>	<b>-</b>		<b>1,027,105</b>	<b>844,866</b>	

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Oberon Council

**Quarterly Budget Review Statement**

for the period 01/10/24 to 31/12/24

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2024

**Income & expenses - Sewer Fund**

(\$000's)	Original budget 2024/25	Approved Changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
<b>Income</b>											
Rates and annual charges	943						943			943	1,014
User charges and fees	550						550			550	257
Other revenues							0			0	
Other income	11						11			11	11
Grants and contributions - operating							0			0	
Grants and contributions - capital	5,963						5,963			5,963	
Interest and investment revenue	250						250			250	165
Net gain from disposal of assets							0			0	
Fair value increment on investment properties							0			0	
Reversal of revaluation decrements on IPPE previously expensed							0			0	
Reversal of impairment losses on receivables							0			0	
Rental income							0			0	
Internal Income Movements							0			0	46
<b>Total income from continuing operations</b>	<b>7,717</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,717</b>	<b>0</b>		<b>7,717</b>	<b>1,493</b>
<b>Expenses</b>											
Employee benefits and on-costs	106						106			106	123
Borrowing costs	69						69			69	36
Materials and services	479						479			479	250
Depreciation and amortisation	194						194			194	
Impairment of receivables							0			0	
Legal costs							0			0	
Consultants							0			0	
Other expenses							0			0	
Interest & investment losses							0			0	
Net Loss from disposal of assets							0			0	
Revaluation decrement/impairment of IPPE							0			0	
Fair value decrement on investment properties							0			0	
Share of interests in joint ventures							0			0	
<b>Total expenses from continuing operations</b>	<b>848</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>848</b>	<b>0</b>		<b>848</b>	<b>409</b>
<b>Net operating result from continuing operations</b>	<b>6,869</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,869</b>	<b>0</b>		<b>6,869</b>	<b>1,084</b>
Discontinued operations - surplus/(deficit)							0			0	
<b>Net operating result from all operations</b>	<b>6,869</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,869</b>	<b>0</b>		<b>6,869</b>	<b>1,084</b>
<b>Net Operating Result before Capital Items</b>	<b>906</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>906</b>	<b>0</b>		<b>906</b>	<b>1,084</b>

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2024

**Income & expenses - Council Consolidated**

(\$000's)	Original budget 2024/25	Approved changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
<b>Income</b>											
Community Well Being	157					157				157	181
A Growing Economy	908					908				908	238
Caring for the Environment	585					585				585	284
Infrastructure & Services	15,471			17		15,488				15,488	6,141
Leadership & Engagement	10,274			280		10,554				10,554	6,864
<b>Total income from continuing operations</b>	<b>27,395</b>	<b>0</b>	<b>0</b>	<b>297</b>	<b>0</b>	<b>0</b>	<b>27,692</b>	<b>0</b>		<b>27,692</b>	<b>13,708</b>
<b>Expenses</b>											
Community Well Being	644					644				644	1,639
A Growing Economy	932					932				932	269
Caring for the Environment	344					344				344	622
Infrastructure & Services	12,751			167		12,918				12,918	5,512
Leadership & Engagement	5,935					5,935				5,935	2,985
<b>Total expenses from continuing operations</b>	<b>20,606</b>	<b>0</b>	<b>0</b>	<b>167</b>	<b>0</b>	<b>0</b>	<b>20,773</b>	<b>0</b>		<b>20,773</b>	<b>11,028</b>
<b>Net operating result from continuing operations</b>	<b>6,789</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>0</b>	<b>6,919</b>	<b>0</b>		<b>6,919</b>	<b>2,680</b>
Discontinued operations - surplus/(deficit)						0				0	
<b>Net operating result from all operations</b>	<b>6,789</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>0</b>	<b>0</b>	<b>6,919</b>	<b>0</b>		<b>6,919</b>	<b>2,680</b>
<b>Net operating result before capital items</b>						0				0	



Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Capital budget review statement**

Budget review for the quarter ended 31 December 2024

**Capital budget - Council Consolidated**

(\$000's)	Original budget 2024/25	Approved changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
<b>Capital expenditure</b>											
New assets											
- Plant & equipment	150	0	0	0	0	0	150	0		150	87
- Land & buildings	551	217	0	0	0	0	767	0		767	0
- Other	30	32	0	0	0	0	62	0		62	45
Renewal assets (replacement)											
- Plant & equipment	1,249	345	419	40	0	0	2,053	0		2,053	45
- Land & buildings	650	147	0	0	0	0	797	60		857	602
- Roads, bridges, footpaths	4,373	0	0	175	0	0	4,548	0	1	4,548	462
- STP	11,588	0	0	0	0	0	11,588	0		11,588	43
Loan repayments (principal)	0	0	0	0	0	0	0	0		0	0
Other expenditure... <a href="#">enter description here</a>	0	0	0	0	0	0	0	300		300	0
Other expenditure... <a href="#">enter description here</a>	0	0	0	0	0	0	0	0		0	0
<b>Total capital expenditure</b>	<b>18,590</b>	<b>741</b>	<b>419</b>	<b>215</b>	<b>0</b>	<b>0</b>	<b>19,965</b>	<b>360</b>		<b>20,325</b>	<b>1,282</b>
<b>Capital funding</b>											
Rates & other untied funding	635	0	0	0	0	0	635	0		635	0
Capital grants & contributions	11,136	179	0	175	0	0	11,491	0	1	11,491	1,171
Reserves:											
- External restrictions/reserves	5,974	217	0	40	0	0	6,230	360		6,590	111
- Internal restrictions/reserves	445	345	419	0	0	0	1,209	0		1,209	0
New loans	0	0	0	0	0	0	0	0		0	0
Receipts from sale of assets											
- Plant & equipment	0	0	0	0	0	0	0	0		0	0
- Land & buildings	0	0	0	0	0	0	0	0		0	0
S7.11	400	0	0	0	0	0	400	0		400	0
Other funding... <a href="#">enter description here</a>	0	0	0	0	0	0	0	0		0	0
<b>Total capital funding</b>	<b>18,590</b>	<b>741</b>	<b>419</b>	<b>215</b>	<b>0</b>	<b>0</b>	<b>19,965</b>	<b>360</b>		<b>20,325</b>	<b>1,282</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>



Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Capital budget review statement**

Budget review for the quarter ended 31 December 2024

**Capital budget - General Fund**

(\$000's)	Original budget 2024/25	Approved changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Capital expenditure</b>											
New assets											
- Plant & equipment						0				0	87
- Land & buildings	551	217				767				767	
- Other	30	32				62				62	
Renewal assets (replacement)											
- Plant & equipment	1,050	345	419			1,814				1,814	
- Land & buildings	650	147				797	60	1		857	602
- Roads, bridges, footpaths	4,373			175		4,548				4,548	462
- STP						0				0	
Loan repayments (principal)						0				0	
Other expenditure... <a href="#">enter description here</a>						0				0	
Other expenditure... <a href="#">enter description here</a>						0				0	
<b>Total capital expenditure</b>	<b>6,654</b>	<b>741</b>	<b>419</b>	<b>175</b>	<b>0</b>	<b>7,989</b>	<b>60</b>			<b>8,049</b>	<b>1,150</b>
<b>Capital funding</b>											
Rates & other untied funding	635					635				635	
Capital grants & contributions	5,174	179		175		5,529				5,529	1,150
Reserves:											
- External restrictions/reserves		217				217	60	1		277	
- Internal restrictions/reserves	445	345	419			1,209				1,209	
New loans						0				0	
Receipts from sale of assets											
- Plant & equipment						0				0	
- Land & buildings						0				0	
S7.11	400					400				400	
Other funding... <a href="#">enter description here</a>						0				0	
<b>Total capital funding</b>	<b>6,654</b>	<b>741</b>	<b>419</b>	<b>175</b>	<b>0</b>	<b>7,989</b>	<b>60</b>			<b>8,049</b>	<b>1,150</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>

Oberon Council

**Capital budget review statement**

Budget review for the quarter ended 31 December 2024

**Capital budget - Water Fund**

(\$000's)	Original budget 2024/25	Approved changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Capital expenditure</b>											
New assets											
- Plant & equipment	150						150			150	
- Land & buildings							0			0	
- Other							0			0	
Renewal assets (replacement)											
- Plant & equipment	199			40			239			239	45
- Land & buildings							0			0	
- Roads, bridges, footpaths							0			0	
- STP							0			0	
Loan repayments (principal)							0			0	
Other expenditure... <a href="#">enter description here</a>							0			0	
Other expenditure... <a href="#">enter description here</a>							0			0	
<b>Total capital expenditure</b>	<b>349</b>	<b>0</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>389</b>	<b>0</b>		<b>389</b>	<b>45</b>
<b>Capital funding</b>											
Rates & other untied funding							0			0	
Capital grants & contributions							0			0	
Reserves:											
- External restrictions/reserves	349			40			389			389	45
- Internal restrictions/reserves							0			0	
New loans							0			0	
Receipts from sale of assets											
- Plant & equipment							0			0	
- Land & buildings							0			0	
S7.11							0			0	
Other funding... <a href="#">enter description here</a>							0			0	
<b>Total capital funding</b>	<b>349</b>	<b>0</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>389</b>	<b>0</b>		<b>389</b>	<b>45</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>

Oberon Council

**Quarterly Budget Review Statement**

for the period 01/10/24 to 31/12/24

**Capital budget review statement**

Budget review for the quarter ended 31 December 2024

**Capital budget - Sewer Fund**

(\$000's)	Original budget 2024/25	Approved changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
<b>Capital expenditure</b>											
New assets											
- Plant & equipment						0				0	
- Land & buildings						0				0	
- Other						0				0	45
Renewal assets (replacement)											
- Plant & equipment						0				0	
- Land & buildings						0				0	
- Roads, bridges, footpaths						0				0	
- STP	11,588					11,588				11,588	43
Loan repayments (principal)						0				0	
Other expenditure... <a href="#">enter description here</a>						0	300	2		300	
Other expenditure... <a href="#">enter description here</a>						0				0	
<b>Total capital expenditure</b>	<b>11,588</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,588</b>	<b>300</b>		<b>11,888</b>	<b>87</b>
<b>Capital funding</b>											
Rates & other untied funding						0				0	
Capital grants & contributions	5,963					5,963				5,963	21
Reserves:											
- External restrictions/reserves	5,625					5,625	300	2		5,925	66
- Internal restrictions/reserves						0				0	
New loans						0				0	
Receipts from sale of assets											
- Plant & equipment						0				0	
- Land & buildings						0				0	
S7.11						0				0	
Other funding... <a href="#">enter description here</a>						0				0	
<b>Total capital funding</b>	<b>11,588</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,588</b>	<b>300</b>		<b>11,888</b>	<b>87</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>

Oberon Council

**Quarterly Budget Review Statement**

for the period 01/10/24 to 31/12/24

**Capital budget review statement  
Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Notes Details**

1	Survey, concept design and detail design the new cell at Oberon Waste Facility landfill site This item is estimated to cost - \$60k, which will come from the Waste Fund.
2	Sewer Rising Main program brought in from future years, estimated \$300k moved in from Sewer Fund.

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# Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Cash & investments budget review statement**

Budget review for the quarter ended 31 December 2024  
**Cash & investments - Council Consolidated**

(\$000's)	Original budget 2024/25	Approved changes					Revised budget 2024/25	Recommended Changes for Council Resolution	Notes	Projected year end result	Actual YTD figures
		Carry forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs					
<b>Externally restricted <sup>(1)</sup></b>											
Water fund	3,778			-40		3,739			3,739	3,469	
Sewer Fund	3,535					3,535	-300	3	3,235	8,885	
Waste Fund	2,288					2,288	-145	1.2	2,143	2,288	
TI Levy	499					499			499	975	
Developer Contributions - General	1,943					1,943			1,943	2,940	
Developer Contributions - Water	320					320			320	323	
Developer Contributions - Sewer	1,212					1,212			1,212	1,224	
Specific Grants	627					627			627	527	
						0			0		
						0			0		
<b>Total externally restricted</b>	<b>14,202</b>	<b>0</b>	<b>0</b>	<b>-40</b>	<b>0</b>	<b>0</b>	<b>-445</b>		<b>13,717</b>	<b>20,631</b>	
<small>(1) Funds that must be spent for a specific purpose</small>											
<b>Internally restricted <sup>(2)</sup></b>											
Capital Items from Prior Yr	-120	120				0			0		
Planning - Bonds						0			0	252	
Land Development Reserve	1,181					1,181			1,181	1,181	
Planning - Land Use Strategy	0					0			0	200	
Independent Living Units	15					15			15	15	
Independent Living Units - Bonds										9	
Engineering Instruments	6					6			6	6	
Rail crossings update	38	-38				0			0	0	
Swimming pool	30					30			30	30	
Garbage depot	226					226			226	606	
Cemetery plaques	11	-11				0			0	0	
Cemetery Upgrades/Maintenance	10	-10				0			0	0	
Office equipment	29					29			29	29	
Residential dwellings	100					100			100	100	
Library General Equipment	5					5			5	5	
Tourism	20					20			20	20	
Plant and vehicle replacement	513	345	-445			413			413	290	
Works Restriction	328		-150			178			178	174	
R2R	22					22			22	22	
FAGs 50% Advance-Payment						0			0	0	
TNSW - 23/24 Regional Emergency Road Repair	-115	115				0			0	559	
TNSW - 23/24 Regional Emergency Road Repair	1,346	-115				1,231			1,231	2,492	
Employees leave entitlement	1,061					1,061			1,061	1,061	
Gravel pits	245					245			245	245	
Community centre	9					9			9	9	
Community technology centre	9					9			9	9	
Burruga Village Improvement	28					28			28	33	
Black Springs Improvement	10					10			10	15	
O'Connell Improvements	0					0			0	5	
Golf Day	6					6			6	6	
EOY Spectacular Event						0			0	10	
Naidoc - Art Exhibition (net profit restricted for 2024)	2					2			2	2	
Oberon Outdoor Festival 2023 (net profit restricted for 2024)	1					1			1	1	
Heritage Advisor (advance payment for 23/24)	6					6			6	0	
ANZAC DAY									0	1	
Council Elections	0					0			0	96	
Information technology	0					0			0	33	
Finance	0					0			0		
Legal Fees	80	-16				64			64	80	
Rural Fire Service R&M	66					66			66	33	
System Upgrade&Training Restriction	-16	16				0			0	184	
						0			0		
<b>Total internally restricted</b>	<b>5,150</b>	<b>406</b>	<b>-595</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>4,961</b>	<b>7,810</b>	
<small>(2) Funds that Council has earmarked for a specific purpose</small>											
<b>Unrestricted (ie. available after the above Restriction)</b>	<b>3,399</b>	<b>-406</b>	<b>595</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>445</b>		<b>4,072</b>	<b>-918</b>	
<b>Total Cash &amp; investments</b>	<b>22,750</b>								<b>22,750</b>	<b>27,523</b>	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xxxxxx and should be read in conjunction with the total QBRs report

Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Cash & investments budget review statement**

**Comment on cash & investments position**

Not applicable

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$27,523,202

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/12/24

**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Notes Details**

- |   |  |
|---|--|
| 1 | Survey, concept design and detail design the new cell at Oberon Waste Facility landfill site   |
| 2 | Oberon Council is looking to appoint a Consultant to develop a new waste strategy. This item was not previously budgeted for. The money will be taken from the Waste Fund totalling - \$85k. |
| 3 | Sewer Rising Main Works program moved in from future years.  |

**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2024

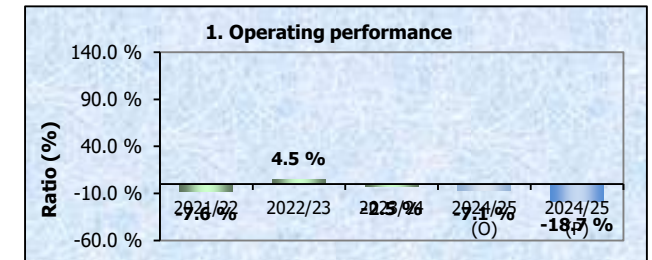
(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

NSW local government industry key performance indicators (OLG):

**1. Operating performance**

Operating revenue (excl. capital) - operating expenses	-2,578	-18.7 %	-7.1 %	-2.5 %	4.5 %
Operating revenue (excl. capital grants & contributions)	13,819				

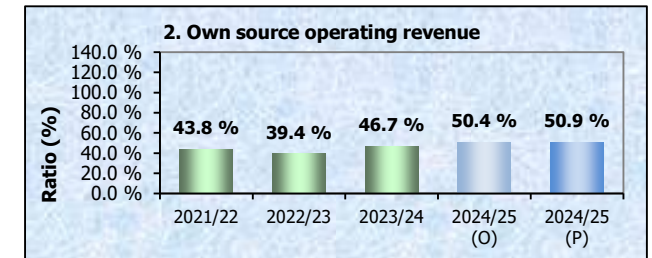
This ratio measures Council's achievement of containing operating expenditure within operating revenue.



**2. Own source operating revenue**

Operating revenue (excl. ALL grants & contributions)	14,099	50.9 %	50.4 %	46.7 %	39.4 %
Total Operating revenue (incl. capital grants & cont)	27,692				

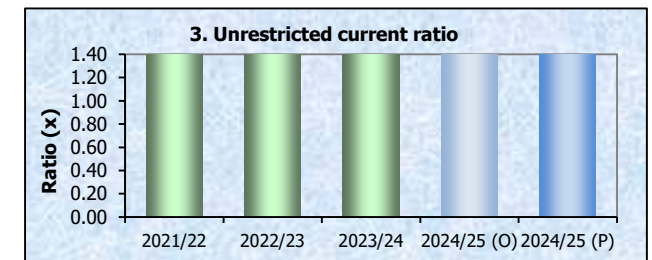
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



**3. Unrestricted current ratio**

Current assets less all external restrictions	11,860	4.80	4.80	4.80	3.26
Current liabilities less specific purpose liabilities	2,470				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2024

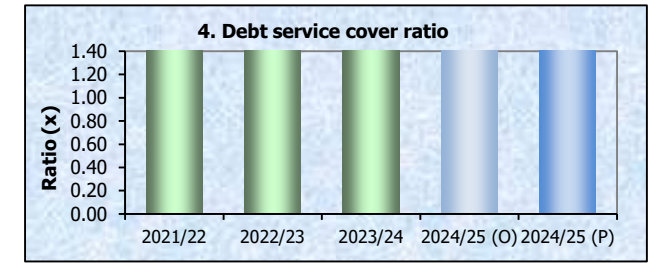
(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

NSW local government industry key performance indicators (OLG):

**4. Debt service cover ratio**

Operating result before interest & dep. exp (EBITDA)	2,160	2.84	3.15	7.10	8.88
Principal repayments + borrowing interest costs	761				

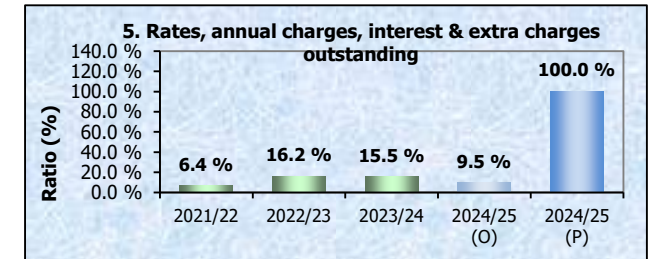
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



**5. Rates, annual charges, interest & extra charges outstanding**

Rates, annual & extra charges outstanding	0	100.0 %	9.5 %	15.5 %	16.2 %
Rates, annual & extra charges collectible	0				

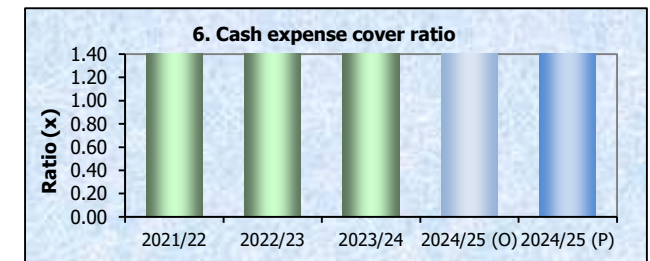
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



**6. Cash expense cover ratio**

Current year's cash & cash equivalents (incl.term deposits)	22,750	10.98	20.00	17.24	23.81
Operating & financing activities cash flow payments	2,072				

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.





**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2024

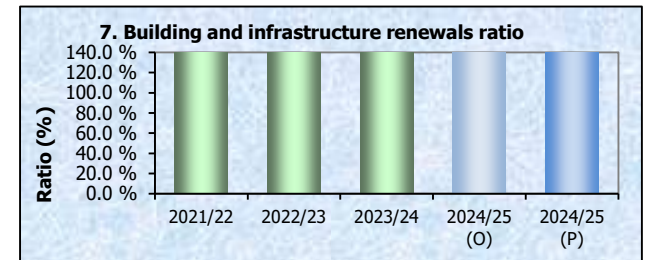
(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

NSW Local Government Infrastructure Asset Performance Indicators (OLG):

**7. Building and infrastructure renewals ratio**

Asset renewals (building, infrastructure & other structures)	8,049	173.1 %	150.0 %	262.0 %	253.7 %
Depreciation, amortisation & impairment	4,650				

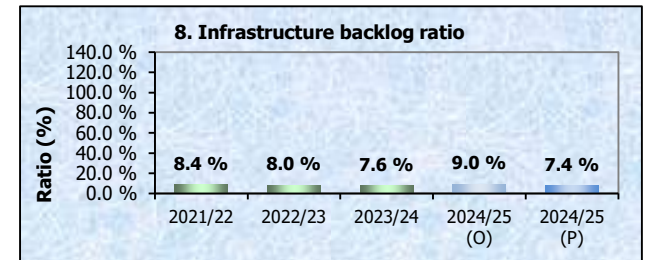
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.



**8. Infrastructure backlog ratio**

Estimated cost to bring assets to a satisfactory condition	23,494	7.4 %	9.0 %	7.6 %	8.0 %
Total value of infrastructure, building, other structures & depreciable land improvement assets	316,224				

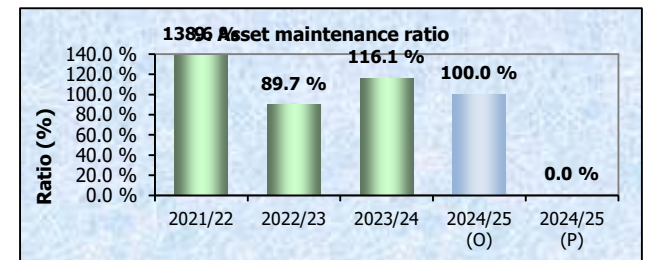
This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.



**9. Asset maintenance ratio**

Actual asset maintenance	*Annual Calculation		100.0 %	116.1 %	89.7 %
Required asset maintenance					

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure Backlog growing.



**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2024

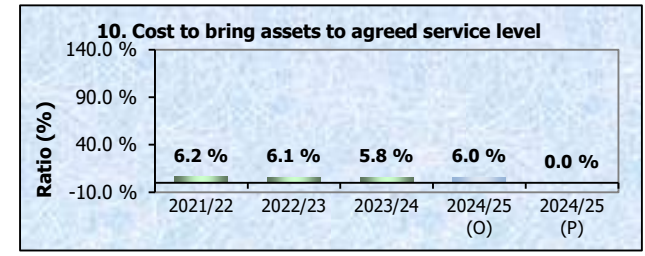
(\$000's)	Current projection		Original budget 24/25	Actuals prior periods	
	Amounts	Indicator		23/24	22/23
	24/25	24/25			

NSW Local Government Infrastructure Asset Performance Indicators (OLG):

**10. Cost to bring assets to agreed service level**

	*Annual Calculation				
Estimated cost to bring assets to an agreed service level set by council			6.0 %	5.8 %	6.1 %
Gross replacement cost					

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.



Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Contracts budget review statement**

Budget review for the quarter ended 31 December 2024  
**Part A - Contracts listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value	Start date	Duration of contract	Budgeted (Y/N)	Notes

Notes:

- 1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
- 2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
- 3. Contracts for employment are not required to be included.

Oberon Council

**Quarterly Budget Review Statement**

for the period 01/10/24 to 31/12/24

**Contracts budget review statement**  
**Comments & explanations relating to contractors listing**

**Notes    Details**

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Oberon Council

**Quarterly Budget Review Statement**  
for the period 01/10/24 to 31/12/24

**Consultancy & legal expenses budget review statement**

Consultancy & legal expenses overview

<b>Expense</b>	<b>YTD expenditure (actual dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	288,677	Y
Legal Fees	47,765	Y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

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		2024/25 Revised Budget								
		CAPITAL				MAINTENANCE				Total 2024/25 Spend
		TOTAL Project	Local Sealed	Local Unsealed	Regional	Urban	Local Sealed	Local Unsealed	Regional	
Capital Project Regional Road	Block Grant	450,000			450,000					450,000
Bit Reseal Regional	Block Grant	150,000			150,000					150,000
Bit Reseal Rural Local	R2R	759,871	759,871							759,871
Traffic Mgt Block Grant	Block Grant	43,000			43,000					43,000
Yearly Regional Maintenance	Block Grant	264,000							264,000	264,000
Tablelands Way	S7.11		400,000							400,000
UnSealed Maintenance FAGS Roads	FAGS	1,165,060						1,165,060		1,165,060
Urban Maintenance	S7.11	130,000				130,000				130,000
Sealed Rural Maintenance	S7.11	330,000					330,000			330,000
FAGS Bridges Local 2024 Figure	FAGS	41,564					41,564			41,564
Pot Holes (\$1.77m)		1,778,594								
- Albion Street	RERRF				678,300					678,300
- To be Identified (pending current projects)	RERRF						150,000			150,000
FLR4 Arkstone Rd	FLR	3,000,000	600,000							600,000
LRCI Phase 4 Part A Projects										
- Jerrong Road	LRCI P4 PartA	9,578		9,578						9,578
- Jerula Road	LRCI P4 PartA	10,466	10,466							10,466
- Schumachers Road	LRCI P4 PartA	12,080	12,080							12,080
- Sewell's Creek Road	LRCI P4 PartA	13,427	13,427							13,427
- Mayfield Road	LRCI P4 PartA	38,449	38,449							38,449
LRCI Phase 4 Part B Projects										
- Mount Olive Road	LRCI P4 PartB	166,284		166,284						166,284
- Ryan's Lane	LRCI P4 PartB	-		-						-
- Bosworth Falls Road	LRCI P4 PartB	129,796		129,796						129,796
- Todd's Road	LRCI P4 PartB	15,900		15,900						15,900
- Burns Road	LRCI P4 PartB	7,420		7,420						7,420
- Mozart Road	LRCI P4 PartB	17,760		17,760						17,760
Regional Emergency Road Repair Fund										
- Reseals	RERRF	200,000	200,000							200,000
- Potholing	RERRF	100,000					100,000			100,000
- Renewal/Corrective Works	RERRF	696,004	696,004							696,004
- Gravel Resheets	RERRF	150,000		150,000						150,000
		<b>10,239,311</b>	<b>2,730,297</b>	<b>496,738</b>	<b>1,321,300</b>	<b>130,000</b>	<b>621,564</b>	<b>1,165,060</b>	<b>264,000</b>	<b>6,728,959</b>

By Funding

LRCI	382,711	35,973	346,738	-	-	-	-	-	382,711
S7.11	460,000	400,000	-	-	130,000	330,000	-	-	860,000
RERRF	2,924,598	896,004	150,000	678,300	-	250,000	-	-	1,974,304
FAGS	1,206,624	-	-	-	-	41,564	1,165,060	-	1,206,624
R2R	759,871	759,871	-	-	-	-	-	-	759,871
Block Grant	907,000	-	-	643,000	-	-	-	264,000	907,000
FLR	3,000,000	600,000	-	-	-	-	-	-	600,000
<b>Total</b>	<b>9,640,804</b>	<b>2,691,848</b>	<b>496,738</b>	<b>1,321,300</b>	<b>130,000</b>	<b>621,564</b>	<b>1,165,060</b>	<b>264,000</b>	<b>6,690,510</b>

**AS AT 31 January 2025**

Town Improvements	COMMITTED				ACTUAL	
	Adopted 2024-25	Adjustments (Council approved)	Unders & Overs (based on when projects are completed or Made Redundant)	Total	Actual Spend 31 January 2025	Balance Committed
Overheads	35,865.27			35,865.27	10,434.35	25,430.92
The Common						
- Footpath link Curtis to Common (remainder after rail Crossing Reserves)	40,961.82			40,961.82	10,625.00	30,336.82
- Well removal and heritage signage	3,500.00			3,500.00	1,695.29	1,804.71
- Rose Garden C3540	9,727.27			9,727.27		9,727.27
Footpath Construction						44,928.45
- Footpath Program	46,973.45			46,973.45	2,045.00	44,928.45
Beautification Street Tree Planting W3439	71,213.03			71,213.03	29,995.53	41,217.50
Drainage, Kerb & Gutter						155,000.00
- Kerb and Gutter 7 Year Program	155,000.00			155,000.00		155,000.00
CCTV Upgrades	35,000.00			35,000.00		35,000.00
Dart & Dudley Pedestrian Upgrade	59,855.26			59,855.26		59,855.26
Richards Park Drainage	80,000.00			80,000.00		80,000.00
Playground Make Safe Program	232,930.00			232,930.00	6,807.31	226,122.69
Swimming Pool Upgrade	150,000.00			150,000.00	34,847.27	115,152.73
Stormwater Pits	42,855.26			42,855.26		42,855.26
Ross St/ Queen St intersection design	5,000.00			5,000.00		5,000.00
Street verges rock retaining walls	50,000.00			50,000.00		50,000.00
Lighting footpath Oberon High to Albion St	50,000.00			50,000.00		50,000.00
<b>Totals</b>	<b>1,068,881.36</b>	<b>0.00</b>	<b>0.00</b>	<b>1,068,881.36</b>	<b>96,449.75</b>	<b>972,431.61</b>
June 2024 Balance	<b>997,611.65</b>					
Overalllocation Noted	71,270					



**13.2 Policy 2212 - Borrowing Policy**

File No: Finance/Borrowing Policy

Author: Zoe Marks (Finance Manager), Mathew Webb (Corporate Services Director)

**Summary**

Council has undertaken a review of the Borrowing Policy in accordance with the scheduled review period. After completing the review, no substantive amendments are proposed, aside from updating the review box and revision date.

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**Recommendation:**

That Council:

1. Place the revised Borrowing Policy 2212 on public exhibition for 28 days and invite submissions from the public during that period.
  2. Adopt the policy as presented if no submissions are received within the exhibition period.
  3. Delegate authority to the General Manager to make minor amendments if required.
- 

**List of Attachments**

1. Borrowing Policy [13.2.1 - 4 pages]

**Comment**

Council has undertaken a review of the Borrowing Policy 2212.

**1. Background**

This policy outlines the requirements for Council's borrowings, both internal and external, as well as the use of the overdraft facility.

**2. Objectives and Scope of the Policy**

The Oberon Council Borrowing policy is designed to:

- Ensure that all borrowings, both internal and external, comply with relevant legislative provisions.
- Maintain a sustainable level of loan borrowings, ensuring Council can meet future repayments and budgetary obligations.
- Adhere to the Debt Service Cover Ratio industry benchmark set by the Office of Local Government (OLG)

**3. Summary of Amendments to Policy**

- No substantive amendments.
- Updated the review box and revision date.

**Financial Implications**

Reporting and governance framework.

**Relevance to Oberon Community Strategic Plan**

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**Theme 5: Leadership and Engagement**

*Action 5.5 Ensure financial stability and support efficient council operations*

5.5.3 Ensure sound financial management

5.5.4 Financial reporting

**Risk Category**

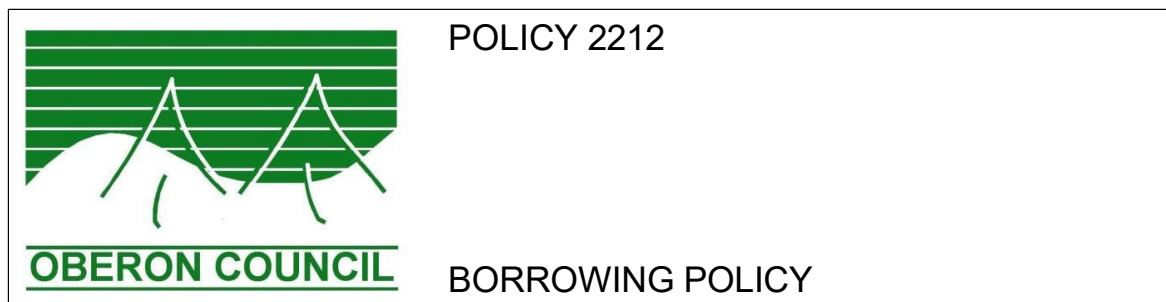
Business Continuity

Financial

Assets and Infrastructure

**Risk Severity Ranking**

Minor - 32%



### **1. Intent**

Oberon Council Borrowing policy is designed to:

- Ensure that all borrowings (both internal and external) are in accordance with relevant legislative provisions
- Ensure the total amount of the loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations
- Meet the Debt Service Cover Ratio industry benchmark (set by the Office of Local Government, OLG)

The voting of money for expenditure on its works, services or operations (which includes transfers of funds to or from reserves) is a matter that Council is not permitted to delegate (section 377 Local Government Act, 1993).

Council may, with Ministerial approval, borrow funds by way of internal loan from externally restricted reserves, such as the sewer or water reserve, pursuant to section 410 of the Local Government Act, 1993.

### **2. Scope**

This policy sets out the requirements regarding borrowings, both internal and external and the use of the overdraft facility.

### **3. Guidelines**

All borrowings must:

- Be contained in Council's Long Term Financial Plan, Delivery Program and Operational Plan
- Be for assets – capital expenditure, where the borrowing cost is spread over the life of the asset
- Not result in the Debt Service Ratio falling below the benchmarks set by OLG
- Consider current and future funding needs for both operating and capital purposes
- Not be made for a term of greater than 20 years or life of the asset
- Consider inter-generational equity in terms of who benefits from the expenditure should pay for the costs associated with the expenditure

Borrowing priorities:

- Current and estimated future revenues. Income producing and cost saving initiatives will be given the highest priority
- Non-income generating assets will be considered if the project can demonstrate the borrowing is affordable and the benefits exceed the costs

### 3.1 External Loans

External Loans enable Council to complete significant works which are unable to be funded internally.

A minimum of three lending institutions will be contacted for total borrowing costs over the term of the loan and the most competitive option selected. Council will only look at the following institutions for external loans:

- the four major Australian banks
- the State Government borrowing facility, managed by NSW Treasury Corporation (TCorp)
- other lending institutions as resolved by Council

External loans shall:

- be made on a fixed interest rate with equal instalments for the life of the loan
- not be made for a term of greater than 20 years or life of the asset
- be documented by resolution of the Council
- be accounted for within Council's general ledger

### 3.2 Internal Loans

Internal Loans allow Council to utilise funding from cash reserves to finance activities for which there would otherwise be a need for borrowings from a third party. Internal loans allow Council to maintain a certain level of flexibility and affordability to respond to unexpected and forecasted funding requirements.

New internal loans shall be made by Council resolution, the recommendation for which shall set out the purpose of the loan and the principal amount, the term of the loan and the interest rate applicable.

Repayments of internal loans shall require only the general authorisation contained in the adoption of Council's Operational Plan.

3.2.1 Internal loans from external reserves shall:

- be documented by resolution of the Council
- be applied for under section 410 of the Local Government Act, 1993 to receive Ministerial Approval
- be made only from current available Council reserves and only to the extent that cash funds are available within external reserves at the time of making the loan and aren't needed to meet future requirements within the Long-Term Financial Plan
- not be made for the purposes of sewerage fund, water fund, or domestic waste management operations and projects
- be made on a fixed interest rate with equal instalments for the life of the loan
- be made at an interest rate that is the current Reserve Bank of Australia (RBA) cash rate at time of inception
- not be made for a term of greater than 10 years of life of the asset
- be accounted for within Council's general ledger

3.2.2 Internal loans from internal reserves shall:

- be made only from current available Council reserves and only to the extent that cash funds are available within the internal reserves at the time of making the loan and aren't

needed to meet future requirements within the Long-Term Financial Plan

- be of a temporary nature (less than six months)
- require a resolution from Council where the purpose is different from its original purpose

### 3.3 Overdraft

Council has an overdraft facility established with its financial institution.

While Council's finance staff will work to prevent the use of the overdraft facility, only to be used to provide cash to cover unavoidable short-term cash shortfalls.

## 4. Implementation

### *General Manager Delegation*

Authority for implementation of the Internal Loan Borrowing Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

Requirements		Responsibility
<b>4.1</b>	<b>Staff</b> Under supervision of the Responsible Accounting Officer council staff will be responsible for ensuring that policies are implemented appropriately within their work area.	Director Corporate Services CFO Management Accountant
<b>4.2</b>	<b>Complaints and requests</b> Complaints and requests received regarding the Borrowings Policy will be recorded on Council's Records Database and handled in accordance with Council's Handling Complaints Policy 2101.	Council officers Public Officer
<b>4.3</b>	<b>Consultation</b> At least every four years, arrange comprehensive review of Council's policy and borrowing activity by an appropriately qualified (e.g. ARIC) adviser.	Director Corporate Services Audit, Risk and Improvement Committee (ARIC)

## 5. Review

This policy will be comprehensively reviewed every 4 years, by an appropriately qualified adviser. However, council is to perform a yearly review to address any impending impacts as a result of any changes in the financial market.

It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages internal loans.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election unless Council updates or revokes it sooner.

## 6. Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

*Related legislation and policies*

<b>Name</b>	<b>Link</b>
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182</a>
Local Government (General) Regulations 2021	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/s1-2021-0460">https://legislation.nsw.gov.au/view/html/inforce/current/s1-2021-0460</a>
OLG Code of Accounting Practice and Financial Reporting 2009	<a href="https://www.olg.nsw.gov.au/councils/council-finances/financial-reporting/local-government-code-of-accounting-practice-and-financialreporting/">https://www.olg.nsw.gov.au/councils/council-finances/financial-reporting/local-government-code-of-accounting-practice-and-financialreporting/</a>

*Related external references*

<b>Name</b>	<b>Link</b>
Office of Local Government (OLG)	<a href="http://www.olg.nsw.gov.au/">www.olg.nsw.gov.au/</a>

*Definitions*

<b>Term</b>	<b>Definition</b>
Current cash rate	Means the cash rate as set by the Reserve Bank of Australia (RBA)
Internal loans reserve	Means the reserve fund established for the purposes of Council's internal loan scheme
Debt Service Cover Ratio	The measure of the ability to cover its debt servicing costs, expressed as the number of times operating cash covers its repayment
Borrowing costs	Interest and other costs that an entity incurs in connection with the borrowing of funds
Overdraft facility	A flexible line of credit providing access to funds to manage the day-to-day cash flow needs of an organisation

Approving Authority	Oberon Council
Contact	Chief Financial Officer
Approval	21 February 2023 Ordinary Meeting Resolution 10 21.02.2023
Issue Date to Staff	March 2023
<u>Reviewed</u>	<u>February 2025</u>
Revision Date	February 202 <u>7</u> 5

**13.3 DEVELOPMENT APPLICATION DA2024.073 – Dwelling and Shed at 11 Ellis Drive, Oberon**

File No: PO648-11

Author: Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

**Summary**

Council has received a Development Application (DA2024.073) for a dwelling and shed at 11 Ellis Drive, Oberon. The subject land is a corner lot and the development seeks to have a 2m setback for the dwelling to Throsby Drive, less than the minimum 3m control in the Oberon Development Control Plan. The proposed shed is 80.5m<sup>2</sup> in size, larger than the maximum 60m<sup>2</sup> control in the Oberon Development Control Plan.

**Key Issue**

The development does not comply with the minimum 3m street setback requirement for residential development, the maximum 60m<sup>2</sup> control for detached garages and carports and the building height plane control in the Oberon Development Control Plan 2001. The setback to Throsby Way is proposed to be 2m. The proposed shed is 80.5m<sup>2</sup> in size. The building height plane variation is minor at less than 20%. The DA was notified to surrounding properties with one submission received.

As outlined in this report, the proposal is considered acceptable despite the DCP variations and the issues raised in the submission.

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**Recommendation:**

That,

1. Council vary Part C5.5 – “Building Height Plane”, Part C.5.7 – “Setback from the Street” and Part C6.4 – “Carports and Garages” of its current DCP 2001 in relation to Development Application DA2024.073 for a dwelling and shed at Lot 221 in DP 1308486 being known as 11 Ellis Drive, Oberon.
  2. That a division be called in accordance with Section 375A of the Local Government Act 1993.
- 

**Comments**

Development Application DA2024.073 has been received for a dwelling and shed at 11 Ellis Drive, Oberon.

A variation to DCP 2001 is sought in relation to Parts C5.5, C5.7 and C6.4.

Part C5.5 – “Building Height Plane states as follows:

*The building height plane, in combination with building height limits, forms the maximum building envelope for all residential development except as provided in Clause C5.6 - Exemptions.*

*Council's objectives in this regard are to ensure that a residential development will not significantly:*

*(a) increase the overshadowing of adjoining properties;*

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- (b) reduce the level of privacy enjoyed by adjoining properties; or
- (c) affect the amenity of the Rural Village obstruct views from adjacent existing buildings, and that the occupants of the building or buildings will enjoy the optimum use of winter sunlight.

*In this Clause, a reference to a building or development includes any point on the external walls of the building, but may exclude climate control elements which are of an open character and form part of the landscape treatment of the building. Pergolas, verandahs and lattice walls are examples of such elements.*

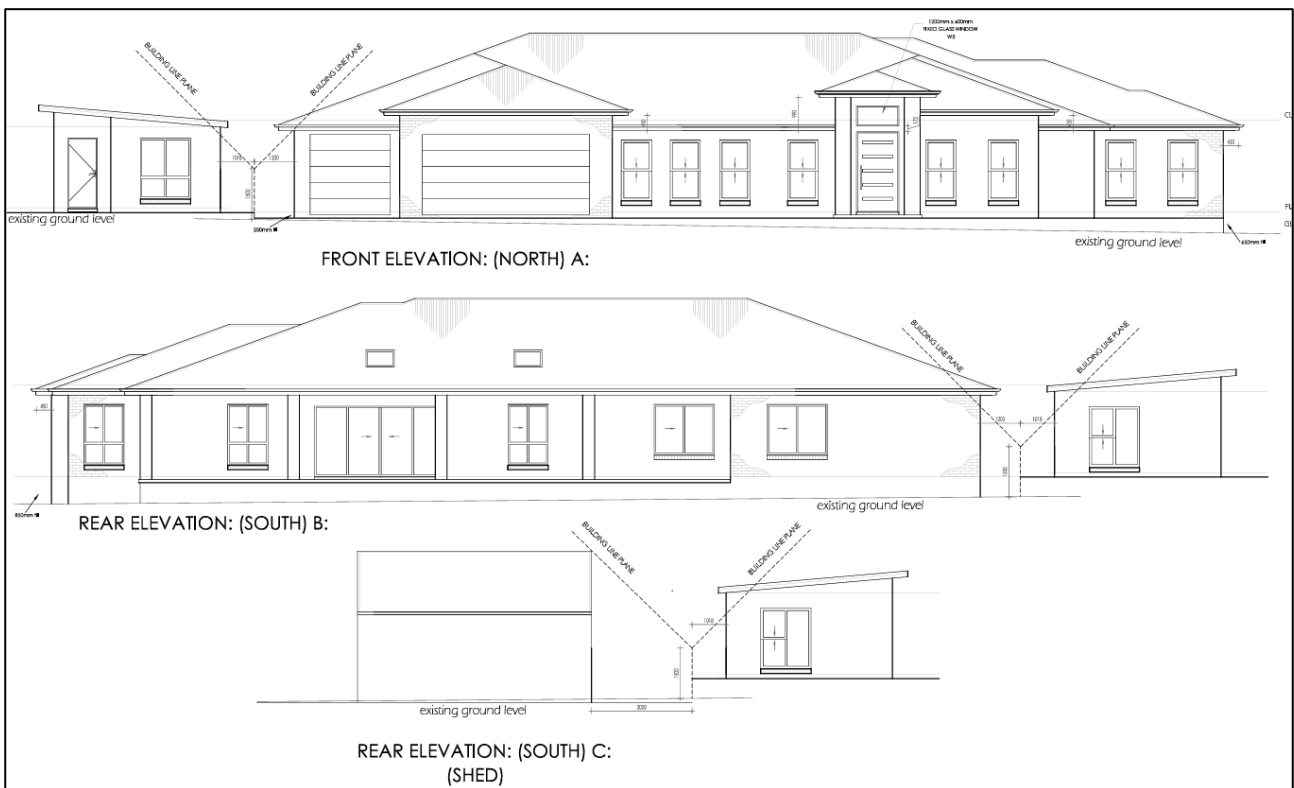
Part C.5.6 – “Exemptions” states that:

*An exemption from the building height plane may also be considered in relation to one or more boundaries, in the following circumstances:*

- (a) where clear advantages are achieved in other aspects of the design;
- (b) on an existing narrow allotment; or
- (c) where the floor level is required to be significantly above ground level for the purpose of flood protection in a locality.

The building height plane is defined as “the plane projected at an angle of 45 degrees over the actual land to be built upon, from a distance of 1.5 meters above the natural ground level at the boundary of the site.”

The variation to the building height plane relates to a part of the eastern wall of the dwelling and as shown in the elevations below, the variation is minor and the building height is consistent with the adjoining development.



**Elevations of proposed dwelling and shed to easter boundary showing adjoining approved development**



**Comment** – The variation to the building height plane is minor and the proposed development consistent in scale with the approved development on the adjoining lot to the east. As can be seen from the above elevations, the subject land sits slightly lower than the adjoining lot and the raised floor level of the proposed dwelling is to ensure overland flow of stormwater does not enter the proposed dwelling. The proposal will not result in unacceptable overshadowing or overlooking of the adjoining property to the east. The proposal is considered acceptable despite the variation.

Part C5.7 - "Setback from the Street" states as follows:

*Setback requirements are designed to be flexible in order to achieve more varied and interesting orientation of residential developments with regard to sun, shade, wind and neighbouring development, and better use of allotments to create private open space and courtyards.*

*The street face of a building and any open space between it and the street, should contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping. A reasonable degree of integration with the existing pattern of setbacks should be balanced with the need to provide variety in the streetscape.*

*Private open space and common landscaped areas of the site should be as useable as part of the living environment. Council will discourage the provision of bare spaces between buildings and the street, which are unusable.*

*Strict compliance with a minimum setback will not, by itself, be sufficient to meet these objectives.*

*The setback from a street frontage for a building, which is part of a residential development, will be*

*determined on its merits having regard to:*

- (a) the provisions of any development control plan applying to the specific location;*
- (b) the position of any existing buildings in the locality;*
- (c) the size and shape of the allotment.*
- (d) the effect on vehicular safety and visibility, particularly on corner sites.*
- (e) the orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds.*
- (f) the proposed location of any private open space, courtyard or landscaped areas.*
- (g) the facade of the proposed building or buildings which will face the street and the*
- (h) proposed landscape treatment of that part of the allotment which is visible from the street.*
- (i) the location and treatment of any car parking areas or car parking structures on the site.*

*In any case, no residential building, dwelling or associated building shall be set within 3 metres of the street. Typically, a minimum 6 metre setback from the street boundary would be acceptable.*

The proposal seeks to have a 2m setback to the Throsby Way street frontage. The applicant has requested a variation to the setback requirement to match the setback of 34 Springfield Street, which was approved 2/9/2012 under DA10.2021.37.1.

The following expanded block plan shows the proposed dwelling in relation to Throsby Drive and the approved development to the south with a 2m setback to Throsby Drive.



### Expanded Block Plan

**Comment** – The Throsby Way frontage is a secondary frontage to the site, being a corner lot. The primary frontage is Ellis Drive and the proposed setback to Ellis Drive is 6m, complying with the DCP. Given Council has already approved a 2m setback to Throsby Drive for the lot to the south, the proposed setback is consistent with the streetscape. It is noted that the subject site and 34 Springfield Street are the only lots with frontage to the eastern side of Throsby Drive. It is also noted that the length of the dwelling where the setback is less than 3m is 9.66m, being less than one-third of the length of the site frontage to Throsby Way. Fencing of the majority of this boundary with a 1.8m colorbond fence is also proposed. Given the above, the proposed development is considered acceptable despite the variation.

Part C6.4 - "Garages and Carports" states as follows:

*Council may issue a development consent for a garage or carport such that it does not comply with the building height plane in relation to a boundary, having regard to the matters contained in Clause C.5.8 and to the adequacy and safety of vehicular access.*

*Car parking structures, including garages and carports that are visible from the street shall be integrated with the dwelling in terms of design and materials and where possible, form part of the dwelling structure. Fibrous cement, fibreglass, plastic, imitation masonry and steel cladding to garages or carports should generally not be used.*

*The maximum total floor of garages and/or carports is to be 60m<sup>2</sup>.*

The proposed shed is 80.5m<sup>2</sup> in size, consisting of a 63m<sup>2</sup> enclosed garage and an attached 17.5m<sup>2</sup> awning. The applicant has requested a variation to this control.

**Comment** – The subject site is larger than the average lot size in the residential estate. At 1226m<sup>2</sup>, the site is approximately 400m<sup>2</sup> larger than the average lot size in the area (approx. 800m<sup>2</sup>). The larger shed will therefore not be out of proportion with the size of the site and ensures that a large area of private open space is retained on the site. It is noted that the adjoining property to the east has an approval for a dwelling and granny flat, with the granny flat to be located across the fence from the proposed shed. The proposal will therefore not be out of character with the extent of roof form in the immediate vicinity. It is also noted that a 3m setback is proposed to the eastern site boundary to ensure that the shed complies with the building height plane control in the Oberon Development Control Plan.

Based on the above, the variation to the size of the shed is considered acceptable.

### **Response to Submission**

Given the proposed variations to the DCP, the development application was notified to adjoining properties. One submission was received. The issues raised in the submission are addressed below.

1. *There is insufficient information to enable a full and proper assessment of the application. Existing ground levels are required in order to determine the height of a proposed building and compliance with the 5.5m height limit and the building height plane under Oberon DCP 2001.*

*In particular, concern is raised in relation to non-compliance with the required building height plane under Part C5.5 of Oberon DCP, given the site is vacant and unconstrained by flooding or lot width. The proposed dwelling and shed will result in additional overshadowing to the approved adjoining secondary dwelling living area windows currently under construction at 9 Ellis Drive. However, this concern may be resolved if the existing ground levels are confirmed by survey and amended plans are provided showing the proposed development has been designed to match existing ground levels.*

**Response** – The applicant has advised that no change is proposed to existing ground levels around the proposed dwelling and shed. Fill will be proposed within the limits of the dwelling only. Along the eastern elevation, the fill within the building envelope will be 250mm at the front of the dwelling to 650mm at the rear of the dwelling. The applicant has advised that the purpose of the raise in floor levels is to prevent overland flow of stormwater from entering the dwelling. The shed floor level will not be elevated above natural ground level. Minor encroachments of the building height plane for the dwelling result. The shed complies with the building height plane.

2. *No detail survey prepared by a registered surveyor has been provided to establish the existing ground levels of the site.*

**Response** – A detailed survey is not considered to be required for the proposed development.

3. *No existing ground levels or proposed levels of the finished ground surface, floors and roof are shown on the architectural plans, elevations and sections to determine the heights of the proposed dwelling and rear shed as erected in relation to its site.*

**Response** – The applicant provided amended elevations to clarify the height of the proposed dwelling and shed and show the building height plane. The amended elevations were provided to the person who made the submission. No further submission was received.

4. *No dimensions of the dwelling or shed are shown on the plans.*

**Response** – Floor plans of the dwelling and shed contain dimensions. Detailed floor plans are not made public for privacy reasons.

5. *No details of the BASIX Certificate have been shown on the plans.*

**Response** – A separate sheet in the plan set contains the BASIX Commitments. This sheet was not required to be included with the notification plans.

6. *No details of the location, levels and heights of adjoining development (including the house and secondary dwelling under construction at 9 Ellis Drive) have been shown on the plans to understand the relationship of the proposed development with adjoining development and likely impacts to adjoining properties.*

**Response** – The applicant provided amended plans including details of surrounding development. The amended plans were provided to the person who made the submission. No further submission was received.

7. *The application has not been validly made in accordance with Section 24 of the EP&A Regulations and the application requirements for lodgement under the Secretary's Approved Form, including in relation to the Site Plan, the Statement of Environmental Effects and the Architectural Plans.*

**Response** – With the additional plans provided, it is considered that the application provides sufficient details to assess the impacts of the proposed development.

It is considered that the issues raised in the submission have been adequately addressed by the applicant and no changes to the proposed development are warranted in response to the submission.

#### **Financial Implications**

Nil

#### **Relevance to Oberon Community Strategic Plan**

##### **Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

##### **Risk Category**

Environment

Public Image and Reputation

##### **Risk Severity Ranking**

Minor - 32%

**13.4 DEVELOPMENT APPLICATION DA2024.056 – Three Lot Subdivision at 72 Humphries Drive, Oberon**

File No: PR634-72

Author: Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

**Summary**

Council has received development application DA2024.056 for a three lot Torrens title subdivision at 72 Humphries Drive, Oberon (Lot 46 in DP 1272904). The subdivision seeks to create three lots, all equal to or larger than the minimum lot size of 2ha. The land is currently vacant other than for the location of a shed on proposed Lot 461. Access to Lot 461 will be directly from Humphries Drive, with a right of carriageway to provide access to the other two proposed lots.

The development application was notified with two submissions received. The issues raised in submissions were provided to the applicant for a response. The applicant's response was provided to the persons who made the submissions. As the submissions were not withdrawn, they remain current and therefore the application is reported to Council for determination.

The development is compliant with the Oberon Local Environmental Plan 2013 and the Oberon Development Control Plan 2001.

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**Recommendation:**

That.

1. Council approve Development Application DA2024.056 for a Three Lot Torrens title Subdivision of land at Lot 46 in DP 1272904, being known as 72 Humphries Drive OBERON in accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report, for the following reasons:
    - The development is permissible within the Oberon Local Environmental Plan 2013.
    - The development complies with the Oberon Local Environmental Plan 2013.
    - The development is considered to be appropriate and will not impact the locality unreasonably.
  2. A division be called in accordance with Section 375A of the Local Government Act 1993.
- 

**List of Attachments**

1. DA2024.056 - Draft Conditions of Consent [**13.4.1** - 6 pages]
2. amended pattern of subdivision 22.01.2024 A I-1526847 (2) [**13.4.2** - 1 page]
3. Statement of Environmental Effects [**13.4.3** - 17 pages]

**Comment**

**1. LOCATION OF THE PROPOSAL**

The location of the subject land is shown in the following map:

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**2. ZONING**

72 Humphries Drive, Oberon is zoned R5 – Large Lot Residential. Neighbouring allotments are a mix of R5 and RU1 Primary Production.

**3. PERMISSIBILITY**

The development is permissible with consent in the Oberon Local Environmental Plan 2013 under clause 2.6 of the LEP. The proposal complies with clause 4.1 of the LEP as all proposed lots are larger than the minimum lot size of 2ha.

**4. EXISTING CONSENTS THAT RELATE TO THE LAND**

DA10.2015.93.1 – Subdivision creating the subject lot  
DA2024.038 – Shed

**5. ACCESS LOCATION**

Access to Lot 461 will be directly from Humphries Drive, with a right of carriageway to provide access to the other two proposed lots. The application was referred to Council's engineers who recommended a condition requiring a gravel driveway to be constructed along the right of carriageway, with appropriate drainage pipes where required. In addition, a condition requiring the entrance from Humphries Drive to be upgraded to Council's standards for rural driveway access is also recommended. Further, a condition is recommended in relation to the existing dam requiring a spillway to be provided to prevent erosion.

**6. EASEMENTS**

The site contains an easement for overhead power lines. Each lot can provide a dwelling envelope outside of the easement.

**7. CONNECTION OF SERVICES**

The site will be connected to available utilities (electricity and telecommunications). On site water and sewer will be required for future dwellings.

**8. HERITAGE**

The subject land does not contain a heritage item, is not in a heritage conservation area and is not in close proximity to a heritage item.

**9. INDUSTRIAL BUFFER**

The land is not located within the industrial buffer area.

**10. BUSHFIRE PRONE**

The lot is classified as bushfire prone. Subdivision of bush fire prone land is Integrated Development and the application was referred to the NSW Rural Fire Service who have provided General Terms of Approval and a Bush Fire Safety Authority.

**11. FINANCIAL IMPLICATIONS**

Developer Contributions are applicable to the proposed development, payable for two of the proposed lots:

Public Open Space	\$ 563.00
Community Facilities	\$ 563.00
Emergency Services	\$ 674.00
Rural Roads	\$10,980.00
<b>Total</b>	<b>\$12,780.00</b>

**12. ASSESSMENT**

**12.1 Biodiversity Conservation Act 2016**

The proposed development is not considered a risk to threatened species or ecological communities, or their habitats. The subject land is not mapped on the Biodiversity Values Map. With a minimum lot size of 2ha, the Biodiversity Offset Scheme (BOS) threshold is 0.5ha. Clearing for the proposal would consist of clearing for the driveway within the right of carriageway (up to 1500m<sup>2</sup>) and for new fence lines (up to 1000m<sup>2</sup>) and clearing for future dwellings (estimated to be no more than 500m<sup>2</sup> per dwelling). Therefore, the total amount of clearing is estimated to be 4000m<sup>2</sup>, less than the BOS threshold of 5000m<sup>2</sup>. The BOS is therefore not applicable to the development under Clause 7.1(1)(a) of the BC Regulation. The proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value under Section 7.2(c) of the BC Act.

**12.2 Oberon Local Environmental Plan 2013**

Permissibility

The development is permissible within the R5 zone and meets the minimum 2ha lot size requirement under clause 4.1.

Objectives of the Zone

The objectives of the R5 Large Lot Residential zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The development provides additional housing opportunities in a rural setting in compliance with the minimum lot size for the land. The subject land is not an environmentally sensitive location and the locations for future housing on the proposed lots will not significantly affect the scenic quality of the area. The subject land is not required for future urban development. The proposal results in two additional lots and while this is not considered likely to unreasonably increase demand for public services or facilities, development contributions will be applied in accordance with Council's Contributions Plan. Subject to a vegetation buffer along a part of the northern boundary of the site, the proposal is unlikely to result in conflicts with adjoining land uses. The development meets the objectives of the zone.

#### Miscellaneous Provisions

5.10 – Heritage Management – The subject land does not contain a heritage item, is not in a heritage conservation area and is not in close proximity to a heritage item.

5.16 – Subdivision of, or dwellings on, land in certain rural, residential or conservation zones – The proposed subdivision adjoins similar rural residential land to the north, south and east, with rural land to the west. The proposed subdivision for rural residential purposes is consistent with land uses to the north, south and east and is considered unlikely to cause land use conflicts with the rural land to the west.

5.21 – Flood Planning – Not applicable to this site.

#### Additional Local Provisions:

6.1 – Earthworks – Minimal earthworks for construction of a driveway within the right of carriageway are proposed as part of the subdivision. The proposed earthworks will not have detrimental impacts on drainage patterns or ground water levels. Standard conditions regarding erosion and sediment control are recommended.

6.3 – Riparian land and water courses – No watercourses traverse the site.

6.4 – Essential services – All available services will be provided to the site in accordance with this clause.

6.7 – Karst subsidence risk – The development site is not within a SP3 Zone.

### **12.3 State Environmental Planning Policies**

#### SEPP (Resilience and Hazards) 2021

The land has a history of rural uses and has previously been subdivided for rural-residential purposes. As part of the approval for the previous subdivision of land for rural-residential development, potential contamination was considered and the site was deemed suitable for the proposed use. Since that time, no activities that may have potentially contaminated the site are known to have taken place on the land. It is therefore considered that the site remains suitable for rural-residential development.

#### SEPP (Biodiversity and Conservation) 2021

In relation to the protection of koala habitat, the subject land is cleared of native vegetation. There have been no recent sightings of koalas within 3km of the subject land. The proposal is not considered likely to affect koalas or koala habitat. The proposal is considered appropriate having regard to the provisions of the SEPP.



SEPP (Transport and Infrastructure) 2021

Division 5 of Part 2.3 of this SEPP relates to electricity transmission or distribution. Section 2.48 relates to development that may affect an electricity transmission or distribution network, including development within or immediately adjacent to an easement for electricity purposes. The subject land contains an easement for transmission lines. The SEPP requires referral of certain applications to the electricity supply authority, however this does not apply to subdivisions of land that does not involve construction work. The proposed development involves the construction of an access driveway however this work is not within or adjacent to the transmission easement. Referral to Essential Energy is therefore not required. It is considered that the proposed development will not affect the electricity transmission network.

Division 17 of Part 2.3 of this SEPP relates to roads and traffic. Section 2.119 relates to development with frontage to a classified road. The development has frontage to O'Connell Road which is a classified road. No access or works are proposed to O'Connell Road, therefore it is considered that the proposed development will not have an impact on the safety or efficiency of O'Connell Road. A future dwelling on proposed Lot 463 can be located and designed to minimise adverse impacts from road noise or vehicles emissions.

Section 2.122 relates to traffic generating development. The proposed subdivision does not meet the triggers in Schedule 3 of the SEPP and is therefore not traffic generating development.

**12.6 Draft Environmental Planning Instruments**

There are no draft environmental planning instruments applicable to the proposal.

**12.7 Oberon Development Control Plan 2001**

The following sections of the Oberon DCP 2001 are relevant to the proposed development:

B.7 Subdivision Design Guidelines

- *General:* Torrens Title Subdivision is proposed for the three lot subdivision, into Lots 461 (2ha), Lot 462 (2ha), Lot 3 (9ha) and Lot 463 (82.23ha). The proposal complies with the minimum lot size in the Oberon Local Environmental Plan 2013.
- *Site Design:* The proposed subdivision layout is considered to be appropriately designed taking into account the relevant criteria including topography, aspects and views, access, drainage, bushfire protection and wastewater disposal. Subject to a vegetated buffer being provided along a part of the northern boundary, the proposal is unlikely to result in land use conflicts.
- *Climate Control/Aspect:* The proposed lots provide building envelopes where dwellings can be located and designed to respond appropriately to the climate.
- *Drainage:* Proposed Lot 461 will drain naturally to Humphries Drive. Proposed Lot 462 will drain to an existing gully through the site the runs into the adjoining rural residential lot to the south, away from the dwelling on that lot. Future development of Lot 462 may require on-site detention to minimise additional drainage outflow. Proposed Lot 463 will drain naturally to an existing dam that will be located on that lot. A condition requiring appropriate drainage infrastructure along the proposed right of carriageway is recommended. The proposed development is considered acceptable having regard to drainage.
- *Landscaping:* A vegetated buffer is proposed along part of the northern boundary of the site. An appropriate condition is recommended.

- *Street signs/names*: Not applicable.
- *Dwelling Setbacks and Buffers*: The land is directly adjoined to the west by land zoned RU1 Primary Production. The adjoining rural land is class 3 prime agricultural land. The DCP requires a vegetated buffer where dwellings are within 150m of prime agricultural land. Future dwellings on proposed Lots 462 and 463 may be located within 150m of the adjoining rural land to the west, however existing topography and natural features, such as a dam may act to provide suitable buffers between future dwelling and the adjoining rural land. Further consideration of any need for a buffer is appropriately addressed at the development application stage for dwellings on these lots.

### H.3 Neighbour Notification

Neighbour notification was undertaken in accordance with the Community Participation Plan. Two submissions were received. The issues raised in submissions are addressed below:

#### **1. Previous Developer was not able to subdivide this property**

The submission stated that the original land owner was not able to subdivide this lot to create additional lots.

The applicant provided the following response to this issue:

*“Initially the subdivision was limited in association to the subject property as the pattern of subdivision was to be serviced by a road of a lesser standard, suitable only to service a limited number of allotments. The application was, however, subject to several modifications including changes to the standard of road construction that services the subject property and adjoining allotments. The standard of Humphries Drive at the northern end was increased and is currently suitable (in width and road formation) to service any number of allotments, in accordance with the standards set by the Development Control Plan.*

*It’s important to note that there are no restrictions recorded on the either the allotment title or the deposited plan restricting the further subdivision of this allotment.”*

**Comment** – The original development application for subdivision to create the lots on Humphries Drive was for seven lots. Seven lots were approved. The lot the subject of this development application was originally proposed to be accessed via a battle-axe handle within a right of carriageway. The right of carriageway was also to provide access to 69, 70 and 71 Humphries Drive. With this access arrangement no additional lots could have been proposed.

However, during the assessment, Council advised the applicant that it was not satisfied with this access arrangement and required that the battle-axe handle and right of carriageway be changed to a public road. A condition to this effect was included on the development consent. It was also a condition of consent that the existing section of Humphries Drive be upgraded with an 8m side sealed pavement.

On this basis, there is no longer any restriction on additional lots being created in relation to access arrangements. The three proposed lots are permissible and they all exceed the minimum lot size for subdivision of the land.

#### **2. Traffic and dust impacts**

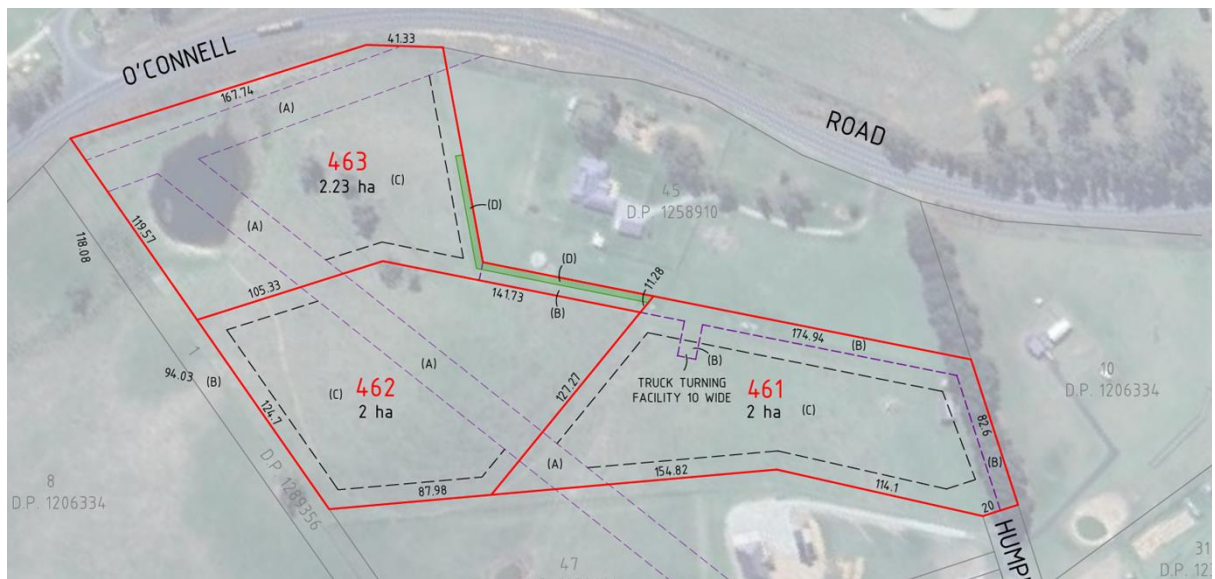
The submission raised concerns about the impacts of vehicles using the proposed right of carriageway. In relation to this issue, the applicant provided amended plans showing a tree buffer along part of the northern boundary of the site and advised as follows:

*“The proposed plan of subdivision has been amended to protect the existing dwelling from any potential dust impact associated to the proposed ROW and general vehicle movement within the subdivision. The landowner will provide a tree buffer of Leyland cypress (or suitable alternative), which are fast-growing coniferous evergreen tree much used in horticulture, primarily for hedges and screens. Trees to be planned are Nursery stock size (not tube stock).*

*The objector has requested the tree buffer to extend the full length of the northern boundary, however an option has been provided to plant the vegetation to protect the existing dwelling from dust potential and extending the buffer along the eastern boundary of Lot 463 to also protect the existing adjoining dwelling from the potential loss of privacy.*

*The reason for not extending the vegetative buffer the full length of the ROW, is that by doing so, it will impact upon the maneuvering area for emergency services which requires a turning facility for NSW RFS vehicles. By placing the buffer within the access handle and body of Lot 463, the buffer does not hinder the emergency egress point required for the subdivision.*

The revised subdivision plan showing the location of the tree buffer (shown as (D) on the plans) is copied below.



The amended plan was provided to the submitter for further comment. No further comment has been provided.

However, a further submission was received on the issue of dust and traffic from the other person who originally made a submission noting that the proposed tree buffer extends only to the west of the proposed truck turning bay. The submitter noted no proposed tree buffer to the east of the truck turning bay will allow dust from the road to blow eastwards. The submitter states that if no trees are planted to stop dust from road, it should be sealed. The submitter also asked whether the dirt that has been placed on the land has been certified.

**Comment** – It is considered that the proposed tree buffer will provide adequate protection and privacy to the adjoining dwelling and will minimise impacts on grazing stock on the adjoining land. In relation to the property to the east, there is an existing tree buffer along this

boundary that will assist in minimising dust impacts, as shown in the photo below. A condition requiring a gravel driveway is recommended.

A condition regarding the certification of any fill brought to the site is recommended.



**Photo of existing tree buffer along the eastern boundary of the site.**

### **3. Impact on water flows on adjoining property to the north.**

The submission raised a concern that water flow could be impacted should blocks be developed or excavated, with the potential for flooding to our property.

In relation to this issue, the applicant has advised as follows:

*“The location of suitable areas for building dwellings is somewhat restricted due to the lay of the land, wastewater disposal envelopes and overhead power infrastructure. Resulting in the following:*

- 1. Proposed Lot 461 is located on a slope that falls to the east and south, as such any overland flow will fall back to Humphries Lane. No impact is generated from a dwelling or outbuildings in this location.*
- 2. Proposed Lot 462 is located over the rise with a fall to the west. No impact can be generated to any adjoining allotment from this proposal.*
- 3. Proposed Lot 463 is located on the western slope towards O’Connell Road. Any overland flow will naturally drain towards the existing dam.*

*It is extremely unlikely that the proposed pattern of subdivision would result in any flooding or overland flow onto the adjoining property.”*

**Comment** – Given the existing slope of the land which is not proposed to be modified, there is minimal potential for stormwater flows to negatively impact the property owned by the submitter. A condition is recommended to provide drainage where appropriate along the access handle to ensure no negative impacts on the adjoining property.

## **12.8 Likely Impacts of the Development**

*Context and setting*

The proposal is a subdivision for rural residential purposes creating three lots that equal or exceed the minimum lot size. Future dwellings on the proposed lots can be located with minimal impacts on surrounding properties. A vegetation buffer is proposed along part of the right of carriageway to screen the development from the adjoining dwelling. The proposal will have no significant impact on the context or setting of the area.

*Access, transport and traffic*

The development will generate additional traffic using Humphries Drive and the intersection with O'Connell Road. The scale of the additional traffic is considered minimal, being from only two additional dwellings.

*Noise and vibration*

The proposal will have minimal impacts on surrounding residences in relation to noise and vibration.

*Natural Hazards*

The subject land is mapped as bushfire prone. The application was referred to the NSW Rural Fire Service who have provided General Terms of Approval and a Bush Fire Safety Authority. The land is not known to be flood prone.

*Safety, security and crime prevention*

Not applicable to the proposed development.

*Social and Economic Impacts*

The proposal will have positive social and economic impacts through the provision of additional housing and construction opportunities.

*Suitability of the Site*

The site is considered to be suitable for the development. The development is permissible in the zone and is consistent with the aims and objectives of the R5 Large Lot Residential zone. There are no human or natural hazards that would cause the proposal to not be considered. As such the application is considered to be suitable for the site.

*The Public Interest*

The proposal is generally considered to be in the public interest.

## **13. CONCLUSION**

The proposed subdivision is permissible with consent in the R5 Large Lot Residential zone of the Oberon Local Environmental Plan 2013 (LEP) and the Oberon Development Control Plan 2001. It is considered that the development is appropriate in the context of the locality and is worthy of gaining development approval, subject to conditions.

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 3: Caring for the Environment**

*Action 3.1 Protect and manage local air quality, waterways, rivers and streams*

3.1.2 Ensure compliance with environmental legislation

#### **Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

**Risk Category**

Environment

Public Image and Reputation

**Risk Severity Ranking**

Minor - 32%

**ATTACHMENT A – CONDITIONS OF CONSENT**

**1. Approved plans**

The development is to be carried out generally in accordance with the approved stamped plans

Plan Title	Prepared/Drawn by	Date
Proposed 3 Lot Subdivision of Lot 46 in DP 1272904, Revision 2	Voerman and Ratsep Land Surveyors	22.01.2025
Statement of Environmental Effects v2	Burns Planning and Development	09.10.2024
Bushfire Assessment Report	Statewide Bushfire Consulting	27.08.2024
Effluent Disposal Investigation	Calare Civil	30.05.2024

except as otherwise provided by the conditions of this determination. (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

*Reason:- To confirm and clarify the terms of Council's approval.*

**2. Compliance with plans**

Works must be carried out in accordance with the plans and specifications to which the development consent relates. A copy of the approval and plans shall be kept on site at all times.

*Reason:- To ensure a copy of the approval is available for builders/tradespersons on site.*

**3. Separate Development Application Required**

Prior to any future development or use of the proposed lots, other than for exempt development or development without consent, development consent or a complying development certificate is to be obtained from a relevant consent authority.

*Reason: To inform the applicant that separate development consent is required for the use of the land. To meet the requirements of Section 4.2 of the Environmental Planning and Assessment Act 1979.*

**PRIOR TO THE COMMENCEMENT OF SUBDIVISION WORKS**

**4. Subdivision Works Certificate**

Unless the development is exempt under Council's Local Approvals Policy or SEPP (Exempt and Complying Development Codes) 2008, the applicant is to obtain a Subdivision Works Certificate pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with Council's Guidelines for Engineering Works prior to any subdivision works commencing.

NOTE 1: No engineering or excavation work is to be carried out in relation to this development until the necessary Subdivision Works Certificate or certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE SUBDIVISION WORKS CERTIFICATE, even if you made an application for a Subdivision Works Certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Council Engineering Standards. This may entail alterations to the proposal so that it complies with these standards.

*Reason:* So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

**5. Developer Contributions**

Prior to the issue of a Subdivision Certificate payment of contributions are required. Payment of contributions for two proposed lots, in accordance with the schedule applicable at the time of payment, as prescribed in Council’s Annual Fees and Charges Schedule for the proposed subdivision.

Public Open Space	2ET	\$563.00
Community Facilities	2ET	\$563.00
Emergency Services	2ET	\$674.00
Rural Roads	2ET	\$10,980.00
<b>Total</b>		<b>\$12,780.00</b>

*Reason:* As the proposed development will generate demand for public open space, community facilities, emergency services and rural roads, a contribution is applied in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the Oberon Development Contributions & Water Management Works Plan (Amendment) 2004.

**6. Arrangements for services**

Satisfactory arrangements are to be made with the appropriate electricity authority, for the provision of services to be made to each allotment. Evidence of such arrangements shall be submitted to Council prior to the issue of the Subdivision Certificate.

Provide confirmation to Council that lots are ready for connection to a telecommunication service which can include NBN fixed line (fibre ready) or NBN fixed wireless prior to the issue of the construction certificate.

All services are to be provided underground.

*Reason:- To ensure these services are available to the site.*

**7. Access and Driveway Construction**

The site entrance from Humphries Drive is to be upgraded to Council’s standards for rural driveway access with appropriate drainage infrastructure. A minimum 4m wide gravel driveway is to be constructed along the right of carriageway within Lot 461 to provide access to Lots 462 and 463. Appropriate drainage pipes and swales shall be provided along the



driveway where required to ensure natural flows of water and to minimise impacts on the adjoining property. The driveway is to be a minimum of 4m off the property boundary.

*Reason: To ensure adequate access is provided to each lot.*

#### **8. Fencing**

Fencing of the boundaries of the proposed lots in accordance with the approved plans and specifications. Construction Certificate approval is required for this work, unless the fencing meets the Exempt Development criteria of Oberon Development Control Plan 2001.

The enclosed Rural Fencing Certification Form shall be completed and returned to Council after all work has been completed and prior to or with the application for a Subdivision Certificate.

*Reason: To ensure rural boundary fencing as proposed in the application and of a suitable standard is provided to avoid disputes between adjoining property owners and to contain stock within each property.*

#### **9. Weed Control**

Evidence by way of an appropriate inspection notice by the Upper Macquarie County Council is to be provided to Council indicating that the land is free of weeds or an appropriate plan (acceptable to the Upper Macquarie County Council) is in place, prior to the commencement of any subdivision works.

*Reason: To ensure all work is carried out in an environmentally responsible and sustainable manner.*

#### **10. Earthworks**

(1) Any earthworks associated with the proposed subdivision:

- (a) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (b) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and
- (c) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.

*Reason:- To ensure earthworks do not detrimentally affect adjoining properties or the environment.*

#### **11. Subdivision Certificate**

A subdivision Certificate is to be lodged with Council. Relevant fees associated with the lodgement of this application are to be paid to Council with the subdivision certificate being released upon completion of all conditions of consent associated with this consent.

*Reason:- To comply with the Division 6.4 of the Environmental Planning & Assessment Act 1979 & Division 3 of Part 23 of the Conveyancing Act 1919.*

### **12. Rural Address Numbering**

A Rural Addressing Number shall be allocated, supplied and fixed to each new allotment. This service is provided by Council. Payment of an appropriate fee per address must be made to Council prior to release of the Plan of Subdivision. In the 2021/2022 year the amount payable per excised allotment is \$23. The total amount payable for this subdivision is \$23.

*Reason: To permit ready identification of properties in the interest of public safety and convenience.*

### **13. Tree Buffer**

A tree buffer is to be planted along part of the northern boundary of the site as shown in the approved plans.

*Reason: To protect the amenity and privacy of the adjoining lot.*

### **14. Right of Carriageway**

A right of carriageway shall be shown on the linen plan providing legal access over Lot 461 to Lots 462 and 463. The right of carriageway shall include a truck turning facility to meet the requirements of Planning for Bushfire Protection 2019.

*Reason: To ensure all lots have legal and practical access.*

### **15. Street Address Numbering**

The lots shall have the following street addresses:

- Lot 461 – 72 Humphries Drive, Oberon
- Lot 462 – 73 Humphries Drive, Oberon
- Lot 463 – 73A Humphries Drive, Oberon

*Reason: To ensure the lots are appropriately numbered.*

## **General Terms of Approval – Rural Fire Service**

### **15. Access – Property Access**

Property access roads must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- property access roads are two-wheel drive, all-weather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating;
- a minimum 4m carriageway width;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the cross fall is not more than 10 degrees; and
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads

## 16. Water and Utility Services

Any new water, electricity and gas installations must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- exposed water pipes external to the building are metal, including any fittings;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets

*Reason:* To ensure compliance with Planning for Bushfire Protection 2019.

## PRESCRIBED CONDITIONS OF CONSENT

**The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2021 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.**

1. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

*Reason:-* So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

*Reason:-* So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.

3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- in the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
- in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

*Reason:-* So that the development complies with the requirements imposed under Clause 71 of the Environmental Planning and Assessment Regulation 2021.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
  - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

*Note:* This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

*Reason:-* So that the development complies with the requirements imposed under Clause 70 of the Environmental Planning and Assessment Regulation 2021.

5. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
  - ii. where necessary, underpin the adjoining premises to prevent any such damage.

*NOTE:* The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

*Reason:-* So that the development complies with the requirements imposed under Clause 74 of the Environmental Planning and Assessment Regulation 2021.

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

THIS PLAN WAS PREPARED BY VOERMAN & RATSEP FOR PRINTING AS AN A3 PAPER COPY OR DIGITAL PDF. THIS PLAN IS FOR THE USE OF OBERON COUNCIL AND BURNS PLANNING & DEVELOPMENT AS A PROPOSED SUBDIVISION PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION FOR THE PROPOSED SUBDIVISION OF LOT 46 IN DP1272904 INTO 3 LOTS. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND OTHER THAN AS TO ACCOMPANY A DEVELOPMENT APPLICATION TO OBERON COUNCIL. THIS PLAN HAS NOT BEEN PREPARED FOR CONTRACT PURPOSES.

THE DIMENSIONS AND THE FINAL AREAS OF THE LOTS SHOWN HEREON MAY VARY AND ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION.

THE FULL REQUIREMENT FOR EASEMENTS HAS NOT BEEN INVESTIGATED AT THIS STAGE.

NO UNDERGROUND SERVICES, OVERHEAD SERVICES, EASEMENTS, ENCUMBRANCES OR RESTRICTIONS AFFECTING, BENEFITING ON OR NEAR THE SUBJECT LAND HAVE BEEN SHOWN OR INVESTIGATED BY VOERMAN & RATSEP.

THE PROPOSED NEW BOUNDARIES BETWEEN LOTS 461, 462 & 463 IS SHOWN FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND MAY VARY SLIGHTLY ONCE A FIELD SURVEY HAS BEEN CARRIED OUT.

THIS PLAN IS NOT A PLAN OF AN APPROVED SUBDIVISION BY COUNCIL UNTIL A COUNCIL STAMP APPEARS ON THIS PLAN WITH THE STATEMENT THAT DA APPROVAL HAS BEEN GRANTED.

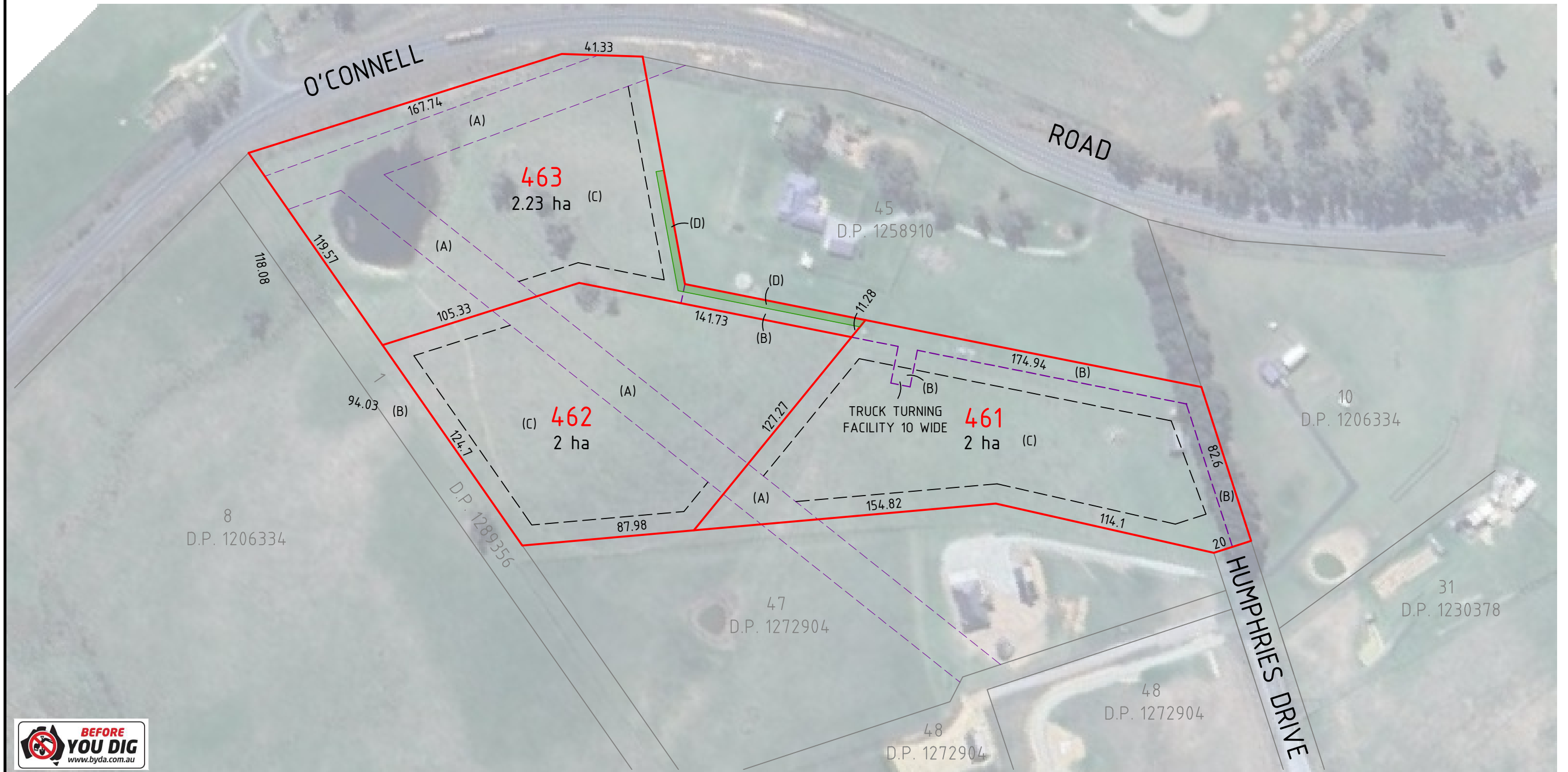
PROPOSED LOTS 461, 462 & 463 ARE NOT LOTS IN A REGISTERED DEPOSITED PLAN UNTIL A DEPOSITED PLAN IS PREPARED, APPROVED BY COUNCIL AND THEN REGISTERED AT NSW LAND REGISTRY SERVICES.

VOERMAN & RATSEP THEREFORE DISCLAIMS ANY LIABILITY FOR ANY LOSS OR DAMAGE WHATSOEVER OR HOWSOEVER INCURRED ARISING FROM ANY PARTY WHO USES OR RELIES UPON THIS PLAN FOR ANY OTHER PURPOSE. THIS PLAN MAY BE SUBJECT TO ALTERATION FOR REASONS BEYOND THE CONTROL OF VOERMAN & RATSEP.

THIS NOTE IS AN INTEGRAL PART OF THIS PLAN AND THIS PLAN MUST NOT BE COPIED, REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY BURNS PLANNING & DEVELOPMENT AND OBERON COUNCIL WITHOUT THESE NOTES.

THIS PLAN WAS PREPARED ON 26/04/24 BY VOERMAN & RATSEP WITH REFERENCE TO 24053A02.dwg.

- (A) EASEMENT FOR OVERHEAD POWERLINES 20 WIDE (DP1258910)
- (B) PROPOSED RIGHT OF ACCESS 10 WIDE
- (C) AREA AVAILABLE FOR A FUTURE DWELLING SITE
- (D) VEGETATION BUFFER 4 WIDE "Leighton Greens Conifer" Typically grows to about 12-15 meters. Mature Width: Spreads up to 3-4 meters. Spacing: Plant 1-2 meters apart to accommodate its dense growth habit. Nursery Stock size to be planted.



REVISIONS	DESCRIPTION	DATE
02	VEGETATION BUFFER & TURNING FACILITY ADDED	22/01/25
01	ISSUED TO CLIENT	29/4/24

ATTACHMENT 13.4.2 amended pattern of subdivision 22 01 2024 A 1-1526847 (2)

PREPARED BY:  
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DO NOT SCALE

Original Size	Drafted	Checked
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SCALE IN METRES

Client	BURNS PLANNING & DEVELOPMENT			Sheet No.	1/1
Title	PROPOSED 3 LOT SUBDIVISION OF LOT 46 IN D.P. 1272904 HUMPHRIES DRIVE, OBERON LGA: OBERON			Revision	2
CAD File:	24053A02	MAG File:	24053A.MJO	Date:	26/04/24

Page 125 of 314

# STATEMENT OF ENVIRONMENTAL EFFECTS



***The site – Lot 46 DP DP1272904, O’Connell Road, Oberon***

**Report Title:** Statement of Environmental Effects

**Project:** In Support of a Three (3) Lot rural residential Subdivision.

**Client:** Mr Scott Saul

**Issued:** 09/10/2024



*Burns Planning and Development and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.*

*The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.*

*All information contained within this report has been prepared for the exclusive use of the abovementioned client to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity.*

*No reliance should be placed on the information contained in this report for any purposes apart from those stated therein. The author of this report Burns Planning and Development accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.*

Prepared By: Burns Planning and Development

# 1. INTRODUCTION

## 1.1 OVERVIEW

This development application seeks approval for a subdivision to create three (3) rural residential allotments as depicted below and in the attached in Figure 1.

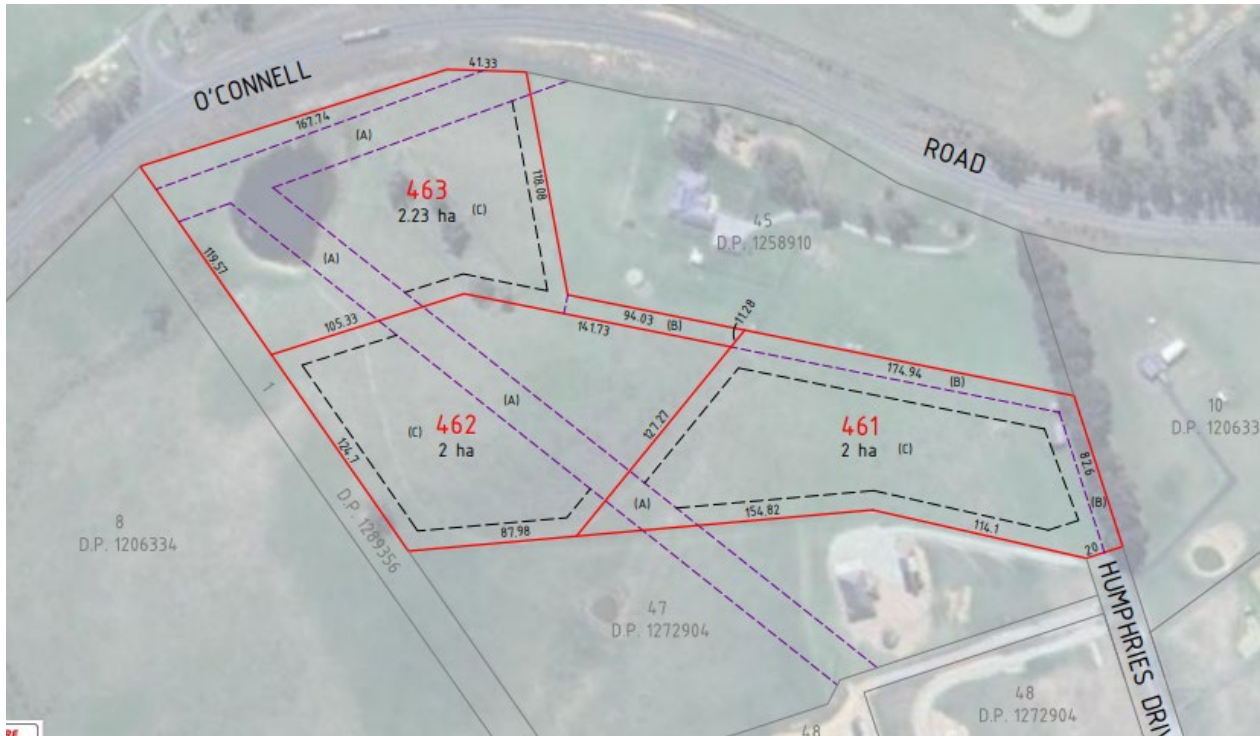


Figure 1 the subject site

With reference to the above:

- Proposed Lots 461, 462 and 463 are vacant and each will have an area that is equal to or greater than the Minimum Lot Size (MLS) requirements for a dwelling.

The proposed subdivision will not significantly change the current land use, furthermore the subdivision represents permissible development and is not likely to generate adverse impacts in the locality. Appropriate conditions of consent can be imposed to ensure compliance with Council's normal requirements.

This report provides an assessment of the proposed subdivision as required under Section 4.15 of the Environmental Planning and Assessment Act, 1979. There are no aspects of the proposal that would prevent approval being granted.

## 1.2 DOCUMENTATION

The development application consists of this report and the following plans and ancillary reports:

- Statement of Environmental Effects prepared by Burns Planning
- Proposed Plan of Subdivision, prepared by VR Surveyors.
- Bushfire Assessment, prepared by Statewide Bushfire Consulting.
- Wastewater report, prepared by Calare Civil.

### 1.3 APPLICANT

Scott Saul

c/- Burns Planning and Development

### 1.4 OWNER

Scott Saul

## 2. THE DEVELOPMENT SITE

### 2.1 LOCATION AND TITLE

The subject land is located approximately 4 kilometres north west from Oberon, Located off O'Connell Road (refer below and to Figure 2).



Figure 2 the subject site

The street address (via six maps) is O'Connell Road, Oberon. The real property description is Lot 46 DP DP1272904, O'Connell Road, Oberon. Parish of Oberon, County of Westmoreland.

### 2.2 SITE DESCRIPTION

The land (lot 46) has an area of 6.234 hectares of an irregular shape. It is bounded by Humphries Lane to the south and O'Connell Road to the north. Other rural residential properties adjoin to the east, south. To the north is the O'Connell Road Reserve and to the west a proposed road (intended future connection to O'Connell Road) 20m wide and then rural grazing land.



The topography of the land is undulating to the north and west. Vegetative cover comprises mostly cleared grazing land.

The majority of the land drains to the north west via the natural surface and a series of non-perennial watercourses. The very northern section of the property drains to the north west via a non-perennial watercourse.

Property improvements include paddock fencing; the internal driveway system; and storage shed associated to the former rural use of the land.

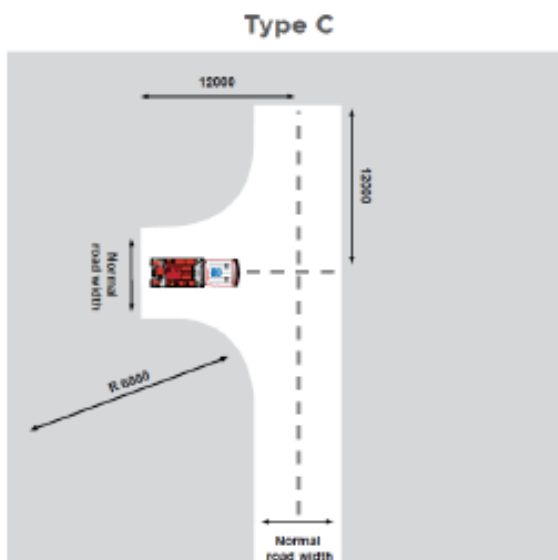
The subject land does not contain a dwelling.

## 2.3 ROADS AND ACCESS

Humphries Drive is sealed to the entrance gate, and the proposed development will be serviced internally via gravel surface roadways.

Access to the subject land is provided from Humphries drive via an existing gateway, and then serving the proposed development as follows:

- Proposed lot 461 – direct access to Humphries Drive via an existing recessed gateway.
- Proposed lot 462 – Access via a Right of Carriageway over 461
- Proposed lot 463 - Access via a Right of Carriageway over 461.



The Bushfire report recommends that access is to be provided to "All lots are to incorporate turning circles in accord with Section A3.3 of PBP-2019", in this regard the owner has opted for a Type C arrangement.

The proposed Right of Carriageway will be constructed in accordance with Councils requirements, being:

10m reserve width, with a road pavement of 4m and 100mm compacted gravel road base.

## 2.4 SERVICES

There is no town water reticulation that services the land. Domestic water would need to be provided via on site sources such as rainwater collection tanks and bores, as is the case for other dwellings in the area.

The disposal of domestic wastewater would need to occur via on-site means such as septic tank and absorption trenches, as is the case for other dwellings in the area.

There is no formal stormwater drainage system that services the land site. Stormwater would be captured on site for water supply purposes, or returned to the rural catchment via natural channels, roadside drainage lines and culverts.

Electricity and telecommunications are available to the subject land.

## 2.5 SURROUNDING DEVELOPMENT PATTERN

The surrounding development pattern comprises grazing properties to the west and north and associated rural residential dwellings to the east and south.

## 3. THE DEVELOPMENT

### 3.1 DEVELOPMENT OVERVIEW

The proposed development will involve the subdivision (Torrens Title) of Lot 46 DP DP1272904, O'Connell Road, Oberon.

### 3.2 PROPOSED LOTS

As indicated in Figure 3, it is proposed to subdivide the subject land to create three (3) lots as follows:

Lot	Area (subject to survey)	MLS
Proposed Lot 461	2 hectares	2ha
Proposed Lot 462	2 hectares	2ha
Proposed Lot 463	2.23 hectares	2ha

Proposed Lots 461, 462 and 463 are vacant and each will have an area that is greater or equal to the 2-hectare minimum lot size (MLS) for a dwelling pursuant to Clause 4.1 of the LEP to permit a future dwelling pursuant to Clause 4.2A(3)(a) of the LEP.

The proposed lots will be used for rural residential purposes.

### 3.2 ACCESS AND SERVICES

Access to each of the proposed lots will be provided via the existing recessed gateway off Humphries Drive.

The proposed 3 lots will have a dwelling entitlement. In terms of servicing:

- Effluent disposal: and stormwater management will need to be conducted via on-site means. These servicing arrangements would be addressed at the time that a future dwelling is proposed. Preliminary assessment of the site for suitability for effluent disposal has been undertaken.
- The connection of a future dwelling to the electricity supply will be to the requirements of the relevant supply authority at that time that a dwelling is proposed.

## 4. Environmental Planning & Assessment Act 1979

### 4.1 MATTERS FOR CONSIDERATION

Section 4.15(1) of the Act outlines the matters that a consent authority is required to take into consideration when determining a DA. The following table outlines these requirements and where each relevant matter has been considered in this report in relation to the proposed development.

TABLE 1: SECTION 4.15(1) MATTERS

Provision	Report Section
(a) the provisions of:	
(i) any environmental planning instrument, and	Section 4.6
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, and	No known draft EPIs.
(iii) any development control plan, and	Table 7
(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	No planning agreements or draft agreements.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Section 5
(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	No applicable plans.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Section 5
(c) the suitability of the site for the development,	Section 5
(d) any submissions made in accordance with this Act or the regulations,	N/A as notification not yet carried out.
(e) the public interest.	Section 5

### 4.2 INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act states that development that requires both development consent and another approval listed under that section is 'Integrated Development'. Table 2 outlines the integrated development approvals and the applicability to the development.

TABLE 2: INTEGRATED DEVELOPMENT REQUIREMENTS

Act	Provision	Approval	Applicability to Development
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	Not Applicable
Fisheries Management Act 1994	s 144	aquaculture permit	Not Applicable
	s 201	permit to carry out dredging or reclamation work	Not Applicable
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	Not Applicable

## Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	Not Applicable
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	Not Applicable
Mining Act 1992	ss 63, 64	grant of mining lease	Not Applicable
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	Not Applicable
Petroleum (Onshore) Act 1991	s 16	grant of production lease	Not Applicable
Protection of the Environment Operations Act 1997	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	Not Applicable
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	Not Applicable
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Not Applicable
Roads Act 1993	s 138	(a) pump water into a public road from any land adjoining the road, or (b) connect a road (whether public or private) to a classified road	Not Applicable
Rural Fires Act 1997	s 100B	The site is mapped as bushfire prone land.	<b>Applicable</b>
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Not Applicable

Section 100B of the *Rural Fires Act 1997* (**RF Act**) requires a Bush Fire Safety Authority to be obtained from the Commissioner of the NSW Rural Fire Service (**RFS**) for *inter alia* subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes. The proposed site is mapped as being bushfire prone.

Under the EP&A Act, subdivision is defined as the division of land into two or more parts that, after the division, would be adapted for separate occupation, use or disposition.

### 4.3 BIODIVERSITY CONSERVATION ACT 2016

#### INTRODUCTION

Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) contains the requirements for biodiversity assessment and approvals under the Planning Act. There is no native vegetation removal from the site. The requirements of the BC Act would have been considered at the time of subdivision.

### 4.4 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

#### PRESCRIBED MATTERS

Clauses 61 – 64 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outlines the additional matters that are to be considered when determining a DA as prescribed by Section 4.15(1)(a)(iv) of the EP&A Act.

Table 3 – Assessment of additional matters

Additional Matters	Relevance to the proposed development
Demolition works are to comply with the provisions of AS2601	No Demolition works proposed.
Land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule.	Not applicable to the proposed development
In the case of the following development, the Dark Sky Planning Guideline: (i) any development on land within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, (ii) development of a class or description included in Schedule 4A to the Act, State significant development or designated development on land less than 200 kilometres from the Siding Spring Observatory.	Not applicable to the proposed development
Development for the purposes of a manor house or multi dwelling housing (terraces), the Medium Density Design Guide for Development Applications published by the Department of Planning and Environment on 6 July 2018, but only if the consent authority is satisfied that there is not a development control plan that adequately addresses such development.	Not applicable to the proposed development
Clause 62 Fire Safety and other considerations (change of use with no building works)	Not Applicable
Clause 63 Considerations for erection of temporary structures	Not Applicable
Clause 64 Building upgrading (for building works)	Not Applicable

None of the clauses of the EP&A Regulation are applicable to the proposed development.

#### 4.5 ENVIRONMENTAL PLANNING INSTRUMENTS

##### State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides a state-wide approach to remediation of contaminated land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Chapter 4 of the SEPP states inter alia:

***“4.6 Contamination and remediation to be considered in determining development application***

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."*

Due to the historical and on-going use of the land as predominantly as residential and no other known contaminating uses, it is not considered likely that the subject site would be the subject of any contamination that would compromise the proposed development uses.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### *CHAPTER 3 – KOALA HABITAT PROTECTION 2020*

This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- a) by requiring the preparation of plans of management before development consent can be granted in relation to area of core koala habitat;
- b) by encouraging the identification of areas of core koala habitat; and
- c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

A search of the NSW Bionet Atlas confirms that there have been no koala sightings within or around the subject land.

In any case, the proposed subdivision does not require the clearing of native vegetation. Council can be satisfied that the development will not have an impact on koalas or koala habitat.

### **OBERON LOCAL ENVIRONMENTAL PLAN 2013**

The aims of the Oberon Local Environmental Plan 2013 (LEP) are stated at clause 1.2 as:

- (a) to encourage sustainable economic growth and development in Oberon,*
- (b) to encourage and provide opportunities for local employment growth and the retention of the population in Oberon,*
- (c) to encourage the retention of productive rural land in agriculture,*
- (d) to identify, protect, conserve and enhance Oberon's natural assets,*
- (e) to identify and protect Oberon's built and cultural heritage assets for future generations,*
- (f) to allow for the equitable provision of social services and facilities for the community,*
- (g) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with and will not compromise the natural resource and heritage values of, the surrounding area.*

The proposal to seek consent for the subdivision of a residential allotment within the MLS prescribed for the zone. It is not considered that the proposal will have significant impact on the surrounding land use.

In consideration of the aims of the LEP, the following comments are provided in support of the development:

- The proposed development would have a neutral to positive effect in terms of social, economic and environmental resources. There are no aspects of the proposed development that would compromise the principles of ecologically sustainable development [*Aim (a)*].

## Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

- The proposal to create additional allotments of the purpose of dwellings would encourage opportunities for local employment in relation to the building of residential dwellings and providing dwelling opportunities to retain the population in Oberon [Aim (b)]
- *Aim (c)* is not relevant as the proposal does not involve land that is subject of the application is Zoned R5. Furthermore, based on the information provided in this report, the proposal would have a neutral impact in terms of agricultural production .
- The proposal does not involve environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes. As such it is considered that the development does not detract from Oberon's Natural Assets, [Aim (d)].
- The proposal does not impact upon heritage values both built and cultural [Aim (e)].
- The proposal is not adverse to *Aim (f)* because it does not require servicing beyond the capacity of existing infrastructure.
- The proposal will not negatively impact future tourist and visitor accommodation [Aim (g)].

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal satisfies the zone objectives as follows:

- The proposed subdivision is consistent with the first objective as follows:
  - It does not impact upon land or water resources that are relied upon for sustainable primary industry production.
  - It does not involve any works and therefore will not cause soil erosion.
  - The proposal does not impact upon known mineral or extractive resources.
  - The proposal does not present any matters that would cause adverse impacts on water quality.
  - The subject land does not contain any known areas of significance for nature conservation. The proposed development does not impact upon remnant vegetation.
- The proposal is not contrary to the second objective which encourages the orderly development of neighbouring land. There is already a road reserve behind the development that has been created for the purpose of future potential rural residential development.
- The proposal is not averse to the third objective because it does not require additional services to be provided. No water or sewer connection is required, and the public road system already services the allotment.
- In consideration of the fourth objective, the proposed subdivision does not cause undue fragmentation or introduce any elements that would cause land use conflict.

Table 5 – LEP Mapped Constraints

LEP Map	Applicability
2.1 Land Use Zones	The site is zoned R5.
4.1 Lot Size Map	2ha – The proposal complies
4.3 Height of building	No requirements prescribed
4.4 Floor space ratio	No requirements prescribed
4.5 Calculation of FSR and site area	No requirements prescribed
4.6 Exceptions to development standards	Not proposed
5.4 Controls related to miscellaneous permissible uses	No requirements relevant to this development.
5.10 Heritage Items / Conservation Area	Not applicable to this site or any adjoining or adjacent sites.
5.15 Eco tourism development	Not applicable to this development
6.1 Earth works	Not applicable to this development
6.2 Flood Planning	Not applicable to the development site
6.3 Riparian land / watercourses Map	Not applicable to the development site
6.4 Essential Services	The site will be, upon completion, have connections to all the required essential services.
6.6 Buffers	The development is not within the Oberon Timber Complex buffer.
6.7 Kast Topography Subsidence Risk	The site is not identified within a Kast area.

The above relevant matters, together with other relevant clauses from the LEP, are discussed in the following sub-sections.

### SUBDIVISION

Clause 2.6 of the LEP permits subdivision subject to development consent. Thus, the proposed development is permissible with consent.

### CLAUSE 4.1 MINIMUM SUBDIVISION LOT SIZE

The objectives of this clause are as follows:

- a) to minimise the cost to the community of:
  - (i) the fragmented and isolated development of rural land, and
  - (ii) providing, extending and maintaining public amenities and services,
- b) to ensure that the character and landscape setting of an area is protected and enhanced by any development,
- c) to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage system) and responds to any topographic, physical or environmental constraints,
- d) to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.

The proposed development meets the clause objectives by:

- The development is not considered isolated in terms of access and service provision. In this regard, the area is serviced by a formed road network; electricity and telephone are available; and the land is reasonably close to the services.
- The subdivision is not adverse to the landscape quality of the setting; or uncharacteristic of the settlement pattern in the area.



- The subdivision does not ignore topographical and physical features. Environmental values will not be compromised. In particular:
  - The proposed new internal boundaries do not involve new fencing that would cause adverse impacts in terms of native vegetation or watercourses.
  - The proposal does not involve tree removal. Future dwelling sites can be located on reasonable terrain so as to avoid significant landform disturbances.
  - The proposed lots are of a regular configuration and size to ensure that ongoing small scale agricultural production can occur in a practical and efficient manner.
- The proposed subdivision does not involve land within a defined drinking water catchment.

Clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The subject property is affected by a Minimum Lot Size of 2ha all lots meet or exceed the MLS.

**CLAUSE 5.16 SUBDIVISION OF, OR DWELLINGS ON, LAND IN CERTAIN RURAL, RESIDENTIAL OR ENVIRONMENT PROTECTION ZONES**

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).

When considering development for the following purposes:

- a) subdivision of land proposed to be used for the purposes of a dwelling,
- b) erection of a dwelling.

Council must take into account the following matters:

- a) the existing uses and approved uses of land in the vicinity of the development,
- b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

The proposed subdivision satisfies this clause because it will not cause land use conflict due to the following:

- The proposal does not introduce new land uses. The application is the further subdivision of an existing rural residential allotment to meet the MLS applicable to the zone.
- The proposed allotments offer ample opportunity for a future dwelling to achieve a generous setback from the side and rear boundaries so as to limit the interface with neighbouring rural land use.

**ESSENTIAL SERVICES**

Clause 7.5 of the LEP requires that essential services are available or that adequate arrangements have been made to make the essential service available when required for the development. These essential services have been outlined in the table below along with how the proposed development responds.

**TABLE 6: LEP CLAUSE 7.5 CONSIDERATIONS**

Provision	Development Response
(a) the supply of water	The proposed allotment will require a connection to tank water, when developed.
(b) the supply of electricity	Above ground electricity services are available on the site.
(c) the disposal and management of sewage	The proposed allotment will require a connection to an onsite wastewater system when developed.
(d) stormwater drainage or on-site conservation	Any future development would manage stormwater to ensure a legal point of discharge.
(e) suitable vehicular access	The site will be accessed off Humphries lane via an existing gateway.

**OBERON DEVELOPMENT CONTROL PLAN 2013**

A review of the relevant provisions of the DCP has been completed and is provided in Table 4.2.

DCP Clause	Response
<b>B - SUBDIVISION</b>	
<b>B.5 Services and Facilities</b>	It is noted that developer contributions are applicable.
<b>B.6 Development Control Plan</b>	Where required by the provisions of the Oberon Local Environmental Plan 1998 and in other such cases as required by Council, a Development Control Plan shall be prepared for major subdivisions. The proposed development is for a minor 3 lot subdivision, this clause is not applicable
<b>B.7 Design Guidelines</b>	Noted
B.7.1 General	
B.7.2 Design Guidelines	Noted
B.7.3 Site Design	Noted,
B.7.4 Climate Control	Design of the proposed subdivision has been undertaken to take the most advantage of the northern elevation being maintained.
B.7.5 Aspect	Aspect is a major factor in designing the subdivision layout in regard to optimising solar access.
B.7.6 Drainage	Stormwater can be managed on site.
B.7.7 Landscaping	Noted
B.7.8 Street Signs	Not Applicable
B.7.9 Street Names	Not Applicable
<b>B.8 Development Guidelines</b>	Noted
B.8.1 General	

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

B.8.2 Road Hierarchy	Not Applicable																																			
B.8.3 Public Open Space	Noted																																			
B.8.4 Lot Size	The allotment meets the MLS requirements																																			
B.8.5 Shape of Lot	The battle axe allotment complies.																																			
B.8.6 Stormwater Drainage	Stormwater can be contained on site.																																			
<b>B.11 Roads</b>	Noted																																			
B.11.1 General	This section applies to all subdivision applications in the Oberon Council area																																			
B.11.2 Road Widths	<p><b>TABLE B11.2 Road Standards for Subdivision in the Rural Zones</b></p> <table border="1"> <thead> <tr> <th>Type of Subdivision and Road</th> <th>Reserve Width in metres</th> <th>Gravel Pavement Width in metres</th> <th>Bitumen Seal</th> <th>Compacted gravel Depth</th> <th>Design Standard</th> <th>Design Speed</th> </tr> </thead> <tbody> <tr> <td colspan="7"><b>1. Dedicated Easements or Right of Carriageway</b></td> </tr> <tr> <td>ROW serving 1 or 2 lots</td> <td>10</td> <td>4</td> <td>In Environmentally Sensitive Areas</td> <td>100 mm</td> <td>Design to be submitted to and approved by Council</td> <td>60kph</td> </tr> <tr> <td>ROW Serving 3, 4 or 5 lots</td> <td>20</td> <td>6</td> <td>In Environmentally Sensitive Areas</td> <td>150mm</td> <td>Design to be submitted to and approved by Council</td> <td>80kph</td> </tr> <tr> <td>ROW Serving 6 or more Lots</td> <td>20</td> <td>8</td> <td>In Environmentally Sensitive Areas</td> <td>200 mm minimum</td> <td>Design to be submitted to and approved by Council</td> <td>80kph</td> </tr> </tbody> </table>	Type of Subdivision and Road	Reserve Width in metres	Gravel Pavement Width in metres	Bitumen Seal	Compacted gravel Depth	Design Standard	Design Speed	<b>1. Dedicated Easements or Right of Carriageway</b>							ROW serving 1 or 2 lots	10	4	In Environmentally Sensitive Areas	100 mm	Design to be submitted to and approved by Council	60kph	ROW Serving 3, 4 or 5 lots	20	6	In Environmentally Sensitive Areas	150mm	Design to be submitted to and approved by Council	80kph	ROW Serving 6 or more Lots	20	8	In Environmentally Sensitive Areas	200 mm minimum	Design to be submitted to and approved by Council	80kph
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B.11.9 Roadworks	Not Applicable																																			
B.11.10 Property Access in The Rural Zones	Multiple accesses will be discouraged on all major roads including Shooters Hill Road, Edith Road, Abercrombie Road, O'Connell Road, Lowes Mount Road and Hazelgrove Road. <u>Noted</u> , Only one single access point off Humphries Drive.																																			
<b>B 12 Urban Services</b>	This section applies to all subdivision applications in the Oberon Council area																																			
B.12.1 General																																				
B.12.2 Major Sewer Drainage	N/A																																			
B.12.3 Stormwater and Surface Water Drainage	Stormwater and surface water drainage infrastructure is not required to be constructed as no alterations will be made to the topography of the site																																			
B.12.4 Common Drainage	N/A																																			
B.12.5 Public Reserves	The DCP requires that public open space shall be provided at the rate of 3 hectares per 1000 EP (Equivalent People), as calculated by the maximum servicing requirement of the subdivision, by transfer to Council by dedication as public reserve. This part does not apply to the 3 lot subdivision																																			
B.12.6 Sewer	The allotments will be serviced by onsite waste water systems																																			

B.12.7 Water	The allotment is not serviced and is remote from the reticulated town water supply
B.12.8 Electricity Supply	The allotments will be serviced by an electricity supply
B.12.9 Telephone	The allotments will be serviced by a telephone supply where available and in communication with the appropriate authority
B.12.10 Natural Gas	A natural gas service is not available to the site
B.12.11 Common Trenching	N/A
B.12.12 Geotechnical Report	The proposed development is accompanied by a geotechnical investigation for on-site waste water disposal

## 5. IMPACTS OF THE DEVELOPMENT

### 5.1 INTRODUCTION

The potential impacts of the proposed development are considered in this section of the report.

### 5.2 CONTEXT AND SETTING

The subject site is located within the Oberon Village. The proposed development is for Three (3) lot subdivision. The development is considered to be consistent with the existing and desired context and setting for the area.

### 5.3 ACCESS, TRANSPORT & TRAFFIC

The proposed subdivision when fully developed will lead to a modest increase in local traffic levels along the local road network. These roads are considered to be of an adequate standard to accommodate the modest traffic increases that would be attributed to the additional lots.

The provision of access to each of the proposed lots will be in accordance with Councils normal requirements relating to driver sightlines; setback; and roadside drainage.

### 5.4 UTILITIES

The proposed subdivision will be provided with connections to electricity and telecommunications in accordance with the relevant service provider's requirements. There are no known issues with capacity.

### 5.5 NATURAL RESOURCES

The proposal will not generate adverse impacts in regard to vegetation, timber production, land capability (soil resources and stability) or water resources, due to the following:

- The proposed subdivision does not require removal of native timber.
- The subject land does not represent a source of timber production.
- The subdivision will not impact upon soil resources and stability.
- There are no aspects of the proposal that have the potential to impact upon water quality. In this regard:
  - The new lots do not increase the potential for additional on-site effluent disposal systems to be installed.
  - There is no change in land use.

## 5.6 HERITAGE

### ABORIGINAL HERITAGE

An Aboriginal Heritage Information Management System (**AHIMS**) search was undertaken for the site, which is provided identifies that:

- No Aboriginal sites are recorded in or near the above location; and
- No Aboriginal places have been declared in or near the above location.

Based on the search and the heavily disturbed nature of the site, it is not expected that the development will impact on any site or places of Aboriginal heritage significance.

Should any items suspected of being Aboriginal in origin discovered during works, works will cease and OEH will be contacted.

### EUROPEAN HERITAGE

A review to the LEP and the State Heritage Register has revealed that the site is not mapped as containing an item of European Heritage Significance.

## 5.7 NATURE CONSERVATION AND CULTURAL VALUES

The proposal will not reduce nature conservation values due to the following:

- The proposal does not involve new boundaries, fencing or buildings in areas of native timber.
- The proposal does not require any works that involve the removal of native timber.

There are no aspects of the proposal that would cause impacts in terms of Aboriginal archaeology.

## 5.8 FLORA & FAUNA

The site is heavily disturbed as a result of previous clearing on site. Detailed consideration of Section 7.2 of the *Biodiversity Conservation Act 2016* is provided in **Section 4.3**. Based on the absence of significant existing vegetation and habitat, it is not expected that the development would result in a significant adverse impact on any flora, fauna or their habitats.

## 5.9 WASTE

All waste will be disposed of at the Oberon Waste Facility.

## 5.10 NATURAL HAZARDS

### BUSH FIRE:

The site is mapped on Council's Bush Fire Prone Lands Map as being bushfire prone. Please refer to the Bushfire report provided.

### FLOODING

The site is not mapped as being within a Flood Planning Area.

## 5.11 SAFETY, SECURITY & CRIME PREVENTION

The development is not expected to have any adverse impact in terms of surveillance, access control, territorial reinforcement, or space management.

## 5.12 SOCIAL IMPACTS IN THE LOCALITY

The development is not expected to result in any adverse social impacts in the locality.

### **5.13 ECONOMIC IMPACTS IN THE LOCALITY**

The development is not expected to result in any adverse economic impacts in the locality.

### **5.14 CONSTRUCTION**

The development has the potential to cause some minor adverse temporary impacts during construction such as noise, air quality and sedimentation of runoff.

Noise impacts will be temporary and associated with construction works. Construction works are only to be carried out during daytime hours. Erosion and sediment control measures are to be implemented in accordance with the Council approved Erosion and Sediment Control Plan as required by the DCP.

With the above-mentioned mitigation measures, it is considered that any adverse impacts can be appropriately ameliorated.

### **5.15 CUMULATIVE IMPACTS**

The development is not expected to result in any adverse cumulative impacts.

## **6. CONCLUSION**

### **6.1 PUBLIC INTEREST**

On balance of issues, it is considered that the proposed development is in the public interest.

### **6.2 CONCLUSION**

The proposed development is for a proposed residential subdivision. The development is permissible with consent under Oberon LEP. The development is not expected to result in any adverse impacts providing it is undertaken in accordance with the recommended mitigation measures. As outlined above, the development is considered to be suitable for the site and in the public interest. In this regard the Development Application is suitable for approval by Council.

**13.5 DEVELOPMENT APPLICATION DA2024.079 – Alterations and Additions to a Dwelling at 7 Glyndwr Avenue, Oberon**

File No: PO105-7

Author: Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

**Summary**

Council has received a Development Application (DA2024.079) for alterations and additions to a dwelling. The alterations consist of the removal of an external wall and some internal robes. Existing bedroom 4 will be converted to a walk-in robe. The additions consist of a new ensuite. A variation to the building height plane for the dwelling addition is proposed.

**Key Issue**

The development does not comply with the with the building height plane control of the Oberon Development Control Plan 2001 in relation to the southern side boundary. The variation to the eastern boundary is 36% and therefore must be determined by Council. The proposal was notified with no submissions received.

As outlined in this report, the proposal is considered acceptable despite the DCP variation.

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**Recommendation:**

That.

1. Council vary Part C5.5 – “Building Height Plane” of its DCP 2001 in relation to Development Application DA2024.079 for alterations and additions to a dwelling at Lot 1 in DP 782121 being known as 7 Glyndwr Avenue, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

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**Comment**

Development Application DA2024.079 has been received for alterations and additions to a dwelling at 7 Glyndwr Avenue, Oberon.

A variation to DCP 2001 is sought in relation to Parts C5.5 – Building Envelope.

Part C5.5 – “Building Height Plane states as follows:

*The building height plane, in combination with building height limits, forms the maximum building envelope for all residential development except as provided in Clause C5.6 - Exemptions.*

*Council's objectives in this regard are to ensure that a residential development will not significantly:*

- (a) increase the overshadowing of adjoining properties;*
- (b) reduce the level of privacy enjoyed by adjoining properties; or*
- (c) affect the amenity of the Rural Village obstruct views from adjacent existing buildings, and that the occupants of the building or buildings will enjoy the optimum use of winter sunlight.*

*In this Clause, a reference to a building or development includes any point on the external walls of the building, but may exclude climate control elements which are of an open character and form part of the landscape treatment of the building. Pergolas, verandahs and lattice walls are examples of such elements.*

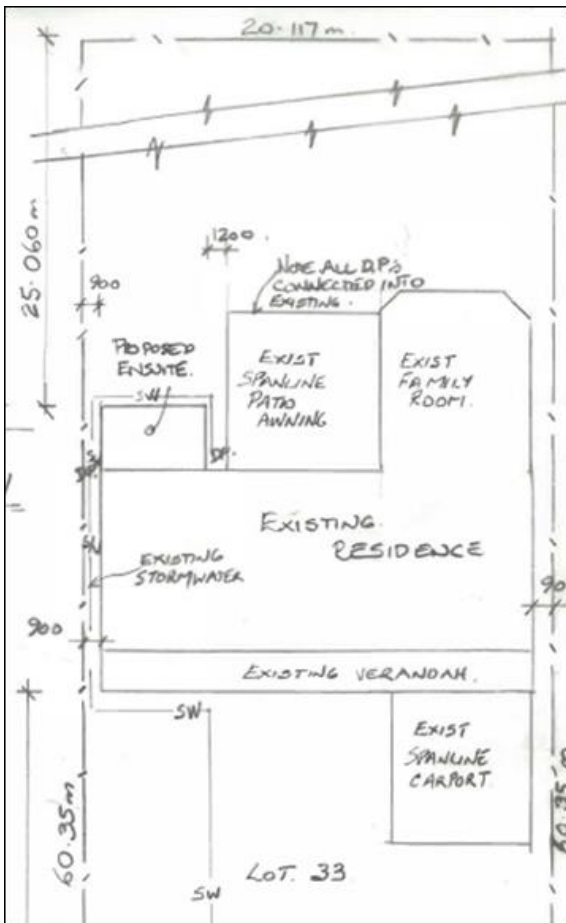
Part C.5.6 – “Exemptions” states that:

*An exemption from the building height plane may also be considered in relation to one or more boundaries, in the following circumstances:*

- (a) where clear advantages are achieved in other aspects of the design;*
- (b) on an existing narrow allotment; or*
- (c) where the floor level is required to be significantly above ground level for the purpose of flood protection in a locality.*

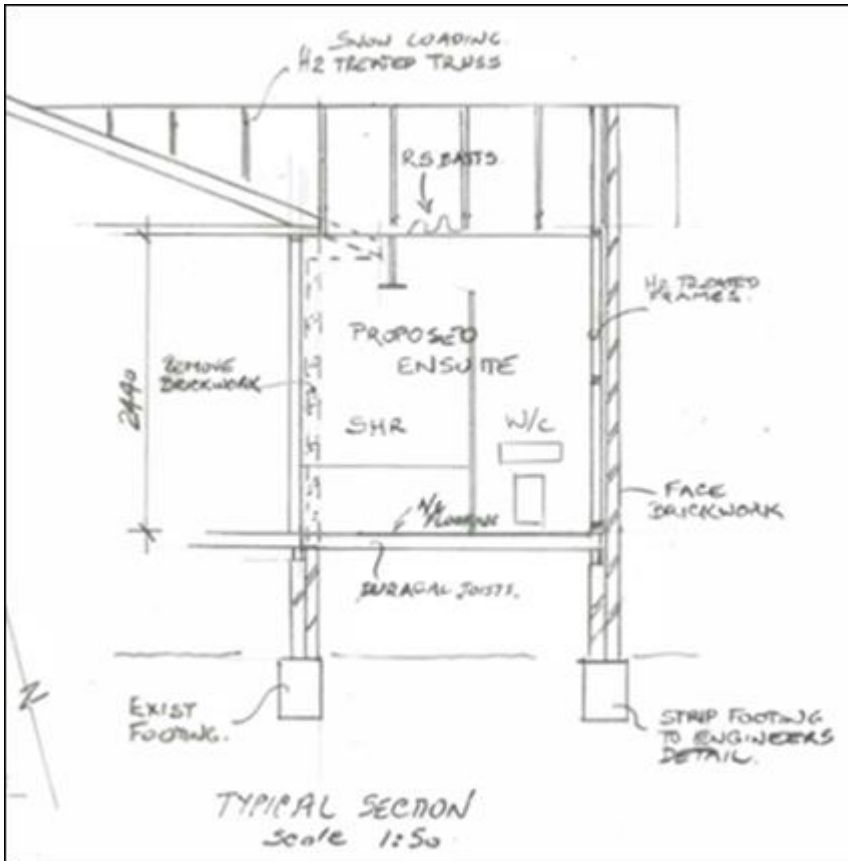
The building height plane is defined as “*the plane projected at an angle of 45 degrees over the actual land to be built upon, from a distance of 1.5 meters above the natural ground level at the boundary of the site.*”

The variation to the building height plane results from the dwelling addition being the same height and setback as the existing dwelling.



Extract of Site Plan showing location of proposed addition (ensuite)





Section through proposed addition

The applicant has requested a variation on the following grounds:

- The existing residence does not comply with the building height plane and therefore the extension cannot comply with the building height plane. The extension is a simple shape (continuation of the existing wall), that has a reasonable setback from the side boundary, with a neighbouring dwelling that shares this boundary that is setback greater than 3m from the side boundary (4.3m approx. separation between each dwelling).
- Compliance can only be achieved by the following measures which are considered to be measures that only complicate the design, add unreasonable construction costs and visually will be detrimental to the overall addition;
  - Cutting back to no eave to the extension on the boundary side of the additions, this measure would look unappealing, take away from the overall appeal of the additions & affect the solar access of the addition by eliminating any protection to the highlight windows on this side of the extension, this may also change the BASIX calculation and add further costs to the build. The roof connection will be more complicated than it needs to be and therefore adds more cost. (This option would still not achieve compliance with the building height plan but would be very close to compliant, it would likely need a variation to be lodged anyway but would be a lot closer to compliant).
  - Stepping in the extension approximately 400/500mm, this option reduces the width of the extension, affecting the width of the new bedroom and will add unnecessary construction costs by complicating the roof connection, creating more flashing(s) that would have the potential for drainage concerns. This will add extra costs and only be detrimental to the width of the addition. Again, an unnecessary addition.

- Keeping in mind the existing dwelling doesn't achieve compliance and never will, the extension will only continue the non-compliant wall and roof shape through, the building height plane line only affects the eave width and a small section of the wall.

**Conclusion**

The variation for the dwelling is considered acceptable given it is a relatively minor extension of the existing side wall. The adjoining dwelling to the south has a carport and awning along part of its northern boundary over which the majority of additional shadows caused by the extension will fall. The proposal will not result in overlooking of the adjoining property.

The following photo shows the location of the dwelling addition, in which the awning behind the carport of the adjoining dwelling can be seen. The variation is considered worthy of approval in this instance.



**Relevance to Oberon Community Strategic Plan**

**Theme 3: Caring for the Environment**

*Action 3.1 Protect and manage local air quality, waterways, rivers and streams*

3.1.2 Ensure compliance with environmental legislation

**Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

**Risk Category**

Environment

Public Image and Reputation

**Risk Severity Ranking**

Minor - 32%

**13.6 DEVELOPMENT APPLICATION 10.2023.30.1 - Recreation Facility (Outdoor - Motorcycle Facility), and Accommodation**

File No: DA 10.2023.30.1

Author: Bennett Kennedy (Senior Town Planner), Damian O'Shannassy (Planning and Development Director)

**Summary**

Council is in receipt of a Development Application 10.2023.30.1 (PAN-328425) for the use of 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Accommodation.

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**Recommendation:**

That Council:

1. Approve Development Application 10.2023.30.1 at Lot 95 DP 753036 known as 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Accommodation.
  2. That a division be called in accordance with Section 375A of the Local Government Act 1993.
- 

**List of Attachments**

1. Assessment report DA10.2023.30.1 Recreation Facility Outdoor Motorcycle 3117 Ark [13.6.1 - 23 pages]
2. Draft Conditions of Consent DA10.2023.30.1 - 3117 Arkstone Road [13.6.2 - 12 pages]
3. Statement of Environmental Effects - 3117 Arkstone Road, Isabella V 6 [13.6.3 - 34 pages]

**Comment**

The application was lodged with Council 23 May 2023. The development is local development under Oberon Local Environmental Plan (OLEP) 2013 and Council is the consent authority for the application. Because there are no specific development controls for Recreation Facility (Outdoor) Motorcycle Tracks in the RU1 Primary Production zone and the proposed accommodation are ancillary to the dominant use, the subject application will be a merit-based assessment.

Two (2) submissions were received following initial neighbour notification, and these are discussed later in this report. After additional information was provided additional notification was undertaken with the same initial objectors reiterating their objection.

**1. Location of the Proposal**

The subject site is located at 3117 Arkstone Road Jeremy formally known as Lot 95 DP 753036. It has an area of 643.8 Hectares in size and is an irregular rectangle in shape. The orientation of the site is generally east west however when locating the site in a Navigation finder, the entrance is identified approximately 2kms from the actual entrance.

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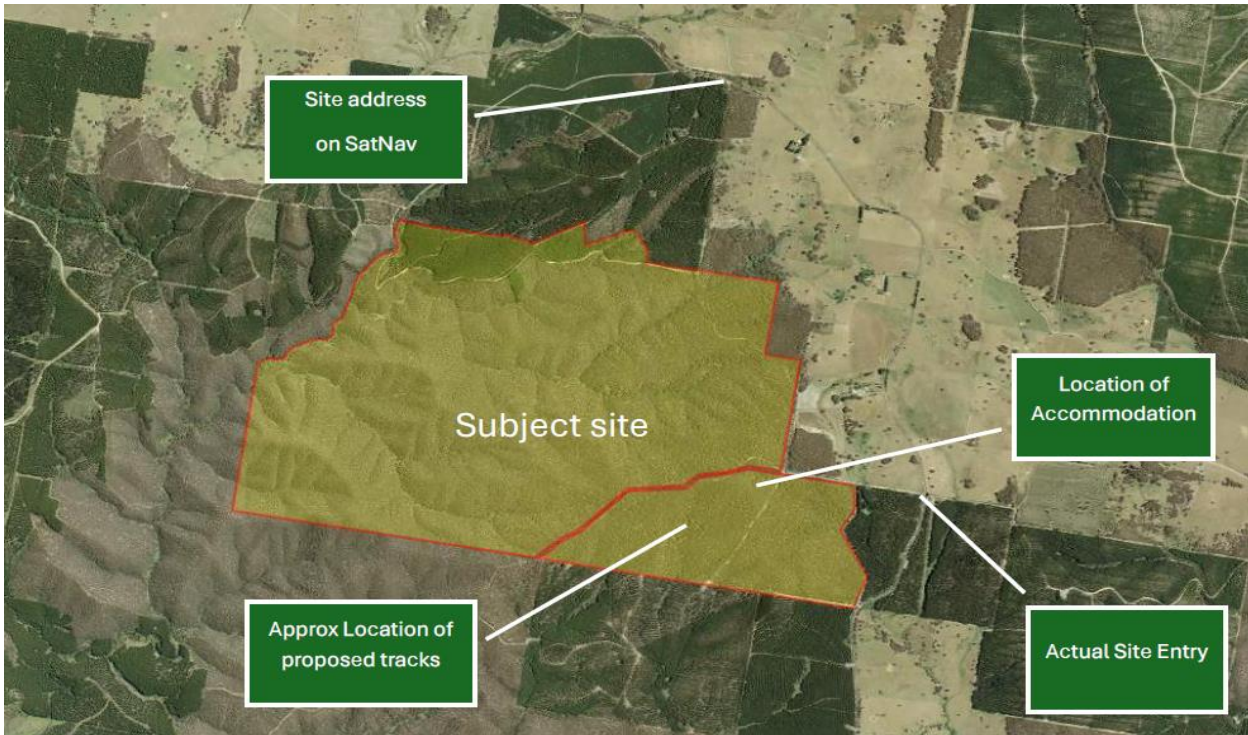


Figure 1 Subject site

## Background

The application contends that the motorbike trails were constructed on the land by the previous owner and maintained by the current landowner. They have been used for the last seven (7) years by the owner and their friends and family for private recreation. It is now intended to convert the current activities on the land from a private use to a commercial use. This requires development consent for the purposes as defined.

## 2. Proposed Development

The proposed development is generally defined as a Recreation Facility (Outdoor), but the actual use is a motorcycle facility that will accommodate up to 30 riders at a time in an area of approximately 62 Hectares. Visitor Accommodation will be provided as ancillary to the dominant use being the motorcycle facility. The relationship between dominant and ancillary use means that if the dominant use ceases, the ancillary use must also cease.

A site meeting was held at the subject site on 3 December 2024 in the area on the site where the proposed accommodation cabins would be located. This was attended by the applicant, owner, staff and 6 Councillors.

## 3. Referrals

### Technical Services

The application was referred to Technical Services for their comments regarding sightlines at the entrance and exit to the property.

Technical Services responded that a condition be included requiring;

*That the applicant engages a suitably qualified traffic engineer to determine the appropriate sight distance in accordance with the AUSTRROAD standard for the proposed entry/exit. If appropriate sight distance cannot be obtained, then a new entry/exit be provided that satisfies the required standard.*

A condition has been included in the attached Draft Notice of Determination.

#### **Rural Fire Service (RFS)**

The application was referred to the RFS as a Special Fire Protection Purpose (SFPP). The response from the RFS included conditions that could be included in a Notice of Determination. These have been included in the attached Draft Notice of Determination.

#### **4. Legislative Context**

The proposed development is defined as a Recreation Facility (Outdoor) including Accommodation. The proposed development is permissible with consent in the RU1 Primary Production zone under Oberon Local Environmental Plan 2013.

#### **5. Assessment**

The subject site has an area of 643.8 Hectares and contains some significant ecological areas. As advised by the owner and applicant the site has been used for recreational motorcycling for eight (8) years. Notwithstanding these areas, the proposed commercial use of the site as a Recreation Facility (Outdoor) motorcycle facility and accommodation are proposed to be restricted to a small area of the site.

The subject application has provided a revised Statement of Environmental Effects (SoEE – including Operational Management Plan) on 15 October 2024, a Site Ecological Statement (SES) and Noise Impact Assessment in support of the application.

The SES concludes that subject to general safeguards (see attached report) the proposed use could operate with minimal impact on the Flora, fauna and ecology of the site.

The noise impact assessment prepared by Acoustik concludes the following.

*The noise level emissions from the motor bike riding activity are predicted. The proposed development site tracks are remotely located and 1 km from the closest affected residence. The predicted 15-minute average noise levels are below the trigger levels nominated by the NSW EPA Noise Policy for Industry.*

*The noise levels generated by the bike riding activity will not be a persistent activity throughout the whole day as riders will take breaks between riding sessions.*

Notwithstanding the conclusions of these reports, the additional information provided (including Bushfire Assessment Reports) were then renotified with the closing date for submissions being 31 January 2025. Within the renotification period a further 2 submissions (both from those parties who originally objected) objecting to the development.

The application was also referred to Crown Lands for comment regarding the use of a Crown Road and a response was received as follows *"Crown Lands as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 Crown Lands Management Act 2016), and offers no objection to the proposed development as no significant impact to Crown land has been identified"*

The proposed uses (Recreation Facility (Outdoor), and Accommodation are permissible with consent in the zone and can achieve the objectives of the zone. The use of the land for these purposes can be subject to recommended conditions of consent and these can mitigate impacts of the proposed development. The views of surrounding landowners who made a submission should be taken into consideration.

## **6. Conclusion**

The applicant has revised the Statement of Environmental Effects up until 3 February 2025 with additional information requested to support the application. This has included a Site Ecological Assessment (SES) and a Noise Impact Assessment. The Additional Information provided has been formally re-exhibited to provide an opportunity to submissions.

The conclusion of the assessment indicates that the development can be supported subject to appropriate conditions that would ameliorate impacts of the development. Appropriate conditions of consent are proposed to be incorporated into the approval to control the development.

### **Financial Implications**

There are relatively no financial implications for Council.

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

#### **Risk Category**

Governance

#### **Risk Severity Ranking**

Minor - 32%

## DEVELOPMENT ASSESSMENT REPORT

**Description:** Recreation Facility (Outdoor) Motorcycle Track and Accommodation  
**Address:** 3117 Arkstone Road Jeremy  
**Lot:** Lot 95 DP 753036  
**DA:** 10.2023.30.1 PAN-328425  
**Applicant:** Navigate Planning  
**Owners:** Corey DeMarco  
**DP restrictions:** Nil

**Previous consents:** Approval for three (3) non-habitable Shipping Containers approved.  
 No approval for a dwelling on the subject site.

### DEVELOPMENT DETAILS

<b>Zone</b>	RU1
<b>Allotment Size</b>	643.8 Hectares
<b>Building Footprint</b>	1000 sqm (total)
<b>Site Coverage</b>	Approx. 62 Hectares
<b>Parking</b>	Dedicated parking area for light vehicle and motorcycle
<b>Topography</b>	Undulating
<b>Subdivision Lot Sizes</b>	100 Ha

### SITE INSPECTION NOTES:

Date of inspections: 25 June 2024, 29 August 2024, 3 December 2024

<b>Bushfire Prone:</b>	Yes – Bushfire report attached	<b>Mains power supplied:</b>	No
<b>Industrial Buffer:</b>	No	<b>Cut and fill:</b>	Less than 600 mm Any greater requires engineering details
<b>Driveway access:</b>	Approval required by Tech Services	<b>Referrals required:</b>	Dev Eng comments provided 9 December 2024
<b>Snow load:</b>	Required for accommodation units	<b>Existing improvements</b>	Existing motorbike tracks designated parking area and shedding.
<b>Connection to sewer and stormwater</b>	N/A	<b>Indicative wind load:</b>	To be determined

### 1. PROPOSAL

The proposed development is generally defined as a Recreation Facility (Outdoor), but the actual use is a motorcycle facility that will accommodate up to 30 riders at a time. Visitor Accommodation will be provided as ancillary to the dominant use being the motorcycle facility.

### 2. SUMMARY

The application was lodged with Council 23 May 2024. The development is local development under Oberon Local Environmental Plan (OLEP) 2013 and Council is the consent authority for the application. Because there are no specific development controls for Recreation Facility



(Outdoor) Motorcycle Tracks in the RU1 Primary Production zone and the proposed accommodation are ancillary to the dominant use, the subject application will be a merit-based assessment. This means that greater emphasis will be placed on the reports submitted with the application, submissions and professional expertise.

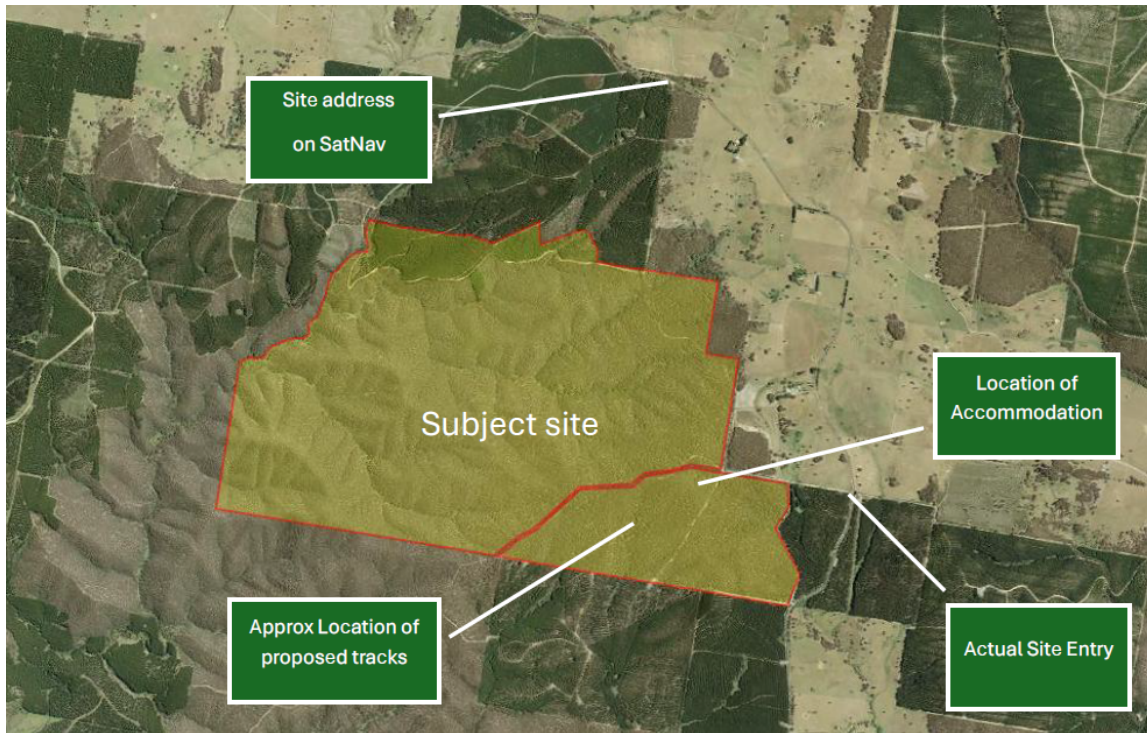
Two submissions have been lodged and these are discussed later in the report.

Without prejudice, draft Conditions of Consent are attached in the event that Council resolves to approve the application.

Originally, the application provided for a large shed to be assessed as part of this development however this has been removed from the current development and will not be considered as part of this application.

### 3. LOCATION OF THE PROPOSAL

The subject site is located at 3117 Arkstone Road Jeremy formally known as Lot 95 DP 753036. It has an area of 643.8 Hectares in size and is an irregular rectangle in shape. The orientation of the site is generally east west however when locating the site in a Navigation finder, the entrance is identified approximately 2kms from the actual entrance.



### 4. ZONING

The subject land is zoned RU1 Primary Production under Oberon Local Environmental Plan 2013.

### 5. PERMISSIBILITY

Recreation Facility (Outdoor) are permissible with consent. Tourist and Visitor Accommodation is prohibited however may be permissible as ancillary development (dependent on the primary use operating).

The use of the land as a Recreation Facility (Outdoor) is the commercial use of the land.

**6. EXISTING CONSENTS THAT RELATE TO THE LAND**

There does not appear to be any related consents on the land.

**7. ACCESS LOCATION**

The address is 3117 Arkstone Road, Burruga. Access is proposed to the property 2 kilometres further along Arkstone Road and has been assessed by Council Engineers. Concerns over access will be provided for within the report with Crown Land being supported by the Lands Department for access. Conditions of consent will be provided on any consent should Council support the application.

**8. NATURALLY OCCURRING ASBESTOS**

The site is not known to have naturally occurring asbestos, none mapped or visible on site. None will be brought onto the site.

**9. EASEMENTS**

There are no encumbrances that will impact on the proposed development.

**10. CONNECTION OF SERVICES**

Utilities necessary for the operation of the site are available. An application for an On-Site Wastewater treatment System for guests will be required.

**11. HERITAGE**

An AHIMS search has been undertaken and the subject land does not contain any indigenous heritage items and is not in a heritage conservation area. There are no heritage items in the vicinity of the site

**12. INDUSTRIAL BUFFER**

The land is not located within the industrial buffer area.

**13. BASIX**

Not applicable.

**14. BUSHFIRE PRONE**

The site is mapped as bushfire prone and a bushfire assessment report is submitted with the application. The application was referred to the Rural Fire Service as a Special fire Protection Purpose (SFPP). Conditions have been provided accordingly and will be incorporated into any Notice of Determination.

**15. FINANCIAL IMPLICATIONS**

Developer Contributions are not applicable to the proposed development.

**16. ASSESSMENT**

***Biodiversity Conservation Act 2016***

Tree and vegetation clearing is intended to be limited to the location of the proposed accommodation. The Site Ecological Statement (SES) advises the following.

*This Site Ecological Statement provides a true and fair review of the ecological attributes of the proposed development site and the proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposal. It identifies the likely impacts of the proposal on the environment and details the environmental safeguards and mitigation measures to be implemented to minimise the potential impact to the environment. In light of the above assessment of the proposed activity, it is considered that the overall impact on the environment is likely to be minimal and therefore acceptable.*

(Site Ecological Statement, Access Environmental February 2024)

The following assessment demonstrates that the thresholds for an assessment against the Biodiversity Offset Scheme will not be necessary.

Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) prescribes the circumstances in which the Biodiversity Offset Scheme (BOS) is required to be applied to development.

**Biodiversity Conservation Act 2016**

**7.2 Development or activity “likely to significantly affect threatened species”**

(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

The proposed development is not considered a risk to threatened species or ecological communities, or their habitats.

Clause 7.2 of the BC Regulation 2017, declares that where the following areas of clearing are exceeded the BOS will be applicable:

**Biodiversity Conservation Regulation 2017**

**7.2 Clearing of area of land that exceeds threshold**

(1) Clearing of native vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Minimum lot size of land</b>	<b>Area of clearing</b>
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The MLS applicable to the land is 100 Hectares, with a BOS threshold of 1.0 ha. With the area of native vegetation clearing being 360 sqm, the BOS is not applicable to the development under Clause 7.1(1)(a) of the BC Regulation.

Lastly, the proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value under Section 7.2(c) of the BC Act.

<p><b>4.15(1)(a)(i) Any environmental planning instrument</b>  <i>Note: Only instruments with applicable regulatory provisions are addressed.</i></p>
<p><i>Oberon Local Environmental Plan 2013</i></p> <p><u>Permissibility</u>                  The development is permissible with consent in the RU1 Primary Production zone but there are the potential for negative impacts. Any negative impacts have however been adequately addressed in the application and through conditions of consent in the draft conditions.</p> <p><u>Objectives of the Zone</u>                  The development meets the objectives of the zone because the proposed development has adequately responded to the concerns raised by the development in the Statement of Environmental Effects.</p> <p><u>Miscellaneous Provisions</u>                  5.10 – Heritage Management – Heritage impacts are not anticipated.                  5.21 – Flood Planning – Not applicable to this site.</p> <p><u>Additional Local Provisions:</u>                  6.1 – Earthworks – Minimal earthworks for the use of the site are proposed. This will not have detrimental impacts on drainage patterns or ground water levels. Standard conditions regarding erosion and sediment control are recommended.                  6.3 – Riparian land and water courses – There are no watercourses on or in the vicinity of the proposed use or accommodation areas.                  6.4 – Essential services – All available services are provided to the site in accordance with this clause.                  6.6 – Development is not within a designated buffer area.                  6.7 – Karst subsidence risk – the development site is not within a SP3 Zone.</p>
<p><b>4.15(1)(a)(ii) Any proposed instrument that is or has been placed on exhibition</b>                  There are no draft environmental planning instruments applicable to the proposal.</p>
<p><b>4.15(1)(a)(iii) Any development control plan</b>  <i>The Oberon Development Control Plan 2001</i></p> <p><u>PART G – TOURISM</u>  <u>G.2.2 The Objectives of this Plan are:</u>  <i>A. maintain the residential amenity of the property and locality where a tourism establishment is situated. In order to do so designer of the development and Council shall consider the following matters:-</i></p> <p style="padding-left: 40px;"><i>1. the location and number of tourism establishments within any given urban or rural neighbourhood;</i></p>

<p><i>2. within rural area serviced by an on-site waste water disposal system, that the capacity and efficiency is adequate.</i></p> <p><i>B. maintain a satisfactory standard of management and service; and</i></p> <p><i>C. ensure that the premises meet acceptable community health and fire safety standards.</i></p> <p>G.7 Health Standards Satisfactory health standard will be maintained through compliance with National Construction Code.</p> <p>G.8 Fire Safety Fire Safety and Bushfire Safety shall be maintained through conditions of consent.</p> <p>G.11 Inspections The premises shall be inspected annually.</p> <p><u>H.3 Neighbour Notification</u> Neighbour notification was undertaken shortly after the subject application was submitted. Three submissions were received objecting to the proposal and one (1) late requesting notification. Notwithstanding these submissions being received, they were based on incomplete information supporting the subject application. Including a Site Ecological Statement (SES) and Noise Impact Assessment.</p> <p>As a result of the incomplete information and the submissions received additional information was requested of the applicant which was received in October. As a result additional notification was undertaken and 2 submissions were received during that period, both objecting to the development. The two notification period submissions have been highlighted later in this report.</p>
<p><b>4.15(1)(a)(iiia) Any planning agreement</b> No planning agreements.</p>
<p><b>4.15(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purpose of this paragraph)</b> The Regulations require approvals for the removable dwellings and an On-Site Wastewater System to be lodged and approved prior to any works commencing on site.</p>
<p><b>4.15(1)(a)(v) Any coastal zone management plan (within the meaning of the Coastal Zone Management Act 1979 that apply to the land to which the development application relates</b> No coastal zone management plans apply to the subject land.</p>
<p><b>4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</b></p> <p><i>Context and setting</i> The proposal will establish a motorbike riding facility and accommodation . The Site Ecological Statement concludes that the proposed development will have minimal environmental impacts on flora and fauna and the site.</p>

<p>A Noise Impact Assessment concludes that there should be minimal impact on surrounding properties with regard to noise, and a demonstration by the applicant and owner support that conclusion.</p> <p>It is considered that subject to the attached draft conditions of consent, the impacts of the proposed development can be mitigated however in the public interest, the views of surrounding owners should also be considered</p>
<p><i>Access, transport and traffic</i></p> <p>The development will generate minimal additional traffic in the area. Suitable conditions of consent will be included in this regard.</p>
<p><i>Public domain</i></p> <p>The use of the site may periodically impact on the traffic of Arkstone Road in the vicinity of the entrance and access to the subject site. A satisfactory traffic management plan for the duration of the site will be required to ensure the maintenance of the public road and safety of road users is maintained.</p>
<p><i>Utilities</i></p> <p>The lot has adequate utilities available. Conditions of consent would be required to highlight what is expected.</p>
<p><i>Other land resources</i></p> <p>The development will not affect land resources on the land or on surrounding land.</p>
<p><i>Water</i></p> <p>The lot is connected to the reticulated water supply.</p>
<p><i>Soils</i></p> <p>The development will impact on the existing quality of the soil on the land however soil stabilisation measures and rehabilitation of the site following development will ensure the impacts are mitigated over the long term.</p>
<p><i>Air and microclimate</i></p> <p>Negligible impact to the air or microclimate from the development. Conditions of consent will be included for the containment of liquid stored on the site by way of bunding.</p>
<p><i>Flora and fauna</i></p> <p>Site Ecological Statement provided. Minimal native vegetation are proposed to be removed. Subject to general restrictions, the proposal will have no significant impact on flora or fauna.</p>
<p><i>Energy</i></p> <p>The proposal will be required to comply with the relevant provisions of the National Construction code.</p>
<p><i>Noise and vibration</i></p> <p>A Noise Impact Assessment has been provided prepared by Acoustik 19 April 2024.</p> <p><i>The noise level emissions from the motor bike riding activity are predicted. The proposed development site tracks are remotely located and 1 km from the closest affected residence. The predicted 15-minute average noise levels are below the trigger levels nominated by the NSW EPA Noise Policy for Industry.</i></p> <p><i>The noise levels generated by the bike riding activity will not be a persistent activity throughout the whole day as riders will take breaks between riding sessions.</i></p>

<p>Although the conclusion of the report is that there will be minimal impact on surrounding properties subject to suitable Management controls, it is the nature of motorcycle noise being short sharp bursts that can impact on comfort or repose. In addition, with potentially thirty (30) riders, breaks may be few and far between. Specific Conditions of consent are proposed including a noise management plan (within the Plan of Management) to mitigate these concerns, as highlighted within the Acoustic Report.</p>
<p><i>Natural hazards</i> The site is mapped as bushfire prone. The site is not known to be flood prone.</p> <p>Conditions of consent will be included regarding bushfire in accordance with Rural Fire Service comments and erosion and sediment control measures to be installed.</p>
<p><i>Technological hazards</i> No hazards identified.</p>
<p><i>Safety, security and crime prevention</i> A Operational Plan of Management has been included to address social and anti-social behaviours.</p>
<p><i>Economic impact in the locality</i> The proposal will have minimal economic impacts.</p>
<p><i>Site design and internal design</i> The site design layout and area are considered appropriate for the site. Provided the areas designated for the proposed uses are adhered to, there is anticipated to be minimal impact on the site and its flora and fauna.</p>
<p><i>Construction</i> Conditions of consent have been included for Construction Certificates to be applied for and issued prior to works commencing.</p>
<p><i>Cumulative impacts</i> The proposed development is unlikely to result in any cumulative impacts on the site or the locality because of the conditions included in the Draft Notice of Determination and the operational Plan of Management.</p>
<p><b>4.15(1)(c) The suitability of the site for the development</b></p>
<p><i>Does the proposal fit in the locality?</i> The site is considered to be suitable for the development. The Site Ecological Statement (SES) advises that <b>general safeguards</b> are required for the proposal to maintain minimal impact on the site. These recommendations would form a condition of consent should Council be of an opinion to approve the development.</p>

*Parking of vehicles and storage of plant / equipment is to occur on-site, in existing disturbed areas. Designated areas will ensure that all equipment is kept away from more environmentally sensitive areas.*

*All project staff and contractors will be inducted on the environmental sensitivities of the work site(s) and relevant safeguards prior to commencement. All work will be limited to the prescribed area.*

*Site management will comply with the provisions of Landcom's "Blue Book (Managing Urban Stormwater: Soils and construction - Volume 1 (4th edition)). Sediment will be prevented from moving off the site and no sediment laden water will enter drainage lines or watercourses. Any fuels or chemicals must be stored in bunded areas with functional spill kits and containment procedures available for use.*

*Should unexpected, threatened fauna be located at any time during the work, work will stop to prevent further harm to the individual and professional advice will be sought.*

*Vegetation disturbance will be kept to the minimum necessary. Works are not to harm threatened fauna or impede fauna movement. Construction machinery should be cleaned before entering and leaving the site to ensure biosecurity risks are minimised.*

*Waste and excess materials should be removed to a licensed waste disposal facility and the site and ground surfaces restored at the completion of building activity.*

*On going site management should include controls on domestic dogs to restrict their movement and limit impacts to native fauna.*

*Motorbike track use will only be permitted during daylight hours.*

The use of the site for the proposed purpose is satisfactory however it needs to operate within safeguards and conditions of consent to mitigate impacts on adjoining premises or the natural environment. The proposed use is permissible with consent in the zone. There are no human or natural hazards that would prevent the proposal from being supported. As such the application is considered to be suitable for the site.

**4.15(1)(d) Any submissions made in accordance with the Act or Regulations**

*Public submissions*

The proposed development was notified to surrounding landowners. This notification did not include all of the information submitted by the applicant including a Site Impact Statement and Noise Impact Statement. Two (2) submissions and one (1) late submission were received from the initial notification. After contacting the applicant seeking additional information all supplementary documentation was supplied to Council therefore requiring further notification. This was undertaken with 2 submissions being received in that time. These submissions are outlined below.



<p><b>4.15(1)(e) The public interest</b></p> <p>The proposed Recreation Facility (Outdoor) and ancillary accommodation are permissible in the zone and satisfactory with regard to the impacts on the site. However any development should not be supported unless surrounding properties have been given the opportunity to consider all of the information submitted by the proponent. The balance therefore at the present point in time is that the public interest is not served in supporting the application.</p>
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**NOTIFICATION OVERVIEW**

As indicated the application has been notified twice since the lodgement. The first notification was undertaken in June 2024 with a number (3) of submissions being received. A summary of the submissions and Councils assessing officers response is provided below.

FIRST NOTIFICATION

**Submission 1 Burns Planning**

Submission 1	Applicants Response	Council's response
<p><b>1. Notification of Development</b></p> <p>Submission: <i>Should be advertised development as a Tourist Facility</i></p>	<p>A matter for Council</p>	<p>Notification was considered appropriate because the remoteness of the site would have limited impact beyond adjoining properties.</p> <p>It is recommended that the application be formally renotified to those who made a submission.</p>

<p><b>2. Proposed Plans inadequate</b></p> <p>Submission raised concern that <i>the plans are not to scale and do not clearly indicate the exact location of the tracks relative to the neighbouring boundary fence lines, existing creek/watercourses and topography of the site. The site plans do not indicate what is existing and what are proposed, any clearing, emergency landing sites for helicopters and wastewater.</i></p>	<p>The applicant's response refers to the plans identified in the Site Ecological Statement (SES) (June 2024) where the nearest part of the perimeter track is 250 metres from the adjoining boundary. The nearest part of the internal track is 400 metres from the adjoining boundary.</p> <p>The applicant's response also states that there is no clearing proposed in the area of the Biodiversity Values Map, therefore the Biodiversity Scheme does not apply.</p> <p>In relation to the accommodation area, the applicant advises there is no clearing is proposed a helicopter landing site is not identified but is available (for emergencies). The Effluent disposal area is incorrect and a revised OSWW report has been uploaded.</p>	<p>Since the application was originally notified, Burns Planning have not had the opportunity to review the SES. The proposed Recreation activity was hand drawn on the original plan not clearly identified.</p> <p>The SES provides clearer maps and there are other maps that identify the location of the proposed tracks.</p> <p>Part of the issue is that the maps originally submitted are disjointed and do not provide a coherent picture of the proposed development (see images in Applicants Response to Submissions).</p> <p>It is recommended that the revised plans be renotified to those who made a submission so that they can gain a clearer understanding of the proposal.</p>
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<p><b>3. Legal and Practical access</b></p> <p>Submission advises <i>the landowner has no legal right to maintain the access road because they are not a roads authority and should be either purchased and closed prior to lodgement of the DA or modified to meet Council's standards and gazetted.</i></p>	<p>The proponent can undertake minor works within the Crown Road reserve if a Deed of Agreement is in place (none has been entered into yet because no works are proposed in the road reserve).</p>	<p>Legal and practical access has been misrepresented because there is a sign half way along the Crown Road reserve stating words to the effect 'You are entering private land – no trespassing'. This give the impression that the road along the boundary with the adjoining land is owned by DeMarco. This is not the case because it is Crown Road. Notwithstanding this, the proponent can enter a Deed of Agreement with the Crown for minor works however at this time, no works are proposed. There may be however a requirement for works to upgrade the access to address traffic or sight distances via conditions of consent.</p>
<p><b>4. Existing Use of the site and associated structures</b></p> <p><i>The submission advises: the adjoining owners indicate the site is already being used as a motorcross track with overnight accommodation for friends and paying guests.</i></p> <p><i>The use of existing portable buildings as amenities, accommodation or managers residence does not comply with the requirements of the NCC. Performance solutions</i></p>	<p>The applicants' responses are as follows: <i>The submission is incorrect regarding being used to provide accommodation for paying guests.</i></p> <p><i>With regards to fill and trackwork, the only works undertaken with regard to fill have been within the limits of Subdivision 15 of the State Environmental Planning Policy (Exempt and Complying development Codes) 2021. Trackwork is limited to ongoing maintenance.</i></p>	<p>It is understood that the site and motorcycle facility is currently being used for private purposes because the track and structures were existing. Evidence needs to be that supports the claim made that the site is currently being used on a commercial basis.</p> <p>Fill and track maintenance is permissible under the Codes SEPP 2008 without consent. Evidence needs to be provided to support the claim made in the submission but also works that have been done.</p>

<p><i>demonstrating compliance with NCC are required.</i></p> <p><i>Installation of these buildings in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 has not been addressed.</i></p>	<p><i>In relation to the accommodation buildings, if required details can be provided to demonstrate that the buildings can meet performance criteria of the NCC.</i></p> <p>The Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 is not applicable to the proposed development as it is not a caravan park or camping ground.</p>	<p>Compliance with the NCC can be demonstrated at CC stage.</p> <p>Subdivision 3 of Part 3 of the Local Government Regulations do apply to the proposed development where the proposed development is not a Caravan Park or Camping Ground. This should be requested as Additional Information prior to approval of the proposed moveable dwellings.</p>
<p><b>5. Acoustic Report</b></p> <p><i>Submission - The impacts of proposed motorcycle noise should be supported by an acoustic report. And what measures have been put in place to preserve existing vegetation (to mitigate noise).</i></p> <p><i>The previous private use of the motorcycle track is irrelevant to the potential impacts of a commercial development.</i></p> <p><i>Amplified noise is proposed until 10pm.</i></p> <p><i>The issue of motorbike activity around the campsite has not been addressed.</i></p> <p><i>The facility may be used by unregistered (or unregistrable) bikes that may not comply with noise</i></p>	<p><i>Applicants' response – An acoustic report has been provided for the development demonstrating that noise impacts at the nearest residential receivers will be below the relevant noise limits.</i></p> <p><i>Bikes will be ridden slowly from the accommodation area to access the track.</i></p> <p><i>Bikes will be ridden slowly from the accommodation area to access the tracks.</i></p> <p><i>No bikes will be permitted to be ridden along the access track from Arkstone Road. The acoustic report recommends a speed limit area on pt of the perimeter track nearest to the accommodation area. This can be applied within the accommodation area.</i></p>	<p>Council's response – a demonstration of motorcycle noise was provided at the site inspection of 3<sup>rd</sup> December 2024. There were minimal shown from this demonstration. However, the commercial use of private land for a motorcycle track can be used by unregulated and unlicensed riders and these can generate more noise (and smoke) than regulated exhaust systems.</p> <p>Restrictions can be placed on riding motorcycles within or near the accommodation area, but this will require adequate controls, vigilant monitoring and strict management to address these concerns.</p>

<p><i>restriction (same as road registered bikes).</i></p> <p><i>Motor cross bikes and enduro bikes are 2/4 stroke and can be audible for kilometres.</i></p>		
<p><b>6. Operational Management Plan (OMP).</b></p> <p>Issues raised in submission. <i>The OMP does not address day-to-day activities to prevent:</i></p> <p>(a). <i>Trespassing</i>          (b). <i>The use of motorbikes on the crown road</i>          (c). <i>Will dogs/pets be allowed.</i>          (d). <i>The accommodation is supposed to sleep 30 however does not appear large enough for this number. Will camping be permitted and will non-riding partners be permitted to stay.</i>          (e). <i>How will the operator minimise the impact/effect on our livestock in adjoining paddocks.</i>          (f). <i>Emergency management plans – Where is the helicopter landing area? This should be shown on the plans.</i></p>	<p>The applicant's response are as follows:</p> <p>(a). A sign will be placed at the property entrance stating 'Private Property, no trespassing'</p> <p>(b). Guests will be advised to bring motorbikes on the back on utes or in trailers as no motorbike riding is permitted on the access road.</p> <p>(c). Guests will be advised that pets are not permitted on the site.</p> <p>(d). There are ten accommodation rooms. The layout generates accommodation for 32 persons. Camping will not be permitted but non-riding partners will be able to stay with the number capped at 30.</p> <p>(e). Only impact on adjoining stock will be from vehicles accessing and leaving the site and the access to Arkstone Road. Recreational motorbikes will not be permitted to use the Crown Road. This impact is considered minor however guests</p>	<p>Comment:</p> <p>(a). It is believed the submission relates to trespassing on the submitters land or any other adjoining property. This has not been adequately addressed</p> <p>(b). Licensed motorbikes may lawfully use the access road however this does not prevent removal of restrictive devices on the site. Conditions of consent may be imposed accordingly</p> <p>(c). Domestic pets should no be allowed on the site. Conditions of consent may be imposed accordingly.</p> <p>(d). 30 guests is a satisfactory number but no more than this should be permitted. Conditions of consent may be imposed accordingly.</p> <p>(e). It is difficult to qualify or quantify the impact on adjoining agriculture without the site operating. There is some vegetation buffer between the subject site and the adjoining property, but the nature of agriculture</p>

	<p>will be asked to leave in a quiet manner. The applicant's submission believes there is a greater impact of heavy vehicles using Arkstone Road itself.</p> <p>(f). No response.</p>	<p>and the sensitivity of animals to new circumstance is unpredictable.</p> <p>(f). Point f was not responded to by the applicant. It is agreed that any landing space must be clearly identified on a site with many trees.</p>
<p><b>7. Right to farm</b></p> <p><i>The proximity of the farm will impact on day-to-day activities associated to Primary production on adjoining land such as Vermin control, licensed shooting; and Mismothering of stock, particularly lambs due to noise impacts. The proposed commercial tourism is considered too close to the boundary and will have negative impacts upon the existing agricultural activities.</i></p>	<p>The applicant's response is that <i>The acoustic report demonstrates that no part of the adjoining land will experience noise levels that exceed the relevant noise limits.</i></p>	<p>The impact of changed circumstances on the day-to-day operations of an adjoining farm are difficult to quantify or qualify. Vermin control could continue but would need to be considered in the context of the adjoining premises. Discharging firearms should always be done safely and in a strictly controlled manner. Both parties will need to be mindful of the use of adjoining land.</p>
<p><b>8. Koala Habitat</b></p> <p><i>The site is heavily timbered and is identified as Western Slopes Dry Sclerophyll Forests containing stringybark, long leaved box and Joycea pallida.</i></p>	<p>The applicant's response is that the SES has assessed the impact of the proposed development on koala habitat and concludes that the site does not contain potential koala habitat.</p>	<p>The SES states that that there are no core koala habitat only highly suitable areas for Koala habitat. Subject to restriction on the use of the land, apart from the potential for vehicle strike by motorcycles there will be minimal impact on existing Koala population (if any).</p>
<p><b>9. Potable Water Supply</b></p> <p><i>The plans and supporting documentation do not clarify the availability of Potable water supply for the site in accordance with Public Health requirements.</i></p>	<p>The applicant's response is that the plans identify water tanks to be connected to each of the proposed accommodation buildings, the amenities building and recreation building.</p>	<p>The applicants advise that potable water will be obtained by rainwater tanks and roof runoff. Although no capacities are provided, the minimum requirement will be to provide minimum</p>

		capacities for bushfire firefighting purposes.
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Submission 2 Hume Forests Ltd

Submission 2	Applicants Response	Council's response
<b>1. Risk of activities taking place (vehicle movements and campfires) during declared total fire ban days.</b>	Applicants' response: Campfires will not be permitted, other than in a cleared areas. The Operational Management Plan (OMP) states that "on days declared by the RFS as having extreme or catastrophic fire danger rating, the facility will be closed to guests until such time as the fire danger rating ceased".	Rural Fire Service conditions will require this issue to be satisfactorily addressed. The response is satisfactory.
<b>2. Campfires will be lit without adhering to RFS requirements during the proclaimed fire danger period.</b>	As noted above, the fire pit will not be used during fire danger periods.	Rural Fire Service conditions will require this issue to be satisfactorily addressed.
<b>3. That Koromira Fire Trail will be used by recreational motor bike users and be subsequently degraded.</b>	The applicant's response is that <i>the use of the fire trail will be limited to within the subject property and the landowner will undertake maintenance of the fire trail to ensure it remains accessible by fire fighting vehicles.</i>	The Koromira Fire Trail will require maintenance, and the conditions of consent provide standards for the maintenance of internal access roads. Maintenance will therefore be the responsibility of the owner.
<b>4. That recreational motor bike users will trespass into the adjoining private softwood plantation under the assumption that these plantations are public lands.</b>	The applicants' response is that the motorcycle riding area does not directly adjoining land owned by Hume Forestry. The Guests will be made aware of the limits of the property and the area permitted for riding. Fence line exists between the subject land and all adjoining forestry land preventing access.	The perimeter road that accesses the riding tracks does directly adjoining land owned by Hume Forestry. On recent site inspections the fencing was in disrepair and no maintenance had been undertaken. Hume forests advised that they had supplied materials to the owner to complete the fencing work but it was not completed.

As a result of a request for additional information the application was renotified during December and January with the additional information provided. As a result of the notification a 2 submissions were received. Following is a summary of submissions and the assessing officer response.

SECOND NOTIFICATION TABLE

Council response to submissions to re notification to previous submitters – 10.1.25 to 31.1.25

**Submission: Burns Planning**

Submission 1	Applicants Response	Council's response
<p><b>1. Acoustic Report</b></p> <p><i>Submission: Noise level emissions statement is incorrect and should be challenged for the following reasons: -</i></p> <p><i>*How can anyone determine the exact location of the motorbike track when no site plan to scale has been provided to adjoining land owners?</i></p> <p><i>*Report provided does not address in sufficient details the type of motorbikes to be utilised on site?</i></p> <p><i>*How is the noise form the track to be managed by introducing a speed limited area? The report relies on this "speed limited area" to provide a favourable outcome</i></p> <p><i>*The report does not include the impacts from the proposed camping area? How will the operation of the site be managed?</i></p>	<p>A response from Acoustic Consultant is provided -</p> <p>1. Background noise levels: - min noise level of 35dBA for the day period was adopted which is consistent with the provision in the Noise Policy for Industry (NPI) – that acknowledges the higher noise during the day period have less impact on the amenity of residents compared to noise generated in the evening and night periods.</p> <p>A formal assessment of patron noise is not required – this can be set by the host and or Council.</p> <p>2. Modifying Factors for Noise – Motor bike noise levels are not impulsive noise. Impulsive noise is created by noise sources like a hammer strike where a very loud sound has a short duration. The noise generated by motor bikes is consistent and continuous and from a distance would be stable in level.</p> <p>3. Weather conditions – The assumptions for weather conditions are fully detailed in S4.2 of report. The modelling using iNoise includes prevailing wind conditions after all directions</p>	<p>The issues have been adequately addressed and conditions of consent have been included in the draft conditions.</p>



	<p>for the noise sources to the receivers.</p> <p>4. Instantaneous Noise Levels (L<sub>amx</sub>) – was not required as part of the assessment, however predictions were included as the residential area of the noise receivers for completeness.</p> <p>The assessment does not guarantee that noise from riding motor bikes would be totally inaudible at the closest receiving residences.</p> <p>5. Operational Noise Level – Upon Development approval proponent would be required to formulate a Noise Management Plan to provide the practical methods that would be employed to control noise emissions. The method to control speed control does not just depend upon signage but the proponent would need to build into the track obstacles and turns that would force riders to slow.</p> <p>6. Noise contour mapping – the provided noise contour mapping is based on Logarithmic Averages with a 15minute duration of the predicted noise levels. Noise contours are not required as part of the assessment unless a night time (10pm to 7am) assessment is required which is not the case.</p> <p>7. Other factors Traffic impacts – report did not include traffic noise generation as the number of vehicle visits generated by the site will be low. Predicted vehicles</p>	
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	<p>generation would be in the order of 10 cars on Arkstone road per day. Day visitors are not permitted and patrons are expected to stay at the campsite thus reducing trips to one way per day for most vehicles. It is expected that compared to the HV traffic the traffic noise generated would be negligible.</p> <p>Noise profiles for different motorbikes – this has already been covered in the report by measuring bike operation at differing speeds.</p> <p>It is the opinion of the author of the report validly represents the likely impact of noise emissions on the surrounding residences near the proposed bike park development.</p>	
<p><b>2. Dwelling Entitlement</b></p> <p><i>On 11.12.2013, DA10.2013.60.1 was approved for an agricultural lot subdivision under LEP1998. The approval pre dated the current LEP. The min lot size applicable is 100ha, and the proposed Lot 2 is 102.3ha. The subdivision certificate has not been registered and the subdivision physically commenced as confirmed by Council on 16.5.2018. The Acoustic report has not addressed the possible location of a dwelling on proposed lot 2.</i></p>	<p>The applicant's response is – the approved subdivision creates a lot that, while originally only proposed for agricultural purposes, could contain a dwelling under the current LEP. This lot has not yet been created. It is not known where a future dwelling may be proposed on the lot and therefore it is impossible to determine how the proposed development may impact on a dwelling on that lot. The proposed lot contains large areas further away from the existing dwelling on a current lot to ensure that the future development of that lot will not be affected by the proposed development</p>	<p>No dwellings are proposed as part of this application and is applicable to the land on which it exists. Should approval be considered any future development will be required to consider the surrounding uses approved.</p>
<p><b>3. Legal access</b></p> <p><i>Submission advises the site relies on a Crown Road Reserve, as its legal and practical access to the site.</i></p>	<p>As previously advised, the site is accessed via a Crown Road. The NSW Govt fact sheet on proposed works on Crown Roads provides for small scale works to be</p>	<p>The application was referred to Crown Lands in January 2025 and the following comments were received: - <i>Crown Lands as adjoining land owner has reviewed</i></p>

<p><i>Neither the landowner nor the Council has the authority to undertake any maintenance (other than minor works) on this access as they are not the Crown.</i></p> <p><i>The applicant states the proposal relies on a deed of agreement with the Crown Lands with respect to both access and maintenance.</i></p>	<p>undertaken with a Deed of Agreement. While there is no legal requirement to purchase the Crown Road or to gazette it as a public road, it is understood the Crown may encourage Council to take over control of the road or the adjoining land owner to purchase the road. The landowner is willing to commence the process to purchase the road.</p>	<p><i>the DA in accordance with the principles of Crown land management and offers no objection to the proposed development as no significant impact to Crown land has been identified. Crown also notes the proposal relies on a Crown Road for its primary access off Arkstone Road, and that the development of a new motor cross facility would be traffic generating development and under the Dept's Roads Policy, and on approval of this development proposal by Council, the Crown road would be considered as eligible for transfer to Council.</i></p> <p>Whilst able at this stage it is not proposed to transfer the road.</p>
<p><b>4. Bushfire Assessment</b></p> <p><i>The submission advises: Incorrectly refers to the access (to the development site as a Right of Way, which is clearly incorrect. Also does not identify the use of potentially non-compliant existing structures/buildings for the purpose of accommodation as the conditions imposed by NSW RFS relates to new buildings, as opposed to existing. Clarification is required as to how existing on site buildings comply with the BAL prescribed.</i></p>	<p>Applicants response: Whilst there may be a minor erroring the bushfire assessment, the outcomes of the assessment remain valid and a revised report is not considered warranted. Existing structures on the site are shed, containers, awning and the like and do not require a BAL assessment.</p>	<p>The errors are considered as minor and do not warrant an updated report.</p> <p>Any proposed buildings for accommodation will require a BAL rating and be required to comply with BCA.</p> <p>Conditions of consent have been included in the draft conditions</p>
<p><b>5. Existing Use of the site and associated structures</b></p> <p><i>The submission advises: *Council needs to consider the following case law in association to the applicants claim that the use of the</i></p>	<p>The applicants' responses are as follows:</p> <p><i>The case law referred to has been considered and the proposed accommodation buildings are different to the proposed in that case. The proposed accommodation</i></p>	<p>Compliance with the NCC can be demonstrated at CC or S68 application stage.</p> <p>Conditions are included in the draft conditions of consent.</p>

<p><i>existing or proposed structures ca comply with the Local Government (Manufactured Home estate, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2021. As these structures should be assessed as buildings. See: Ogilvie v Rovest Holdings Pty Ltd [2023] NSWLEC 17.</i></p> <p><i>*These Structures are clearly Class 3 motel accommodation and a Class 5 or 9 recreation/meeting room and not accessible under the Local Government (Manufactured Home estate, Caravan Parks, Camping Ground and Moveable Dwellings) Regulation 2021.</i></p> <p><i>*Buildings are unlikely to comply with the Building Code of Australia.</i></p> <p><i>* Retrospective approval for any existing buildings cannot be granted under Section 68, there is no provision under Section 68 for an “application for Occupation”</i></p>	<p><i>buildings are significantly smaller in size and verandahs are not proposed to be attached.</i></p> <p><i>It is noted that the consideration of the buildings as moveable dwelling under the Local Government Regulations was at the request of Council staff.</i></p> <p><i>In any case, Development Consent is being for the accommodation buildings under the EPA Act 1979. The process for obtaining approval to install the buildings, be it a Construction Certificate under the EP&amp;A Act 1979 or a S68 approval under the Local Government Act 1993, is relevant only to the wording of conditions of consent. This is a matter for Council to determine.</i></p>	
<p><b>6. Operation of the facility</b></p> <p>Submission - <i>The operation of the facility is unclear.</i></p> <p><i>The Operational Management Plan states:</i></p> <p><i>* Hours of operations - the motorcycle trails will be in use only between the hours of 8.00am to 6.00pm Monday to Sunday.</i></p> <p><i>Geotechnical report states – the use of the proposed facilities during the weekend (Friday through Sunday) The facilities will not be used from Monday to Thursday.</i></p>	<p>Applicants’ response –</p> <p><i>While there may be an error in the geotechnical report with regards to the proposed days of operation, the outcomes of the report remain valid.</i></p>	<p>Council’s response –</p> <p>The Operational Management Plan is included in the SEE which is included in the approved documents in Condition 1 of the draft conditions of Consent</p>
<p><b>7. Ongoing unlawful land clearing</b></p>	<p>The applicant’s response are as follows:</p>	<p>Comment:</p>

<p>Issue raised in submission. The site has been subject to ongoing land clearing over the past few years.</p>	<p>Any clearing undertaken on the site has been undertaken in accordance with the allowable clearing requirements of the Local Land Services Act 2013. A dirt pile on the property is to be used for private landscaping purposes and is not related to any clearing of vegetation.</p>	<p>Conditions are included in the draft conditions of consent.</p>
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**Submission 2 - Southern Cross Forest (formerly Hume Forests Ltd)**

Submission 2	Applicants Response	Council's response
<p><b>1. Bushfire Fire Risk</b></p> <p>Based upon the lack of a fire suppression capacity and ambiguous wording regarding a dedicated fire suppression water source we object to the development.</p>	<p>Applicants' response: The proposed 10,000L tank will only be used for fire fighting purposes. This is in addition to the water tanks proposed to be installed adjacent to each proposed building for potable water supply. The land owner has at the property a fire trailer with a 2,000L capacity. In addition a large dam is located on the property to provide additional emergency water supply for firefighting purposes.</p>	<p>Rural Fire Service conditions require this issue to be satisfactorily addressed. The response is satisfactory. The RFS conditions are included in the draft conditions of consent.</p>

**17. STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP (Resilience and Hazards) 2021

There is not considered to be any contamination of the site at the present point in time. Chapter 4 of this SEPP relates to the remediation of contaminated land. There is a change of use to the site from agriculture to a motorcycle track and accommodation. Conditions of consent have been included to ensure the risk of contamination by spill or leakage of toxic materials or liquids can be satisfactorily contained. Subject to conditions of consent the site is considered suitable for the development and no further assessment of potential contamination is warranted.

**Conclusion**

The proposed development is permissible with consent in the RU1 Primary Production zone of the Oberon Local Environmental Plan 2013 (LEP). There are some inconsistencies with regard to notification of the application against Section H of the Oberon Development Control Plan 2001. A Site Ecological Statement and Noise Impact Assessment indicate that the proposed development should be able to operate with minimal impact on the subject site and surrounding properties.

**Recommendation**

The proposed development should be approved subject to draft conditions of consent provided as an attachment to this report.

**Reasons for Recommendation**

- The development is permissible within the Oberon Local Environmental Plan 2013.
- The development complies with the Oberon Local Environmental Plan 2013.
- Appropriate conditions of consent have been included to mitigate the impacts of the development.
- The development is considered to be appropriate and will not impact the locality unreasonably.

**Attachments**

1. Conditions of Development Consent

**Recommendation**

That Council approve Development Application 10.2023.30.1 at Lot 95 DP 753036 known as 3117 Arkstone Road, Jeremy for the purpose of a Recreation Facility (Outdoor) and Accommodation.

Renotification should be undertaken for the use of the site for the purpose of a Recreation Facility (Outdoor) Motorcycle Track, ancillary Accommodation and shed at Lot 95 DP 753036 also known as 3117 Arkstone Road Isabella.

**1. Approved plans**

The development is to be carried out generally in accordance with the approved stamped plans

Plan Title	Prepared/Drawn by	Date
Overall Site Plan	Navigate Planning	11 October 2024
Overall Site Plan Prohibited Delineated Areas	Edited – Navigate Planning	undated
General Layout Site Plan CDMO522/001 Showing Proposed machinery Shed Location	Oberon Drawing and Design	27/4/22
Proposed Family Recreation Facility: Amenities and Accommodation Building No 1&2 Details CD04/22	Oberon Drawing and Design	Undated
Proposed Family and Recreation Facility: Managers Quarters Admin Facilities Building	Oberon Drawing and Design	Undated
Effluent Disposal Investigation 3117 Arkstone Road Jeremy Job No 22.0690	Calare Civil	10 April 2024
Bush Fire Assessment BR-562822-E SFPP Motorbike Riding Facility	Bushfire Planning & Design Matthew Noone	27/ 5/ 2024
Original Site Plan (Coreys Block) Access from Arkstone Road	Integrated Consulting Drawing Number 23086- TP01_B Sheet 2 of 4	22.03.2024 Revision B
Site Ecological Statement (SES) Project 3117 Arkstone Road Isabella	Access Environmental Planning	February 2024
Noise Impact Assessment	Acoustik – Navigate Planning Revision 2	19 April 2024
Statement of Environmental Effects – Development Application for Recreational Facility (Outdoor) with ancillary Visitor Accommodation	Navigate Planning	03 February 2025
Rural Fire Service Conditions of Consent	Rural Fire Service	14 September 2023

except as otherwise provided by the conditions of this determination. (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act).

*Reason:-* To confirm and clarify the terms of Council's approval.

## **2. Limitations on Use**

The use of the site for the purpose of a Recreation Facility (Outdoor) and Visitor Accommodation shall not be permitted to encroach or enter the exclusion area delineated on the revised site plan. The exclusion area shall be clearly identified on the Plan of Management so that all users are aware of these restrictions.

*Reason:-* To ensure that the site operates in accordance with the intended use and within the area intended for the use.

## **3. Moveable Dwellings**

Prior to the Use of the site for the purpose of Outdoor Recreation, a request for the occupation of the moveable Dwellings for the purpose of accommodation shall be lodged and approved under Section 68 of the Local Government Act.

*Reason:-* To ensure that accommodation is provided on site prior to the site being used as for the dominant use as a Recreation Facility (Outdoor).

## **4. Limitations on Use**

The site shall not be used for any other purpose other than a Recreation Facility (Outdoor) as the dominant use of the site without the prior consent of Council.

*Reason:-* To ensure the use of the land remains consistent with the objectives of the zone under the Oberon Local Environmental Plan 2013.

## **5. Limitations on Use**

The use of the Moveable Dwellings on the site shall be ancillary to the approved use of the site for the purpose of a Recreation Facility (Outdoor) Motorcycle recreation and shall cease if the dominant and approved use of the site ceases.

*Reason:-* To ensure the use of the land remains consistent with the objectives of the zone under the Oberon Local Environmental Plan 2013.

## **6. Limitations on Use**

The use of the site as a Recreation Facility (Outdoor) shall be restricted to within the perimeter road area and the area delineated on the approved plans.

*Reason:-* To ensure the use of the land remains consistent with commitments made to protect flora and fauna on the site and minimise impacts on adjoining properties.

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **7. Waste Management**

A Waste Management Plan to address storage, collection, and management of waste and recycling generated by the development shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

*Reason:* To ensure the development does not interfere with the amenity of the area or the environment



### **8. Sight Distances**

The applicant shall engage a suitably qualified traffic engineer to determine the appropriate sight distance in accordance with the AUSTRROAD standard for the proposed entry/exit. If appropriate sight distance cannot be obtained that a new entry/exit be provided that satisfies the required standard.

*Reason:* The sight distances must be achieved so that vehicle movements to and from the site and in both directions along Arkstone Road will not be negatively impacted.

### **9. Traffic Management Plan**

A Traffic Management Plan is to be prepared in accordance with Transport for NSW Issue 6.1 Technical Manual February 2022 and submitted to and approved by the Certifying Authority.

- a) All activities including loading and unloading of goods associated with the development be carried out on site in the dedicated areas providing adequate manoeuvring area for the design vehicle.
- b) Landscaping, signage and fencing is not to impede sight lines of traffic or pedestrians within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) must be provided and maintained at the intersection of the driveway with Arkstone Road.

*Reason:* The TMP must demonstrate that vehicle movements within, to and from the site and in both directions along Arkstone Road will not be negatively impacted and cause nuisance to adjoining landowners.

### **Rural Fire Service Condition**

#### **10. Construction Standards**

**The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following condition applies:**

New construction of the visitor accommodation must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

### **PRIOR TO COMMENCEMENT OF WORKS**

#### **11. Submission of a Construction Certificate**

Site works are not to commence until such time as the Certifying Authority has issued a construction certificate for the proposed works. The Construction Certificate(s) must encompass all proposed works on site including the shed and earthworks required for the operation of the Recreational Facility.

*Note:* Only the person who appointed the PCA may be the applicant for the Construction Certificate.

Reason:- To comply with the requirements of the Environmental Planning and Assessment Act.

#### **12. On-Site Wastewater Disposal**

An application for an On-Site Wastewater disposal system shall be submitted to Council for determination under Section 68 of the Local Government Act prior to commencement of works.

Reason:- To comply with the requirements of the Local Government Act 1993.

#### **13. Notice of commencement**

At least two (2) days prior to the commencement of building works, the applicant is required to submit to the Certifying Authority a "Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifier".

Reason:- To meet the requirements of Section 6.6 of the Environmental Planning and Assessment Act 1979.

#### **14. Construction Environment Management Plan**

Prior to works commencing, the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to the Certifying Authority. The CEMP shall outline how and where construction activities such as material stockpiling will be undertaken and detail acceptable methods for the adequate control and management of the following:

- Dust Suppression and Mitigation – detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site;
- Erosion and Sedimentation Control Plan – detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with subdivision activities.
- Management and storage of stockpiled materials and waste onsite:
  - Method of waste disposal and disposal sites;
  - Method of waste transport to disposal sites; and
  - Record keeping.

Reason:- To ensure the proposal has minimal impacts on surrounding properties and the road and footpath areas around the site.

### **Stock Pile Management**

Stockpiled materials including but not limited to earthworks are to be stored in a designated location identified in the construction management plan with suitable erosion and sediment control measures in place.

*Reason:* to contain any runoff with the potential to contaminate any waterways or drainage channels in the vicinity.

### **15. Builders Waste**

All building rubbish, including that which can be wind blown, shall be suitably contained on site, until disposed of at Council's Solid Waste Disposal Depot.

*Reason:-* To ensure the building site and surroundings are kept in a clean and tidy condition and to prevent a nuisance to surrounding premises.

### **16. Run-off, erosion and sediment controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

An Erosion and Sediment Controls Plan must be provided to the Certifying Authority prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended.

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of all the proposed stages of development and must not be removed until the site is fully stabilised.

*Reason:-* To prevent the movement of soil and sediment and minimum impact on waterways from stormwater and runoff.

### **17. Site Identification**

A sign is to be erected in a prominent position at the entrance of the work site, stating that unauthorised access is prohibited, and showing the name and contact phone number of the person or company in charge of construction on the site.

*Reason:-* To identify the site and builder, and prevent unauthorised access.

### **18. Storm water disposal**

Stormwater from the development is to be collected in rainwater tanks or conveyed to drainage channels.

*Reason:-* to ensure the stormwater is suitably managed or discharged.

### **19. Satisfactory Arrangements for builders toilets**

1. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons working from the site.
2. Each toilet must:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) Be a temporary chemical closet approved under the Local Government Act 1993.

## DURING WORKS

### Rural Fire Service Condition

#### 20. Asset Protection Zones

**The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:**

From the commencement of building works and in perpetuity, the property around the visitor accommodation units must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- north-east and south-east for a distance of 79 metres; and
- south-west and north-west for a distance of 67 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

#### 21. Tree Removal

A suitable plan shall be provided identifying each tree to be retained on site. No Tree removal shall be permitted during the period of this consent without prior consent of Council.

Reason:- To ensure vehicle access and safety is maintained during the development building works.

#### 22. Hours of construction and operation

Construction and operation may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday in accordance with the Acoustic Plan submitted by Acoustix. A Noise Management Plan will be required to be submitted to the consent authority highlighting the recommendations within the report and how they will be addressed onsite.

Reason:- To ensure works do not cause noise nuisance to surrounding premises after hours and on Sundays and public holidays.

### **23. Drainage and Stormwater Management**

Berms and Swales shall be provided in conjunction with the Erosion and Sediment Control Plan to effectively manage drainage and stormwater around the site and within the internal road network.

*Reason:* To ensure water is effectively managed around the site and does not impact on vehicle movement to, from and around the site.

### **24. Site to be kept neat and tidy during the construction and ongoing use**

The site shall be kept clean and tidy during the construction and ongoing use and all rubbish shall be removed from the site upon completion of the project to the satisfaction of Council.

*Reason:-* To ensure the site does not impact on the natural environment or create a nuisance for the adjoining property owners during construction or ongoing use.

### **25. Compliance with plans**

Works must be carried out in accordance with the plans and specifications to which the development consent relates. A copy of the approval and plans shall be kept on site at all times.

*Reason:-* To ensure a copy of the approval is available for builders/tradespersons on site.

### **26. Contamination**

A Satisfactory spill kit is to be retained on site in the event of leakage or spillage of toxic material, fuels or other chemicals. The permanent storage of toxic materials fuels or other chemicals is to be contained within a bunded area suitable to containing 125% of the largest container being stored.

*Reason:* To ensure the site remain uncontaminated and suitable for its intended and ongoing use as Rural land.

### **27. Maintenance of site**

- (1) All materials and equipment must be stored wholly within the work site unless in accordance with the site management plan.
- (2) Waste materials (including excavation, demolition, and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties, and roads.
- (4) During construction:
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (5) At the completion of the works, the work site must be left clear of waste and debris.

*Reason:-* To ensure that the building site and adjoining public areas are maintained in a clean condition and do not impact on the amenity of the area.

### **28. Fencing**

Existing fencing is to be suitable and appropriately maintain to ensure no encroachment onto areas to be protected or adjoining properties. All fencing shall allow the free passage of native animals and prevent the entry of motorbikes and persons into protected areas.

*Reason:* - To ensure areas intended to be protected and free from motorbike are maintained in that condition and the use of the site does not have unintended impacts on the natural environment.

### **29. Obligation to Minimise Harm to the Environment**

In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

*Reason:* To ensure no harm, contamination or damage is caused to the environment.

## **PRIOR TO OCCUPATION CERTIFICATE AND ONGOING USE OF THE SITE**

### **Rural Fire Service Condition**

#### **30. Access - Internal Roads The intent of measure is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area. To achieve this, the following conditions apply:**

Property access roads to the development, which includes the secondary access route identified as 'Alternate route to Arkstone Road' in Figure 5.1 of the Bush Fire Assessment Report prepared by Bushfire Planning & Design (dated: 05/05/2023, ref: BR-562822-D) must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- property access roads are two-wheel drive, all-weather roads;
- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

### **Rural Fire Service Condition**

#### **31. Water and Utility Services The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions apply:**

The provision of water, electricity and gas must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a 10,000 litre static water supply, tank, pool, dam or the like, must be provided for each proposed visitor accommodation unit on-site,
  - an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
  - 65mm Storz connection with a ball valve is fitted to the outlet,
  - the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
  - underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
  - a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
  - above-ground tanks are manufactured from concrete or metal,
  - raised tanks have their stands constructed from non combustible material or bush fire resisting timber. -The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
  - unobstructed access can be provided at all times,
  - underground tanks are clearly marked,
  - tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
  - all exposed water pipes external to the building are metal, including any fittings,
  - a minimum 5hp or 3kW petrol or diesel-powered pump must be provided, and must be shielded against bush fire attack,
  - a hose and reel for firefighting must be connected to the pump is to be 19mm internal diameter,
  - the required fire hose reel/s must be constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
  - A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
    - Markers must be fixed in a suitable location to be highly visible, and
    - Markers should be positioned adjacent to the most appropriate access for the water supply.
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are proposed as follows:
    - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
  - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
  - connections to and from gas cylinders are metal;
  - polymer sheathed flexible gas supply lines are not used; and
  - above-ground gas service pipes are metal, including and up to any outlets.

### Rural Fire Service Condition

- 32. Landscaping Assessment: The intent of measures is to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services**

**personnel undertaking operations, including supporting or evacuating occupants. To achieve this, the following conditions apply:**

Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used. Emergency and Evacuation Planning Assessment

### **Rural Fire Service Condition**

#### **33. Emergency and Evacuation Planning Assessment**

**The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments. To achieve this, the following conditions apply:**

A Bush Fire Emergency Management and Evacuation Plan is to be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the following:

- The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
- contact details for the local Rural Fire Service office;
- procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

### **ONGOING USE OF THE SITE (Operational Phase)**

#### **34. Vehicles Driven in a Forward Direction**

All motorcycle and vehicles must be driven in a forward direction at all times when entering, leaving or moving around the site.

Reason:- to preserve and enhance the safe operation of the site for the intended and approved purpose.



**35. Development not to interfere with amenity of the area.**

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

Reason:- so that the development does not reduce the amenity of the area

**36. No Advertising Signage.**

No Advertising Signage is permitted to be erected without the approval of Council. Direction signage shall be for the purpose of directions only and shall not convey any other message. A sign identifying the property address and entrance to the site shall be clearly displayed at the entry.

Reason:- To ensure that any signage is consistent with the consent and is not used for any other purpose without approval.

**37. Operational Plan of Management**

The site shall operate under a Operational Plan of Management (OPOM) incorporating all recommendations and actions outlined within consultant reports and limited by the conditions contained within the approval. The OPOM will be required to be approved by Council prior to the commencement of any operations.

Reason:- to preserve and enhance the safe operation of the site for the intended and approved purpose.

**38. Crown Lands Access**

The development will be carried out in accordance with the conditions required by Crown Lands. Council will not be undertaking any action to make the crown road a public local road.

Reason:- to preserve and enhance the safe operation of the site for the intended and approved purpose.

**PRESCRIBED CONDITIONS OF CONSENT**

**The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2021 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.**

1. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

*Reason:-* So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.

2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

*Reason:-* So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.

3. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
  - in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

*Reason:-* So that the development complies with the requirements imposed under Clause 71 of the Environmental Planning and Assessment Regulation 2021.

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - showing the name, address and telephone number of the principal certifying authority for the work, and
  - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

Note: This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

*Reason:-* So that the development complies with the requirements imposed under Clause 70 of the Environmental Planning and Assessment Regulation 2021.

5. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - i. protect and support the adjoining premises from possible damage from the excavation, and
  - ii. where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

*Reason:-* So that the development complies with the requirements imposed under Clause 74 of the Environmental Planning and Assessment Regulation 2021.

**STATEMENT OF ENVIRONMENTAL EFFECTS v6**

**DEVELOPMENT APPLICATION FOR  
RECREATION FACILITY (OUTDOOR)  
WITH ANCILLARY VISITOR  
ACCOMMODATION**

**3117 Arkstone Road, Isabella**



Navigate Planning

3 February 2025

**TABLE OF CONTENTS**

**1 INTRODUCTION.....1**

**2 PROPOSED DEVELOPMENT.....1**

**3 SITE ANALYSIS.....2**

**4 COMPLIANCE WITH RELEVANT LEGISLATION.....7**

4.1 Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth) 7

4.2 Disability Discrimination Act 1992 (Commonwealth) 7

4.3 Biodiversity Conservation Act 2016 (NSW) 7

4.4 Water Management Act 2000 (NSW) 10

4.5 Rural Fires Act 1997 (NSW) 10

4.6 Protection of the Environment Operations Act 1997 (NSW) 11

4.7 National Parks and Wildlife Act 1974 (NSW) 11

4.8 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 13

4.9 Environmental Planning and Assessment Act 1979 (NSW) 13

**5 COMPLIANCE WITH PLANNING CONTROLS .....15**

5.1 State Environmental Planning Policy (Resilience and Hazards) 2021 15

5.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021 15

5.3 State Environmental Planning Policy (Primary Production) 2021 15

5.4 Oberon Local Environmental Plan 2013 16

5.5 Oberon Development Control Plan 2001 18

**6 CONCLUSION .....26**

**APPENDIX 1 – OPERATIONAL MANAGMENT PLAN .....27**

## 1 INTRODUCTION

This Statement of Environmental Effects (SEE) supports a development application for the commercial use of existing private motorbike trails and the installation of ancillary demountable buildings to provide visitor accommodation and facilities on land at Lot 95 in DP753036, 3117 Arkstone Road, Isabella.

The subject land is zoned RU1 Primary Production under the Oberon Local Environmental Plan 2013 (OLEP 2013). The principal use, being motorbike riding on the existing tracks is defined as recreation facility (outdoor) under OLEP 2013. This use is permitted with consent in the RU1 zone. The provision of visitor accommodation and facilities is ancillary to the principal use.

The motorbike trails were constructed on the land by the previous land owner and continue to be maintained by the current land owner. They have been used for the last seven years by the owner and their friends and family for private purposes.

It is now intended to convert the current activities on the land from a private use to a commercial use. This requires development consent. Given the relative remoteness of the land, it is proposed to provide accommodation on site for visitors using the motorbike trails. No additional motorbike trails are proposed to be constructed.

The subject land is 643.8ha in size. The motorbike trails and accommodation area take up a relatively small part of the overall site.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

This SEE addresses the environmental, social and economic impacts of the proposed development. Appendix 1 of this SEE contains an Operational Management Plan outlining how the facility will be operated and procedures to manage noise, waste, guest behaviour and emergencies. Supporting this SEE are development plans, a bushfire assessment report, an effluent management report, an acoustic report and a Site Ecological Statement.

## 2 PROPOSED DEVELOPMENT

The proposed development involves the following:

1. Use of existing motorbike trails as a recreation facility (outdoor).
2. Installation of three demountable accommodation buildings accommodating up to 30 people in total.
3. Installation of a single demountable toilet/shower building, connected to an effluent management system.
4. Installation of a single demountable recreation building that will contain the manager’s quarters and office, a first aid room, toilets and a recreation area. This building will also be an emergency meeting room.

No works are proposed as part of the use of the motorbike trails, other than ongoing maintenance for the safety of users. The accommodation area is primarily in an existing managed area with scattered trees and managed groundcover. A relatively small area of native vegetation in the vicinity of the accommodation area is required to be thinned to meet asset protection zone requirements.

Earthworks associated with the development are minimal and limited to excavation for building footings and provision of effluent management.

Water tanks for fire fighting and potable purposes are proposed to be installed.

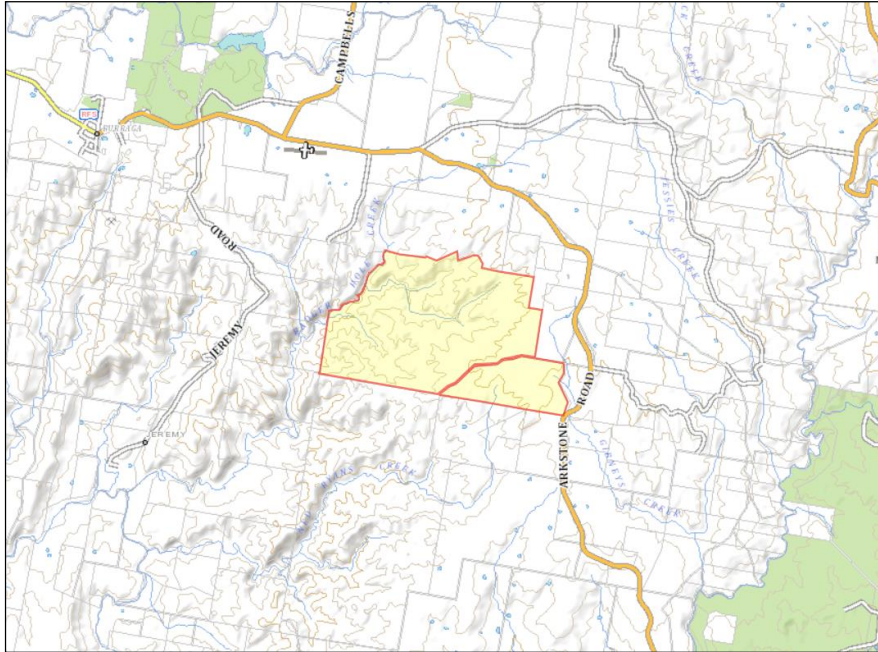
No signage, other than internal directional and track signage is proposed.

The motorcycle trails will be in use only between daylight hours only, with the maximum hours to be 8.00am to 6.00pm Monday to Sunday.

The maximum number of riders at any one time will be limited to 30.

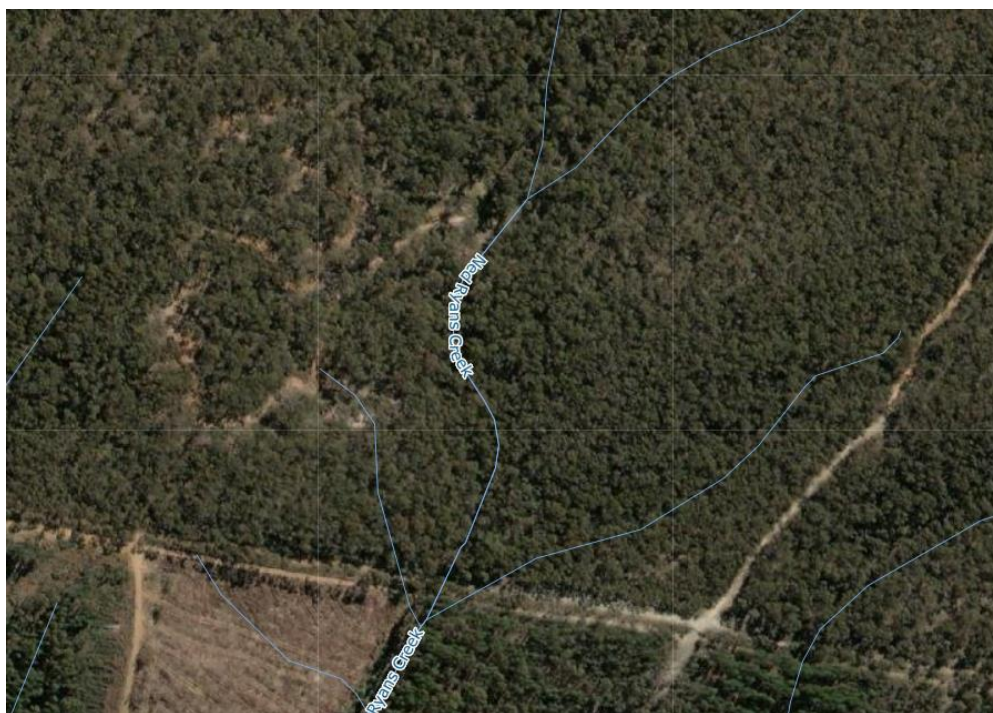
### 3 SITE ANALYSIS

The subject land is Lot 95 in DP 753036, at 3117 Arkstone Road, Isabella, as shown in the following location map.



The land is approximately 10km east of the village of Burruga and approximately 50km south-west of the Oberon township.

The development site is large and has a varying terrain from steep slopes to flat areas. The motorbike trails are mostly located on gentler slopes with some steeper sections. The original motor bike trail constructed on the site used existing fire trails, a track along an existing fence line and part of a Crown Road. Two additional trails were constructed inside the perimeter trail. An aerial photo of part of the existing trails is provided below.



Photos of sections of the existing motorcycle tracks are provided below.



Photo 1: Example of existing perimeter track on Fire Trail.



Photo 2: Example of inner track with jump



Photo 3: View of part of inner loop track

The accommodation area is wholly located in a flat area of the site. This part of the site is managed land with scattered trees and various structures including sheds and recreation shelters. An aerial photo of the accommodation area is provided below.





Photo 4: Aerial view of accommodation area

Photos of the accommodation area are provided below.



Photo 5: View of accommodation area looking east, with car parking area to the left



Photo 6: View of accommodation area looking south from access road.

Access to the subject land is via a Crown Road from Arkstone Road.

A photo of the access road is provided below.



Photo 7: Access Road to Arkstone Road.

The nearest adjoining residence is on land to the north, adjoining the Crown Road access from Arkstone Road. The dwelling is approximately 750m from the accommodation area and 1.4km from the centre of the motorbike trails. The dwelling is not visible from the subject land due to the topography and existing vegetation.

To the south of the subject land is a pine plantation that has been recently harvested. Further to the south is farmland, with no dwelling within 4.3km of the subject land. To the south-east, the nearest dwelling is across Arkstone Road, approximately 1.7km from the area of the motorbike tracks. Neither of these dwellings are visible from the subject land due to the topography and vegetation.

There are a number of defined watercourses on the site, as demonstrated by the blue lines in the above aerial photos. No works are proposed within 40m of any defined watercourse.

The site does not contain a heritage item and there are no heritage items in the vicinity of the site.

The land is serviced by telecommunications. On-site solar power, water supply and effluent management will be required.

## **4 COMPLIANCE WITH RELEVANT LEGISLATION**

### **4.1 Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)**

Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), a person must not take an action that has, will have or is likely to have a significant impact on any of the matters of national environmental significance without the approval of the Federal Environment Minister. This includes any impacts on threatened species or endangered ecological communities (EEC) listed under the EPBC Act.

A Site Ecological Statement has been prepared for the development application. The reports states that there will be no significant impacts to any matters of national environmental significance.

Therefore a referral to the Federal Environment Minister is not required.

### **4.2 Disability Discrimination Act 1992 (Commonwealth)**

The *Disability Discrimination Act 1992* (DDA Act) prohibits discrimination against people with a disability in a range of areas, including in relation to access to premises.

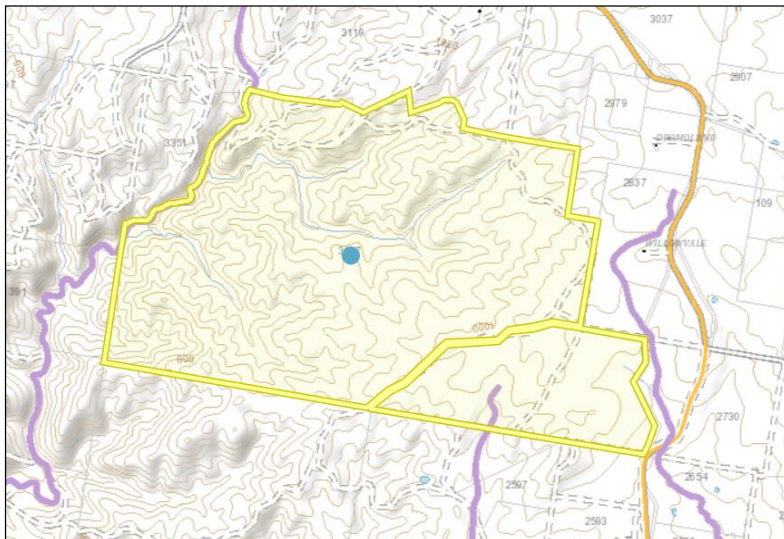
The proposed development is for use by persons who are able to ride a motorcycle and is therefore unlikely to be regularly frequented by persons with a physical disability. However, from time to time a friend or family member of a motorcycle rider may attend the site.

The accommodation, amenities and function buildings are all demountables, raised approximately 600mm off ground level. It is not feasible to provide permanent ramped access to these buildings, however, the operator of the development will supply a portable ramp that can be placed at the building entrances when required. The amenities building will also include a toilet facility that meets accessibility standards.

Given the above, it is considered that the development will comply with the DDA Act.

### **4.3 Biodiversity Conservation Act 2016 (NSW)**

The *Biodiversity Conservation Act 2016* (BC Act) outlines the processes for biodiversity assessments, approvals and offsets where required. The BC Act also defines biodiversity values, and these are shown as the purple areas on the Biodiversity Values Map. As shown on the map below, a small part of the subject land in the vicinity of the existing motorbike trails is identified on the biodiversity values map.



Where development involves clearing that exceeds the biodiversity offset threshold, a Biodiversity Development Assessment Report (BDAR) is required. Any clearing on land identified on the Biodiversity Values Map is deemed to exceed the threshold.

Clearing that is greater than the threshold based on the lot size would require a BDAR and offsets. The subject land has a minimum lot size of 100ha. The biodiversity offset threshold is therefore 1ha. A small area of vegetation thinning along the north-west to north-eastern edge of the required Asset Protection Zone will be required, amounting to no more than approximately 1000m<sup>2</sup> of area, significantly less than the biodiversity offset threshold.

A Site Ecological Statement has been prepared for the development application. The report states that:

- An existing road originally used for adjacent NSW state forestry (now Forestry Corporation) operations already crosses the area highlighted BVM. This road has been in use for forestry operations since the 1980s (Appendix B), pre-dating the BC Act 2016 and the inception of the BVM.
- In this case no clearing or modification to any vegetation identified on the BVM will occur.
- Vegetation thinning towards perimeter of building asset protection zone (APZ) is less than 1000m<sup>2</sup>.

Based on the above, the proposed development does not exceed the Biodiversity Offset Scheme threshold and a Biodiversity Development Assessment Report is not required.

Notwithstanding the above, consideration must be given to potential direct and indirect impacts on threatened ecological communities as a result of the development.

The Site Ecological Statement identifies that none of the vegetation communities located on the land are associated with any threatened ecological communities.

However, the subject land may contain individual threatened flora spaces and is likely to provide habitat for a range of threatened fauna species. The Site Ecological Assessment includes a test of significance for a range of threatened species that may be found on the site. The report states that:

- It is unlikely that any potential undiscovered threatened flora species will be impacted by the proposed site use due to the minor extent of additional vegetation modification and use of existing roads, tracks and disturbed areas.
- Changes to the site for proposed recreational motorbike use and visitor accommodation will not modify vegetation enough to impact significantly on nesting options or food resources for threatened birds of prey.

- For threatened woodland birds, the proposed site use will not modify the quantity, quality or access of any habitat resources to any significant extent and existing habitat resources will remain.
- There is negligible planned disturbance to areas that may support refuge for threatened frog species and therefore no effect on the life cycle enough to endanger any population that may occur.
- In relation to threatened reptiles, there is minimal rocky habitat that will be disrupted by planned development and any logs that may be moved (if tree limbs fall across roads or motorbike tracks) can be relocated trackside in adjacent woody vegetation. No termite mounds were observed during the site inspection, near any areas where there will be disturbance or continuing human use. Due to the extent of untouched forest habitat that will remain on site adverse effects on the life cycle of such species, jeopardising a viable local population, is unlikely.
- Habitat resources for threatened mammals such as gliders will not be adversely affected by proposed site use.
- The site contains highly suitable koala habitat (not core koala habitat as there is no resident koala population). While the proposed site use may cause a slight increase in the threat of vehicular collision for individual koalas that may attend the site in the future, this risk can be managed by operational controls (like not using motorbike tracks from dusk to dawn). This small increase in risk would not endanger a viable local population due to the reservation of large quantities of forest vegetation at the site, that will continue to act as potential koala refuge.
- The types of habitat assets for threatened bats will not be affected by the proposed site use and resulting changes would not create a significant impact on a viable local population.

The report makes the following recommendations:

- Parking of vehicles and storage of plant / equipment is to occur on-site, in existing disturbed areas. Designated areas will ensure that all equipment is kept away from more environmentally sensitive areas.
- All project staff and contractors will be inducted on the environmental sensitivities of the work site(s) and relevant safeguards prior to commencement. All work will be limited to the prescribed area.
- Site management will comply with the provisions of Landcom's "Blue Book (Managing Urban Stormwater: Soils and construction - Volume 1 (4th edition)).
- Sediment will be prevented from moving off the site and no sediment laden water will enter drainage lines or watercourses. Any fuels or chemicals must be stored in bunded areas with functional spill kits and containment procedures available for use.
- Should unexpected, threatened fauna be located at any time during the work, work will stop to prevent further harm to the individual and professional advice will be sought.
- Vegetation disturbance will be kept to the minimum necessary. Works are not to harm threatened fauna or impede fauna movement. Construction machinery should be cleaned before entering and leaving the site to ensure biosecurity risks are minimised.
- Waste and excess materials should be removed to a licensed waste disposal facility and the site and ground surfaces restored at the completion of building activity.
- On going site management should include controls on domestic dogs to restrict their movement and limit impacts to native fauna.
- Motorbike tack use will only be permitted during daylight hours.

Subject to the above recommendations, it is considered that the proposed development will not have significant direct or indirect impacts on threatened species.

#### 4.4 Water Management Act 2000 (NSW)

The *Water Management Act 2000* (WM Act) outlines the approval requirements for works on waterfront land, which is defined as land within 40m of the top of bank of a watercourse. There are a number of mapped watercourses on the subject land in the vicinity of the existing motorbike tracks and one near the proposed accommodation area, as shown below.



The proposal does not involve works, other than ongoing maintenance, within 40m of any watercourse. There are a number of exemptions under the *Water Management (General) Regulation 2018* that would apply to the maintenance of the motorbike tracks, including the following:

- Any activity carried out in connection with the construction or use of fencing, or of a vehicular crossing or an access track, that does not impound water, being an activity carried out in, on or under waterfront land relating to a minor stream and within a rural zone (clause 23 of Schedule 4), and
- the removal of detritus (including woody debris) deposited on waterfront land as a result of the storm (clause 34 (b) of Schedule 4).

The proposed development is therefore exempt from the requirement to obtain a Controlled Activity Approval and is therefore not Integrated Development.

#### 4.5 Rural Fires Act 1997 (NSW)

Under Section 100B of the *Rural Fires Act 1997* (RF Act), a bush fire safety authority is required for certain types of development, known as “special fire protection purposes” (SFPP). The proposed development, given it involves visitor accommodation, is a special fire protection purpose.

A bushfire assessment report has been prepared for the proposed development. The report recommends a construction rating of BAL-12.5 with an asset protection zone of 79m to the north-east and east, with 67m to the north, south and west. The asset protection zone is wholly located on the subject land and predominantly within the existing managed area of the site.

The report acknowledges that access can comply with the requirements of *Planning for Bushfire Protection 2019*, with several alternative evacuation routes available.

A minimum 10,000 litres is to be provided for fire suppression for each occupied building, along with a 5hp or 3kW petrol or diesel-powered pump. Any hose and reel for fire-fighting connected to the pump shall be 19mm (internal diameter) and capable of reaching all parts of the building. Water tanks will comply with the requirements of Planning for Bushfire Protection 2019.

Electricity and gas to be provided in accordance with the requirements of Planning for Bushfire Protection 2019.

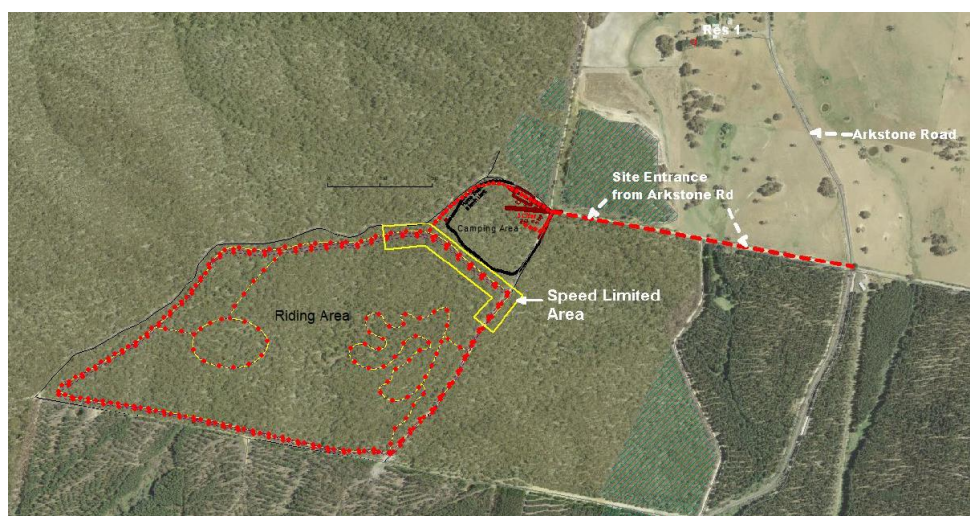
A Bush Fire Emergency Management and Evacuation Plan is to be prepared consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* or Australian Standard AS 3745:2010 Planning for emergencies in facilities.

#### 4.6 Protection of the Environment Operations Act 1997 (NSW)

The POEO Act provides for the Environmental Protection Authority to establish policies with respect to environmental matters, including noise, and it provides regulatory authorities with powers to control excessive noise.

The proposed development is a noise generating activity. A Noise Impact Assessment has been prepared for the development application. The report states that:

- The predicted noise emissions from the operation of the proposed development are well below the day trigger level of 40 dBA set by the NSW NPI.
- Subject to limiting the speed of motorbikes in the section of the perimeter track nearest Resident 1 (2837 Arkstone Road), the instantaneous or maximum noise from an individual bike passing the closets to Resident 1 is predicted at 36 dBA which is also below the trigger level for a 15 minute assessment. The are of speed limit is shown below:




Based on the above, it is considered that the proposed development can operate without adverse noise impacts on surrounding residents.

It is also noted that the motorcycle trails have been used on a regular basis for the last seven years, with no complaints received by adjoining landowners. The scale of use of the motorcycle trails will not be significantly greater than the existing private use of the trails.

#### 4.7 National Parks and Wildlife Act 1974 (NSW)

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal heritage impact permit. An Aboriginal Heritage Due Diligence Assessment should be undertaken where development has the potential to uncover an Aboriginal artefact.

A search of the Aboriginal Heritage Information Management System (AHIMS) found no objects having been recorded within 1km of the development site. The AHIMS Search result is copied below.



**AHIMS Web Services (AWS)**  
Search Result

Your Ref/PO Number : 28  
Client Service ID : 742815

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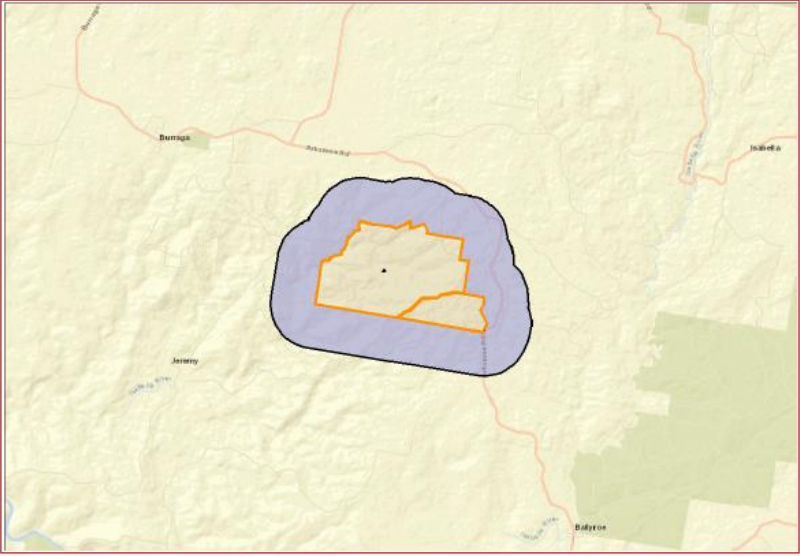
Mark Hitchenson  
50 Inglis Street  
Mudgee New South Wales 2850  
Attention: Mark Hitchenson  
Email: mark@navigateplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 95, DP:DP753036, Section : - with a Buffer of 1000 meters, conducted by Mark Hitchenson on 26 December 2022.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.

Date: 26 December 2022



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Earthworks associated with the development is limited to footings for the accommodation and amenities buildings and maintenance of the motorbike tracks. Given the small scale of earthworks associated with the development, it is unlikely that the development will uncover or impact any Aboriginal artefacts.

Based on the above, no further Aboriginal archaeological assessment is considered necessary for the development.



#### 4.8 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Subdivision 3 of the Regulation relates to the installation of moveable dwellings on land other than land in caravan parks or camping grounds. The proposed accommodation buildings are considered moveable dwellings for the purpose of the Regulation and an approval under Section 68 of the Local Government Act 1993 is required.

Section 77 (a) of the Regulation provides for up to 2 caravans or tents to be installed on any land without if they are not occupied for more than 2 consecutive days and more than 60 days in a 12 month period.

**Comment:** The proposed moveable dwellings are not caravan or tents, therefore this section does not apply.

Section 77 (b) provides for 1 caravan to be installed on any land without approval if it is occupied by the owner in connection with the owner's dwelling house.

**Comment:** The proposed moveable dwellings are not caravans, therefore this section does not apply.

Section 77 (c) provides for a caravan to be installed on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land

**Comment:** The proposed moveable dwellings are not caravans, therefore this section does not apply.

Section 77 (d) provides for a moveable dwelling or associated structure to be installed on land to accommodate a person who has been displaced as a result of a natural disaster.

**Comment:** The proposed moveable dwellings are not to accommodate displaced persons, therefore this section does not apply.

Section 78 provides for the installation of caravan, campervan or tent without approval on a Crown reserve or land reserved or dedicated under the National Parks and Wildlife Act 1974.

**Comment:** The subject land is not Crown Land or reserved under the NPWS Act, therefore this section does not apply.

Based on the above, approval is required for the installation of the moveable dwellings.

#### 4.9 Environmental Planning and Assessment Act 1979 (NSW)

##### 4.9.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5 (d) of the *Environmental Planning and Assessment Act 1979* (EPA Act), Oberon Council is the consent authority.

##### 4.9.2 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

##### 4.9.3 Section 4.15 – Evaluation

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 8 of this SEE.

##### **State Environmental Planning Policies**

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

- *State Environmental Planning Policy (Primary Production) 2021*

**Local Environmental Plans**

- *Oberon Local Environmental Plan 2013*

**Draft Environmental Planning Instruments**

Nil

**Development Control Plans**

- *Oberon Development Control Plan 2001*

**Planning Agreements**

Nil

**Environmental Planning and Assessment Regulation 2000**

Nil

**Impacts on the built environment**

The proposed development will not be visible from the public domain or from adjoining private property. Therefore, the proposal will have no detrimental impacts on the built environment.

**Impacts on the natural environment**

The proposed development will require some thinning of a relatively small area of native vegetation to meet asset protection zone requirements. The scale of clearing is minimal having regard to the amount of vegetation that will be retained on the subject land.

Potential impacts on the natural environment from the use of the existing motorcycle tracks will be neutral, as the scale of use will not be significantly greater than the existing private use of the tracks.

**Social and economic impacts**

The proposed modification will have positive social and economic impacts on the locality through the provision of a new recreational tourist facility in the local area, with minimal amenity and environmental impacts.

**Suitability of the site**

The site is considered suitable for the development for the following reasons:

- The site already contains motorcycle tracks, previously constructed for private use.
- The proposed accommodation will be located in an existing managed and relatively cleared area with minimal additional clearing required to maintain an asset protection zone.
- The development can be undertaken in full compliance with the relevant requirements of the OLEP 2013
- The proposal generally complies with the relevant controls in the ODCP 2001.
- The proposed development can be undertaken with minimal impacts on adjoining properties.

**The Public Interest**

The proposed development is in the public interest as it facilitates the provision of a new recreational tourist facility in an appropriate location and with minimal impacts on adjoining properties and the environment.

4.9.4 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. The development is integrated development as a bushfire safety authority is required under the Rural Fires Act 1997.

## 5 COMPLIANCE WITH PLANNING CONTROLS

### 5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4 of this SEPP relates to the remediation of contaminated land. There are no known previous uses of the site that could have potentially caused contamination. The land is zoned rural but has no history of rural activities. The site is considered suitable for the proposed development.

### 5.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of this SEPP relates to koala habitat protection and aims to conserve and manage areas of natural vegetation that provide habitat for koalas. The provisions apply to development on land greater than 1ha in size that is defined as potential koala habitat or core koala habitat. The definitions of potential and core koala habitat are copied below:

**potential koala habitat** means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

**core koala habitat** means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

The development site is greater than 1ha in size and is considered to be potential koala habitat.

A Koala Assessment has been undertaken as part of the Site Ecological Statement for the development. The assessment confirms that the site is not considered core koala habitat as there was no koala activity during the site inspection and there has been no koala records within the 2.5 km buffer of the Lot.

In addition to other management measures addressed earlier in this report, the following measures are recommended to minimize the risks to koalas:

- If any tree needs to be removed it should be felled in a controlled manner using a vertical tree grab on an excavator and an experienced koala spotter should be present.
- Motorbike tracks will be searched at the beginning of each day for wildlife and potential safety issues. Speed reduction devices like chicanes, winding track design, speed warning or regulatory signs, may be used if necessary, to slow vehicles, on the one way perimeter track.

Clause 3.7 (3) (a) of the SEPP states that if the council is satisfied that the land is not core koala habitat, it is not prevented from granting consent to the development application.

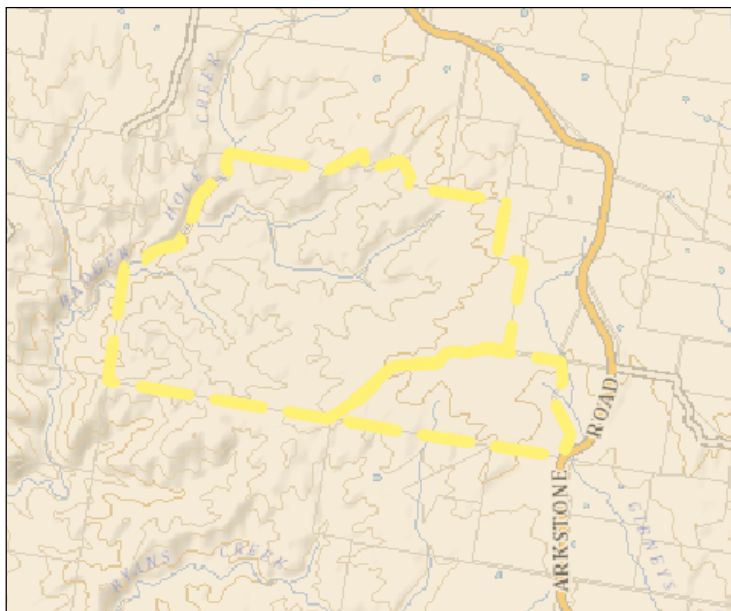
### 5.3 State Environmental Planning Policy (Primary Production) 2021

Chapter 2, Part 2.2 of this SEPP relates to State significant agricultural land. The subject land is zoned rural, but it is not viable agricultural land. The subject land is not identified on the Draft State Significant Agricultural Land Map. This SEPP therefore does not apply to the development.

## 5.4 Oberon Local Environmental Plan 2013

### 5.4.1 Zoning and zone objectives

The development is proposed on land included within the RU1 Primary Production zone under the *Oberon Local Environmental Plan 2013* (OLEP 2013), as shown on the map below.



Source: NSW Planning Portal

The objectives of the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.

The proposal is considered to be consistent with the objectives of the zone as it provides for a tourism and recreation activity in a location and manner that will minimise conflicts with adjoining land uses.

### 5.4.2 Land Use Permissibility

Recreation facility (outdoor) is permitted with consent in the RU1 Primary Production zone. The proposed visitor accommodation is considered to be ancillary development.

#### **Justification of Ancillary Nature of Development (Visitor Accommodation)**

The Department of Planning, Industry and Environment Planning Circular PS13-001 *How to characterise development* contains the following guidance with regards to ancillary uses:

*“An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land. To put it simply:*

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.”*

The dominant purpose of the proposed development is the use of the motorcycle trails. The proposed accommodation and associated facilities will serve this dominant purpose as it provides an opportunity for trail users to stay overnight on the subject land and provides facilities for the convenience and comfort of visitors.

The proposed accommodation is solely for the use of persons visiting the site to use the motorcycle trails. The purpose of the proposed development is therefore recreation facility (outdoor) with ancillary accommodation and facilities.

The proposed development, if it were not ancillary to the use of the motorcycle trails, would best fit the definition of tourist and visitor accommodation. However, the development does not serve this purpose separately from the use of the motorcycle trails. Its only use is in conjunction with the use of the trails. Therefore, the proposed accommodation does not serve its own purpose.

Planning Circular PS13-001 provides the following considerations for characterising development:

- Is the component going to serve the dominant purpose of the development or is it independent?

**Comment** – As discussed above, the proposed development serves the dominant purpose of the land and is not an independent use.

- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.

**Comment** – The dominant purpose of the land is within an area of approximately 57ha. The proposed accommodation is within an area of approximately 3ha, being 5% of the total area containing the trails. The relatively small size of the proposed accommodation compared to the size of the dominant purpose supports the contention that the proposed development is ancillary.

- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.

**Comment** – The sole use of the proposed accommodation by trail users supports the contention that the accommodation is an ancillary activity. The proposed accommodation is not inconsistent with the dominant purpose.

- If the component is temporary, it is more likely to be ancillary; if it is regular (that is, will constitute an ongoing use for a long period of time), it is likely to be an independent use.

**Comment** – The proposed development is a permanent development of the subject land but its use will be somewhat temporary or intermittent, as its use is limited to those times that persons visit the site to use the motorcycle trails.

- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).

**Comment** – Given the remoteness of the site, there are limited opportunities for visitor accommodation in close proximity. It is therefore considered that the accommodation is a reasonable requirement to facilitate the successful operation of the motorcycle trails.

- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.

**Comment** – Based on the discussion above, it can be determined that the proposed accommodation is an ancillary activity to the use of the motorcycle trails.

- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship, although again not necessarily determinative.

**Comment** – The proposed accommodation is on the same land as the motorcycle trails and is already connected to the area of the trails by existing fire trails and a Crown Road.

#### 5.4.3 Lot Size

The land has a minimum lot size of 100ha. As the proposal is not for subdivision of land, the minimum lot size is not a relevant planning control.

#### 5.4.4 Heritage

The site does not contain a heritage item, is not in a Heritage Conservation Area and there are no heritage items in the vicinity of the land.

#### 5.4.5 Flood planning

Clause 5.21 of OLEP 2013 requires consideration of the impacts on a development by flooding and of the impacts of development on flood behaviour. The subject land is not flood prone.

#### 5.4.6 Earthworks

Clause 6.1 of OLEP 2013 requires separate development consent for earthworks unless the earthworks are ancillary to other development for which development consent has been given. Earthworks for building footings are included as part of this development application.

#### 5.4.7 Essential Services

Clause 6.4 of OLEP 2012 requires consideration of the provision of essential services to development. The proposed development will provide on-site water and wastewater and solar power. Stormwater can be adequately managed on site. Suitable vehicular access is available.

### 5.5 Oberon Development Control Plan 2001

The following provisions of the *Oberon Development Control Plan 2001* (ODCP 2001) are relevant to the proposed development:

#### 5.5.1 Part A.2 – Rural Development Generally

Control	Requirement	Comment
<b>A2 RURAL DEVELOPMENT GENERALLY</b>		
	<b>A2.1 General Policy</b>	
	a) Non agricultural development, including dwellings, should be located on land that is not prime crop and pasture land, unless there are no alternative suitable sites.	The subject land is not prime crop or pasture land.
	b) Non agricultural development, particularly dwellings, should be sited and carried out	The proposed development will not cause land use

	so that it is unlikely to inhibit or give rise to complaints about normal farming and forestry practices (eg pine harvesting, crop and weed spraying, separation from noxious odours etc).	conflicts with surrounding farming or forestry activities.
	c) Non agricultural development should be carried out in a way that minimises any adverse effects on adjoining land – particularly by way of:- i) Land degradation. ii) Alteration of drainage patterns. iii) Pollution of ground water. iv) Spread of noxious plants and animals. v) Increased fire hazard.	The proposed development will not cause land degradation, alteration of drainage patterns or pollution of ground water. The facility can be managed to minimise potential spread of noxious plants and animals and bush fire risk.
	d) Development which assists the process of farm build-up and the strengthening of the family farm unit, including development which enables revenue to be raised for farm build up, is encouraged.	Not applicable.
	e) Non agricultural development should be located and carried out in a manner that minimises the likelihood of added costs to ratepayers of the Shire as a result of the development	The proposed development will not increase demand on Council facilities or services.
	f) Sustainable development that generates employment in the Shire is encouraged	Noted.
	<b>A.2.2 Basic Information Requirements</b>	Appropriate reports have been prepared for the development application.
	<b>A.2.3 Application for Buildings</b>	Development consent is required for the buildings.
	<b>A.2.4 Applications for Subdivision</b>	Not applicable.
	<b>A.2.5 Applications for On-site Effluent Disposal</b>	An effluent disposal investigation report has been submitted with the development application.
	<b>A.2.6 Specific Aspects</b> <b>a) Prime Crop and Pasture Land</b>	The subject land is not prime crop or pasture land.
	<b>b) Concentration of Non Agricultural Use</b>	The proposed development will not inhibit or restrict farming or forestry activities on adjoining land.  The proposed development will not increase demand for public services or infrastructure.

	<b>c) Dwellings</b>	Not applicable.
	<b>d) Land Degradation</b>	The proposed development involves minimal earthworks for building footings and on-site effluent management. The extent of earthworks proposed will not cause land degradation.
	<b>e) Siting of Water Tanks</b>	Water tanks will not be located on visually prominent land.
	<b>f) Buffer Distances</b>	The proposal is not for residential development. In any case, the proposed development is not located within the buffer distances outlined in the DCP.
<b>A3 HAZARDS</b>		
	<b>A.3.1 Flooding</b>	Not applicable
	<b>A.3.2 Bush Fire</b>	The subject land is bushfire prone. A bushfire assessment report has been provided with the development application.
	<b>A.4.1 Road Contributions</b>	Noted
	<b>A.4.2 Stormwater Drainage</b>	Stormwater from roof areas will be discharged to rainwater tanks with overflow directed away from the buildings and effluent disposal area.
	<b>A.4.3 Building Setback from Roads</b>	The proposed buildings will have a significant setback from Arkstone Road and will not be visible.
	<b>A.4.4 Development Fronting Main Roads</b>	Not applicable.
	<b>A.4.5 Consultation with other Authorities</b>	Noted.



## 5.5.2 Part C – Residential Development

Control	Requirement	Comment
<b>C10 TOURISM DEVELOPMENT</b>		See Section 5.5.3 below.
<b>C11 MOTELS, HOSTELS AND HOLIDAY CABINS</b>		
	<b>C.11.1 General</b>	Noted
	<b>C.11.2 Density Control</b>	Complies.
	<b>C.11.3 Motel Units And Cabins</b>	The proposed accommodation buildings are sleeping quarters only, with no living space. The common recreation building provides shared living space. A large area of outdoor recreation will be available for guests in the vicinity of the accommodation buildings.
	<b>C.11.4 On Site Parking</b>	Adequate parking is available on site for guests.
	<b>C.11.5 Hostels</b>	Not applicable.
	<b>C.11.6 Hostel Access</b>	Not applicable.
	<b>C.11.7 Landscaped Area</b>	Adequate landscaped area is available for guests in the vicinity of the accommodation units.
	<b>C.11.8 Garbage</b>	The operator of the facility will manage waste generated from the use.
	<b>C.11.9 Vehicle Movements</b>	Adequate vehicle manoeuvring is available in the car parking area.
	<b>C.11.10 Pedestrian Movements</b>	Gravel pathways can be provided between the parking area, the accommodation buildings, the amenity building and the recreation building.
	<b>C.11.11 Sound Proofing</b>	The proposed accommodation units can comply with the Building Code of Australia.
	<b>C.11.12 Other Matters</b>	Not applicable.
<b>C12 CARAVAN PARKS AND CAMPING GROUNDS</b>		Not applicable.

## 5.5.3 Part G – Tourism

Control	Requirement	Comment
<b>G.1 CITATION</b>		
	<b>G.1.1 Introduction</b>	Noted.
	<b>G1.2 Tourism Development</b>	Noted.
<b>G2 AIMS AND OBJECTIVES</b>		
	<b>G.2.1 The Aims Of This Plan</b>	The proposed development provides a suitable form of accommodation having regard to the nature of the site and the proposed activity.
	<b>G.2.2 The Objectives Of This Plan</b>	The proposed development is located in a remote rural area with few alternative tourist/recreational activities or accommodation options. The proposal can be operated with minimal amenity impacts and waste, health and fire risk issues can be appropriately managed.
<b>G.3 LAND TO WHICH THIS PLAN APPLIES</b>		Noted
<b>G.4 BED AND BREAKFAST AND SINGLE DWELLING TOURIST ACCOMMODATION</b>		Not applicable.
<b>G.5 DEFINITIONS</b>		Noted
<b>G.6 DEVELOPMENT CONSIDERATIONS</b>		
	a) The proposed tourism development is to have some element of building design, location or feature of appeal to tourists and visitors; i.e. heritage architecture, streetscape amenity, rural ambience.	The proposal seeks to use demountable buildings for the accommodation, amenities and recreation buildings. Given the nature of the use and the fact that the buildings will not be visible from any public place, it is considered that the proposal is satisfactory.
	b) For urban sites, off-street car parking is to be provided at the rate of 1 space for resident parking and 1 space for each two guest rooms. Care is to be	Not applicable.

	taken with the siting of car park areas, so as to retain the residential character of the area, and to reduce noise impact upon neighbouring properties. The stack parking of vehicles is acceptable.	
	c) Meals are to be able to be provided for guests. Approval to operate a tourist accommodation does not incorporate approval to operate refreshment rooms. Such use will need to register with the Council as food premises	Barbeque facilities will be provided for guests. A refreshment room is not proposed.
<b>G.7 HEALTH STANDARDS</b>		
	A. Unless otherwise approved by Council toilet and bathroom facilities for guests and residents shall be provided at the rate of 1 toilet and bathroom for each 3 bedrooms within the establishment.	Adequate bathroom facilities are proposed to be provided.
	B. For guest bedrooms, a minimum of 5.5 m <sup>2</sup> , (approx. 1.5 m x 3.6 m) of floor area is required for each person excluding children under the age of five (5) years.	The proposed accommodation buildings are for sleeping only. Given the nature of the use, guests will predominantly be outdoors. This control is therefore not considered relevant to the proposal.
	C. The tourist establishment shall be operated in a manner which has regard to the amenity of the neighbourhood. It is expected that noise levels generated by the development proceeding shall be in keeping with those normally experienced in the locality.	While the proposal is principally for motorbike riding, the remote location, existing topography and vegetation and distance to surrounding residences, the proposal will have no negative impact on the amenity of the area. It is noted that the motorcycle tracks exist and have been in use for private enjoyment for many years with no noise complaints received.
	D. On-site waste water disposal system. The capacity and efficiency of existing or proposed septic tank/waste water disposal system is to be adequate for the approved occupancy rate.	An effluent disposal assessment has been undertaken for the development.
	E. Sound transmission. To minimise disturbance, walls separating guest	Given the accommodation buildings are for sleeping

	rooms from other habitable rooms should have a Sound Transmission Class of 45. Walls separating bedrooms from either a bathroom, water closet, kitchen or laundry, other than an ensuite bathroom attached to and opening only to the guest bathroom, should have a sound transmission class of 50.	only, it is considered that this control is not relevant to the proposal.
	F. Kitchen.	Cooking will be undertaken in an outdoor barbeque area only. This control is therefore not applicable.
<b>G.8 FIRE SAFETY</b>	The building must comply with the Building Code of Australia. If it is an existing building it needs to be upgraded to comply with the BCA or a BCA audit completed and any deficiencies reasonably addressed to ensure the objectives of the building code have been adequately addressed. Kitchen. A 1.2 x 1.2.m fire blanket and a 2.0kg ABE dry power Portable Extinguisher are to be suitably wall mounted within the kitchen area, with clear instructions for use of each item. Smoke Detectors. Approved single-station smoke detector alarms (connected to a permanent 240 volt electricity supply with a battery operated backup devise are to be installed in all bedrooms and associated hallways. (This is a requirement of the Building Code of Australia.)	The proposal will comply with the relevant requirements of the Building Code of Australia. Fire extinguishers and blankets and smoke detectors will be provided where required.
<b>G.9 SUBMISSION OF A DEVELOPMENT APPLICATION</b>		A development application is required for the proposed development.
<b>G.10 ADVERTISING SIGNS</b>		Not applicable.
<b>G.11 INSPECTIONS</b>		Noted.
<b>G.12 EARLY DISCUSSION</b>		Noted.

## 5.5.4 Part I – Rural Development

Control	Requirement	Comment
<b>I.3 GENERAL DEVELOPMENT POLICY</b>		
	Council is concerned to ensure that development in the 1(a) and 1(c) zones is carried out in a way that maintains rural/residential amenity, and minimises land degradation while enabling a range of land uses.	The proposed development will have minimal impacts on the rural amenity of the locality.  The proposed development will not cause erosion, water or air pollution, offensive noise or odour, or detrimentally affect any rural vistas.
<b>I.4 BUILDINGS</b>		
	<b>I.4.1 Considerations</b>	Not applicable.
	<b>I.4.2 Guidelines For Siting Of Buildings</b>	The proposed buildings are appropriately located on the site.
	<b>I.4.3 Building Lines</b>	The proposed development has adequate setbacks to adjoining properties to minimise land use conflicts and visual impacts.
	<b>I.4.4 Building Standards</b>	The development can comply with the BCA.
<b>I.5 SUBDIVISION</b>		Not applicable.
<b>I.6 RURAL 1(C) REZONING APPLICATIONS</b>		Not applicable.
<b>I.7 PROVISION OF SERVICES</b>		
	<b>I.7.1 General Policy</b>	All weather access is available to the site. On-site water, effluent management and solar power will be provided.
	<b>I.7.2 Drainage</b>	Stormwater from roof areas will be discharged to rainwater tanks with overflow directed away from the buildings and effluent disposal area.
	<b>I.7.3 Electricity Supply</b>	The accommodation units will be supplied with solar power.
	<b>I.7.4 Telephone Service</b>	Not applicable.

	<b>I.7.5 Garbage</b>	Not applicable.
<b>I.8 EROSION CONTROL</b>		Minimal disturbance of earth is required for the development with excavation for footings and effluent disposal only.
<b>I.9 BUSHFIRE CONTROL GUIDELINES</b>		The subject land is bushfire prone. A bushfire assessment report has been submitted with the development application.
<b>I.10 VEGETATION AND TREE PLANTING</b>		Significant vegetation will be retained on the subject land. Any future landscaping will be in accordance with the relevant requirements of Planning for Bushfire Protection 2019.

## 6 CONCLUSION

The proposed development is for the commercial use of existing private motorbike trails and the installation of ancillary demountable buildings to provide visitor accommodation and facilities on land at Lot 95 in DP753036, 3117 Arkstone Road, Isabella.

The subject land is zoned RU1 Primary Production under the Oberon Local Environmental Plan 2013 (OLEP 2013). The principal use, being motorbike riding on the existing tracks is defined as recreation facility (outdoor) under OLEP 2013. This use is permitted with consent in the RU1 zone. The provision of visitor accommodation and facilities is ancillary to the principal use.

The development is not “state significant development”, “regionally significant development”, “designated development” or “integrated development”.

The proposed development is considered worthy of approval as it creates a new tourist recreation facility in a remote location with no residential dwellings in close proximity. The facility can be managed to minimise environmental impacts and the risks associated with natural hazards.

## **APPENDIX 1 – OPERATIONAL MANAGEMENT PLAN**

### **INTRODUCTION**

This Operational Plan of Management sets out the management procedures for the operation of the motorcycle trails and accommodation facility to ensure the safe and effective management of the facility and to minimise impacts on surrounding properties and the environment.

### **OPERATIONAL MANAGEMENT DETAILS**

#### **Facility Manager**

The Facility Manager is responsible for the management of the facility and will be contactable at all times whilst guests are at the premises.

#### **Hours Of Operation**

The motorcycle trails will be in use only between the hours of 8.00am to 6.00pm Monday to Sunday.

#### **Transport to and from the Site**

Due to the location of the facility transport will be by private conveyance. Upon booking, guests will be emailed a map of the area identifying the site entry and the location of the car parking area.

Guests will arrive via Arkstone Road and follow internal directional signage to the carpark.

Guests will be advised to bring recreational motorcycles to the site on the back of utes or in trailers as no recreational motorcycles will be permitted to be ridden on the access track from Arkstone Road.

#### **Induction**

The Facility Manager will meet and greet all guests upon arrival, take them for a walk through the accommodation, amenities and recreation buildings and the cooking area (barbeque).

Guests will be informed that the Recreation Building is the Emergency Meeting Place and advised of safety and emergency procedures to be undertaken in the event of a fire, injury, snake or spider bite. The procedures will be posted on the wall in the Recreation Building.

The location of fire extinguishers will be highlighted to guests.

Guests will be shown the First Aid Room in the Recreation Building to attend to minor injuries.

Guests will be shown a map of the property with all tracks and emergency exit/meeting points and provided with a copy of the map to carry with them at all times.

Guests will be advised where the property boundaries are and advised not to trespass on adjoining properties.

Guests will be shown a map of primary and alternative routes to exit the site in the event evacuation is required due to an emergency. If evacuation is not the safest option, guests will be advised that the Recreation Building will be the shelter-in-place venue.

Guests will be advised that no campfires are to be lit on the premises, other than by the Facility Manager in the designated metal fire pit.

#### **Track Inspection**

At the beginning of every day and following any storm event, the Facility Manager will inspect all tracks to identify any fallen trees or other obstructions on the tracks.

If the tracks are clear, all guests will be taken on a tour of the tracks before general use of the tracks can commence.

If any track has been obstructed, the Facility Manager will close the track/tracks and inform all guests of the closure until such time as the obstruction has been removed.

### **Number Of Riders**

The maximum number of riders at any one time will be 30.

### **Minors and Designated Responsible Adults**

All minors attending the site must be accompanied by a Designated Responsible Adult. Where that adult is not the legal parent or guardian, a permission form must be completed by the legal parent or guardian.

The permission form will outline:

- The name of the Designated Responsible Adult
- Any food allergies, medications or other medical issues that the minor has
- Any conditions on the attendance of the minor at the site
- Contact details of the legal parent or guardian.

The designated responsible adult will be responsible for ensuring the details and conditions outlined on the permission form are complied with. Where it is appropriate to do so, the designated responsible adult will inform other guests of the details and conditions of the minor's attendance (while maintaining the personal privacy of the minor).

The Facility Manager will oversee the adherence to the details and conditions of the permission slip by the designated responsible adult and take action if the details and conditions are not being adhered to, including informing the legal parent or guardian.

### **Pets**

Guests will be advised upon booking that pets are not permitted to be brought to the site.

### **Food and Alcohol**

All food and alcohol to be consumed on site will be brought by the guests. Barbeque facilities will be provided for cooking.

Minors will not be allowed to consume any alcohol on the premises.

The Facility Manager will be responsible for maintaining the cleanliness and safe operation of the barbeque facilities.

The Facility Manager will inform guests of their responsibilities in relation to the consumption of food and alcohol, including:

- keeping cooking and preparation areas clean and tidy to avoid the attraction of vermin and native animals
- minimising the consumption of alcohol to avoid intoxication
- using the waste bins provided.

### **Noise Management**

The Facility Manager is responsible for ensuring noise levels do not cause amenity impacts on surrounding residences.

Motorcycle riding will not be permitted during the hours of 6.00pm and 8.00am on any day. A speed limited area will be applied to part of the track as identified in the Noise Impact Assessment and this will also apply to the use of motorcycles travelling to and from the accommodation area. Motorcycles will not be permitted to be ridden along the access track from Arkstone Road.

Any required maintenance of motorcycles within the accommodation area will be limited to daylight hours.



No amplified music will be permitted to be played between the hours of 10.00pm and 8.00am on any day.

Guests will be asked to enter and leave the site in a quiet manner.

A Complaints Management Procedure will be established for neighbouring residences to alert the facility manager of any noise concerns (see below).

### **Guest Behaviour**

The Facility Manager will inform guests of their responsibility to behave in a respectful manner to all other guests, to be mindful of the amenity of surrounding residences, to protect the environment and to follow all directions issued by the Facility Manager.

Anyone exhibiting violent or unruly behaviour that may place them or another person at risk will be asked to leave the site. Police may be contacted to remove the offender.

Any guest making excessive noise (such as playing loud music) will be asked to turn the volume down.

Any guest that causes wilful damage or destruction to the facility or to the environment will be asked to leave the site.

Any guest that refuses to follow the reasonable instructions of the Facility Manager will be asked to leave the site.

Guests that repeatedly behave in an inappropriate manner will be informed that they may be subject to a ban on future bookings.

### **Waste Management**

Waste bins will be provided in appropriate locations. With secure lids, they will not emit any odours or attract vermin or native animals.

Waste removal will be undertaken by the Facility Manager as and when required. Bins marked for general rubbish will be taken to Burruga Waste Management Station to be emptied. Bins marked for Glass/ Plastic and Cans will be taken to Oberon for Recycling.

The operation and management of the on-site wastewater system will be monitored and managed by the Facility Manager. The effluent disposal area and tank shall be maintained to ensure it is protected against vehicle damage. The use of the system shall comply with the section 68 Approval granted by Council and any subsequent approval for the operation of the system.

### **Complaints Management**

In the first instance all complaints should be directed to the Facility Manager for action.

All surrounding property owners will be provided with the Facility Manager's details to contact if concerns arise regarding noise or other impacts.

All complaints will be recorded along with actions taken to resolve the complaint.

The complainant will be advised of the action taken and asked to let the Facility Manager know if the problem persists.

If the complaint is about something that cannot be rectified immediately, the Facility Manager will:

- advise the complainant that the complaint and their contact details have been recorded
- advise the complainant of the plan to resolve the complaint, including a timeframe
- request that the complainant contact the Facility Manager if the matter reoccurs.

### **Emergency Management**

On becoming aware of an emergency, the Facility Manager will assess the situation and make decisions concerning the need to evacuate the site.

If an emergency requires evacuation of the site, all guests will be located and advised to assemble at the Emergency Meeting Place, if it is safe to do so. An alternative Emergency Meeting Place will be identified if required.

Depending on the nature of the emergency, the Facility Manager will identify and inform guests of the safest evacuation route. There are three well-maintained all-weather roads that will act as Emergency Exits if needed:

- The first emergency exit is the entrance in, which is directly east onto Arkstone Rd.
- The second emergency exit is directly north and heads up the boundary fence and has a direct road that takes you out of the property.
- The third emergency exit heads south till it hits the boundary of the property at Arkstone Road.

The Facility Manager will ensure that all guests are accounted for and direct them to the safest evacuation route, ensuring that any mobility impaired persons are adequately assisted.

The Facility Manager will carry out a final check of the area and then evacuate.

If evacuation is not the safest option, guests will be instructed to shelter in place in the Recreation Building.

### **Medical Emergencies**

In the event of an incident resulting in personal injury or some other medical emergency occurring, the Facility Manager must be notified as soon as practicable.

If the matter is serious, any person in attendance must immediately call 000 and remain at the scene to warn other guests of the incident to ensure no further injuries occur.

Once informed, the Facility Manager will designate a person to meet the Ambulance in the car park to provide details and location of the incident. If a helicopter is required, there is a grassed area near the accommodation area clear enough for a helicopter to land.

The Facility Manager will attend the site of the incident. To assist the Facility Manager locate the scene of the incident, the tracks will be numbered and signed posted on trees every 200 metres.

If the matter does not require emergency assistance, the injured person shall be safely taken to the first aid room in the Recreation Building. The Facility Manager will re-assess the situation and determine whether emergency assistance is required.

Once the injured person is stabilised, the Facility Manager will investigate the scene of the accident and take photos for the purpose of any future investigation. Details of the incident must be recorded in an incident register.

Depending on the nature of the incident and the location, the Facility Manager may close the track or other area or take appropriate action to rectify the situation to prevent further incidents.

### **Bushfire Emergencies**

The site is mapped as Bushfire Prone Land. Given this potential risk, a series of triggers have been provided depending on various fire and weather scenarios, including for cancellation of the event due to instruction from the Rural Fire Service (RFS) or at the discretion of the Facility Manager.

On days declared by the RFS as having “extreme” or “catastrophic” fire danger rating, the facility will be closed to guests until such time as the fire danger rating has ceased.

If a declaration of catastrophic fire danger rating is made while guests are at the site, preparations shall be made to evacuate guests should a fire threaten the site.

Guests will be advised that no campfires are to be lit on the premises, other than by the Facility Manager in the designated metal fire pit. The fire pit will not be used on a declared day of total fire ban.

The Facility Manager will undertake maintenance of the Koromira Fire Trail to ensure it remains accessible by fire fighting vehicles.

In preparation for, and during, the bushfire season, the Facility Manager will:

- ensure the Asset Protection zone is maintained in accordance with the requirements of Planning for Bushfire Protection 2019
- test all fire response systems to ensure they are in working order.
- check emergency equipment and first aid resources are available and operational (battery radio, mobile telephone)
- communicate the bushfire preparedness and evacuation arrangements and fire danger ratings with guests
- consult with the NSW RFS regarding evacuation arrangements and the shelter in place option
- provide updated contact details including a mobile number for emergency contact after hours to local Emergency Services and Police
- monitor information sources for bushfire conditions
- know the Fire Danger Ratings for the area
- use “Fires Near Me App” to check fires within the vicinity of the site
- stay alert for warnings such as Bushfire Alert Levels issued by the RFS
- watch for signs of fire, especially smoke or the smell of smoke
- call the RFS Bushfire Information Line on 1800 NSW RFS (1800 679 737)

#### **Controlling Trespassing**

A sign will be placed at the property entrance stating ‘Private Property, No Trespassing’.

Guests will be advised where the property boundaries are and advised not to trespass on adjoining properties.

#### **Environmental Management**

The Facility Manager will ensure that the following environmental management measures are implemented:

- Motorcycles will only be permitted to use marked trails.
- Visitors will not be permitted to bring dogs to the site. Any domestic animals will be controlled to restrict their movement and limit impacts to native fauna.
- Motorbike track use will only be permitted during daylight hours (unless necessary for an emergency situation).
- If any tree needs to be removed it should be felled in a controlled manner using a vertical tree grab on an excavator and an experienced koala spotter should be present.
- Motorbike tracks will be searched at the beginning of each day for wildlife and potential safety issues.
- If wild dogs become a problem, contact Local Land Services for information and assistance.



**13.7 DEVELOPMENT APPLICATION DA2024.085 – Dwelling at 104 Arties Road, Mount Olive**

File No: PR261-104

Author: Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

**Summary**

Council has received a Development Application (DA2024.085) for a dwelling at 104 Arties Road, Mount Olive. The subject land contains a restriction on title that no septic tank effluent be discharged within 200m of the Fish River. The Oberon Council is the body with the authority to vary this restriction on title.

The development application is accompanied by a Section 68 application for on-site sewage management that includes a wastewater treatment report showing the effluent disposal area being less than 200m from the Fish River.

The restriction was based on a provision in the former Oberon Local Environmental Plan 1998 that was superseded by the Oberon LEP 2013. As this provision no longer applies and the wastewater report demonstrates that effluent disposal can be undertaken meeting the current buffer requirements of 100m, Council can agree to vary this restriction.

The development application is currently on notification to adjoining owners. Should any submissions be received, a further report will be presented to Council.

**Key Issue**

The development does not comply with a restriction on the title of the land to which Oberon Council is the benefitting authority. The restriction relates to the distance of the effluent disposal area from the Fish River.

The proposed effluent area will be within 200m of the Fish River, but greater than 100m from the river. Under current standards, a distance of 100m is considered acceptable. Council's Building Surveyor has assessed the effluent disposal report provided with the application and has advised that the proposal is acceptable despite the non-compliance with the restriction on title.

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**Recommendation:**

That Council:

1. Vary the restriction on title on Lot 3 in DP 1075939 in relation to development application DA2024.085 and Section 68 application S682024.036 for a dwelling on the subject land known as 104 Arties Road, Mount Olive.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

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**Comment**

Development Application DA2024.085 has been received for of a dwelling at 104 Arties Road, Mount Olive. The lot contains the following restriction on title:

1. *Terms of Restriction on the Use of Land – secondly referred to in plan*
  - (a) *That no structural improvements be erected within 100m of the Fish River.*

*(b) That no septic tank effluent be discharged within 200m of the boundary of each lot adjacent to the Fish River.*

Oberon Council is identified as having the authority to vary this restriction on title.

On 19 March 2024, Council resolved to “*provide delegation to the General Manager to vary the Effluent or Building Envelopes for all development applications which provides a restriction of title subject to no increased environmental impact and no submissions received upon appropriate community consultation*”. The development application is currently on notification to adjoining owners. Should any submissions be received, a further report will be presented to Council.

Given the proposed effluent disposal area is located more than 100m from adjoining properties, the proposal will have no detrimental impacts on adjoining properties and therefore notification of the development application was not considered necessary. The variation to the restriction on title is therefore reported to Council for determination.

The proposed dwelling is located more than 100m from the Fish River, therefore the proposal complies with 1(a) above. The proposed effluent disposal area is located less than 200m from the boundary of the lot adjacent to the Fish River and therefore does not comply with 1(b) above.

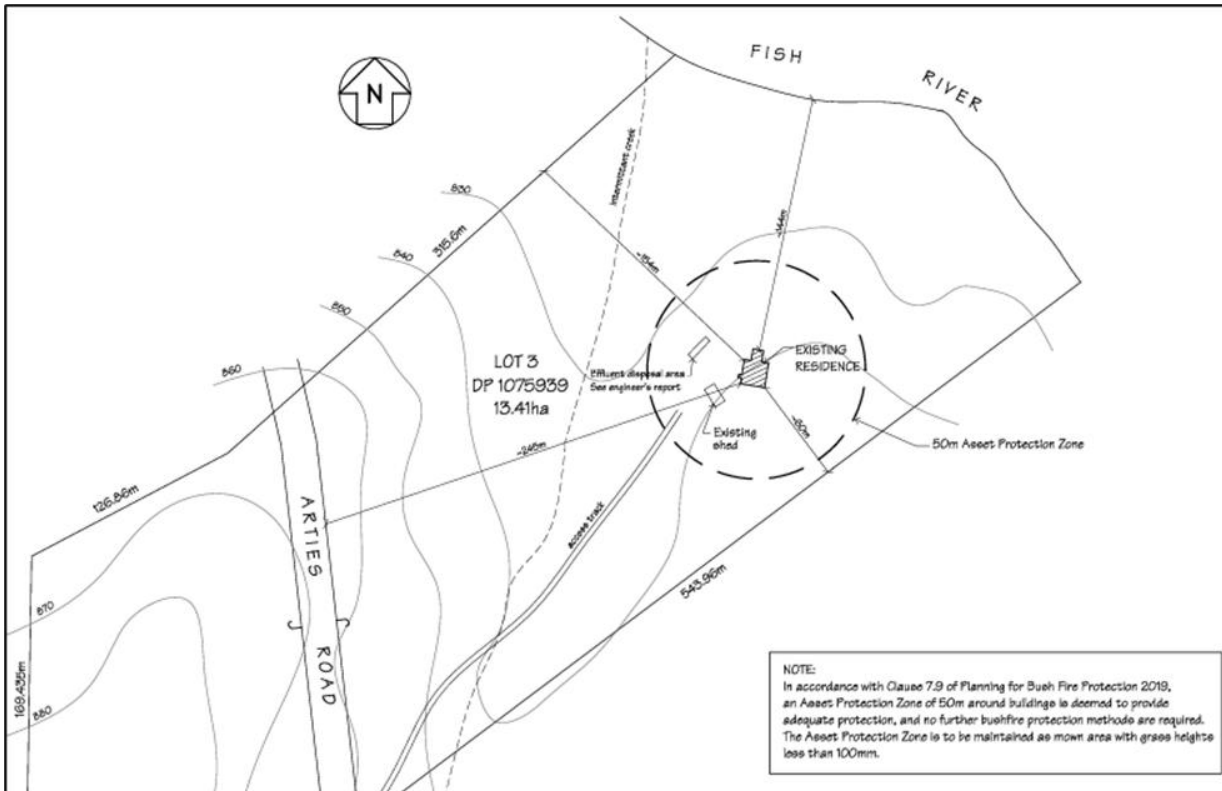
The development application is accompanied by a S68 application for on-site sewage management. An effluent management report was submitted with the S68 application showing the disposal area less than 200m from the Fish River.

The location of the subject land is shown on the map below.



*Location of 104 Artie's Road, Mount Olive*

The site plan showing the location of the dwelling and the effluent disposal area is shown below.



The applicant was asked to provide further information to address this non-compliance with the restriction on title. The applicant provided a revised Statement of Environmental Effects with the following commentary on the issue:

*“The restriction was imposed at the time of subdivision to reflect compliance with Clause 20 (3) of the Oberon LEP 1998 which required: “Septic effluent from a dwelling-house is not to be discharged within 200 metres of the high water mark of a water body listed in Schedule 1 unless geotechnical and hydrogeomorphological reports satisfy the Council that the land can sustain safe disposal within this area.” Clause 20 related to the erection of dwellings and has since been superseded.*

*A Geotech report has been provided which demonstrates compliance with the current requirements of Oberon LEP 2013 and AS1547, which imposes a buffer of 100m to permanent surface waters associated to a river.*

*As such it is requested that the restriction be lifted.”*

The effluent disposal report submitted with the Section 68 application has been assessed by Council’s Building Officer, who has advised as follows:

*“The proposed effluent disposal area is 136m away from the Fish River according to the Effluent disposal report provided. The distance is measured from the bank of the river, not the centre, but considering this, it’s still more than 100m away and is acceptable.*

*Referring to Australian standard AS1547:2012 and the Environmental & Health Protection Guidelines (silver book) I would consider 100m an appropriate distance for the system.”*

As such, it is considered appropriate that the restriction on title be varied to allow the proposed development application to be determined under delegation. Should the landowner wish to have the

restriction removed from the title, all costs associated with this change are to be borne by the landowner. A condition to this effect will be included on the development consent.

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 3: Caring for the Environment**

*Action 3.1 Protect and manage local air quality, waterways, rivers and streams*

3.1.2 Ensure compliance with environmental legislation

#### **Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.2 Councils Local Environmental Plan (LEP) and Development Control Plans (DCP)

4.4.3 Development assessment and building approval services

#### **Risk Category**

Environment

Public Image and Reputation

#### **Risk Severity Ranking**

Minor - 32%



<b>13.8</b>	<b>DEVELOPMENT APPLICATION DA2024.092 – Dwelling at 57 Glendalough Road, Oberon</b>
File No:	PR638-57
Author:	Damian O'Shannassy (Planning and Development Director), Mark Hitchenson (Consultant Town Planner)

### Summary

Council has received a Development Application (DA2024.092) for a dwelling at 57 Glendalough Road, Oberon. The subject land contains a restriction on title in relation to the location of a building envelope and an effluent disposal envelope. The Oberon Council is the body with the authority to vary this restriction on title.

The development application is accompanied by a Section 68 application for on-site sewage management that includes a wastewater treatment report showing the effluent disposal area being outside of the nominated effluent disposal area.

The nominated effluent disposal area on title is within 100m of Middle Creek and the proposed effluent disposal area is more than 100m from Middle Creek, resulting in a better environmental outcome. On this basis, Council can agree to vary this restriction.

The development application is currently on notification to adjoining owners. Should any submissions be received, a further report will be presented to Council.

### Key Issue

The development does not comply with a restriction on the title of the land to which Oberon Council is the benefitting authority. The restriction relates to the location of the effluent disposal area on site.

The proposed effluent area will be located more than 100m from Middle Creek. Council's Building Officer has assessed the effluent disposal report provided with the application and has advised that the proposal is acceptable despite the non-compliance with the restriction on title.

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### Recommendation:

That

1. Council vary the restriction on title on Lot 96 in DP 1238111 in relation to development application DA2024.092 and Section 68 application S682024.040 for a dwelling on the subject land known as 57 Glendalough Road, Oberon.
2. A division be called in accordance with Section 375A of the Local Government Act 1993.

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### Comment

Development Application DA2024.092 has been received for a dwelling at 57 Glendalough Road, Oberon. The lot contains the following restriction on title:

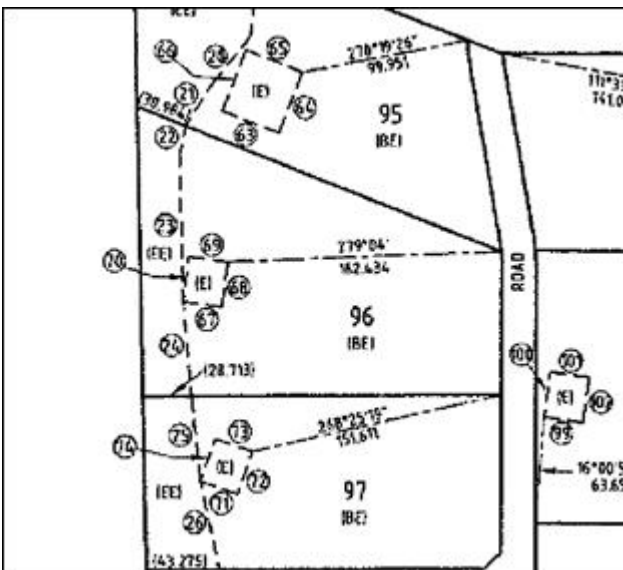
*No effluent shall be disposed of other than within the effluent disposal are on a Lot burdened.*

Oberon Council is identified as having the authority to vary this restriction on title.

On 19 March 2024, Council resolved to “provide delegation to the General Manager to vary the Effluent or Building Envelopes for all development applications which provides a restriction of title subject to no increased environmental impact and no submissions received upon appropriate community consultation”. The development application is currently on notification to adjoining owners. Should any submissions be received, a further report will be presented to Council.

Given the proposed effluent disposal area is located more than 30m from adjoining properties, the proposal will have no detrimental impacts on adjoining properties and therefore notification of the development application was not considered necessary. The variation to the restriction on title is therefore reported to Council for determination.

The nominated effluent disposal area is shown on the extract of the deposited plan below.



Extract of Deposited plan showing effluent disposal area (E), effluent exclusion zone (EE) and building envelope (BE)

The proposed dwelling is located within the identified building envelope and the effluent disposal is not within the effluent exclusion zone. The effluent disposal area is however located outside of the nominated effluent disposal area.

The development application is accompanied by a S68 application for on-site sewage management. An effluent management report was submitted with the S68 application showing the disposal area located more than 100m from Middle Creek.

The location of the subject land is shown on the map below.



Location of 57 Glendalough Road, Oberon

The site plan showing the location of the dwelling and the effluent disposal area is shown below.



Proposed site plan showing location of dwelling effluent disposal area and 100m buffer from Middle Creek

The applicant was asked to provide further information to address this non-compliance with the restriction on title. The applicant provided a revised Statement of Environmental Effects with the following commentary on the issue:

*“The location has been decided upon by the engineer due to the high-quality treatment of effluent from the AWTS tank, the high clay content of the soil profile, and having exceeded the recommended 100m buffer distance from permanent surface waters we do not anticipate adverse effects on groundwater sources.”*

The effluent disposal report submitted with the Section 68 application has been assessed by Council's Building Officer, who has advised as follows:

*"The effluent disposal envelope on Lot 96 in DP1238111 is located within 100m of Middle Creek and falls short of the recommended buffer distances set out in Australian standard AS1547:2012 and the **Environmental & Health Protection Guidelines (silver book)**.*

*I would recommend moving the proposed effluent disposal area further away from Middle Creek to meet 100m minimum allowable distance from surface water(as per below).*

*Effluent disposal report from Calare Civil (20240960 dated 25 November 2024) has located the EDA for the proposed dwelling in a new location that meets the minimum distances for surface water. I consider the new proposed EDA appropriate and support the new location."*

As such, it is considered appropriate that the restriction on title be varied to allow the proposed development application to be determined under delegation. Should the landowner wish to have the restriction removed from the title, all costs associated with this change are to be borne by the landowner. A condition to this effect will be included on the development consent should Council support the report.

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 3: Caring for the Environment**

*Action 3.1 Protect and manage local air quality, waterways, rivers and streams*

3.1.2 Ensure compliance with environmental legislation

#### **Theme 4: Infrastructure and Services**

*Action 4.4 Plan for infrastructure and land use needs ready for future growth*

4.4.3 Development assessment and building approval services

#### **Risk Category**

Environment

Public Image and Reputation

#### **Risk Severity Ranking**

Minor - 32%

**13.9 ARIC Member Resignation and Recruitment**

File No: Corporate Services\ARIC12

Author: Mathew Webb (Corporate Services Director)

**Summary**

To inform Council of the resignation of Independent Member Ron Gillard from the Oberon Audit, Risk and Improvement Committee (ARIC) and to outline the proposed recruitment process for a replacement.

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**Recommendation:**

That Council

1. Note the resignation of Mr Ron Gillard and formally acknowledge his contributions to the Oberon Audit, Risk and Improvement Committee.
  2. Approve the commencement of an open expression of interest process to recruit a new Independent Member to the Committee.
- 

**List of Attachments**

Nil

**Comment**

Independent Member Ron Gillard has formally submitted his resignation from the ARIC, effective following the committee's next scheduled meeting on Wednesday, 12 March 2025. Mr. Gillard has played a significant role in the success of the committee, providing valuable oversight and expertise. Council acknowledges and appreciates his contributions and extends best wishes for his future endeavours.

A shortlist of potential candidates was identified during the recruitment process conducted in February 2023. However, this list has since become outdated, as many candidates have secured alternative positions and new expressions of interest have been received. Given this, it is recommended that Council initiate a new expression of interest process to appoint a suitably qualified Independent Member, with the vacancy effective from 13 March 2025.

**Financial Implications**

The internal and external audit function of Council are estimated at \$130,000 per year.

**Relevance to Oberon Community Strategic Plan**

**Theme 5: Leadership and Engagement**

*Action 5.2 Council has sound organisational health, with strong leadership and governance frameworks*

5.2.2 Governance compliance for committees of Council and community committees

5.2.3 Effective meeting Structures, policies and procedures

**Risk Category**

Governance

**Risk Severity Ranking**

Minor - 32%

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<b>13.10</b>	<b>Financial Assistance Policy 2209</b>
File No:	Governance/Policies
Author:	Mathew Webb (Corporate Services Director)

### Summary

The Oberon Financial Assistance Policy has undergone a comprehensive review, with a revised version placed on public exhibition for community feedback. The updated policy introduces clearer categories for financial assistance, enhanced documentation and reporting requirements and a formalised review and public notification process. Community feedback and the updated policy are now presented to Council for endorsement in preparation for the 2025/26 financial year.

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### Recommendation:

That Council:

1. Endorse the updated Financial Assistance Policy 2209 and incorporate the changes into the development of the 2025/26 Operational Plan.
  2. Nominate a Councillor delegate to the Financial Assistance Program evaluation panel.
  3. Delegate authority to the General Manager to make minor amendments if required.
- 

### List of Attachments

1. 2209 Financial Assistance 2025 Proposed [**13.10.1** - 4 pages]
2. 2209 Financial Assistance Current [**13.10.2** - 5 pages]
3. 2209 Financial Assistance Policy Submissions [**13.10.3** - 7 pages]

### Comment

#### 1. Background

A revised Financial Assistance Policy was placed on public exhibition to gather community feedback. The policy now includes clearer categories for financial assistance, strengthened documentation and reporting requirements and a formalised review and public notification process. These updates align with ongoing feedback and guidance from the Office of Local Government, aiming to enhance transparency and governance in Council's Section 356 financial assistance provisions.

#### 2. Purpose of the Policy

To provide financial assistance to local activities, services or events that improve community's wellbeing, foster social inclusivity and contribute to environmental sustainability. This policy ensures that financial assistance is provided in accordance with the Local Government Act 1993 and that public funds are allocated in a consistent, equitable and transparent manner.

#### 3. Objectives and Scope of the Policy

This policy applies to any financial assistance given by Oberon Council including charitable, community, sporting organisations or private individuals. It does not cover-tourism related activities, which are met from the Council's operational budget.

#### 4. Community Feedback and Submissions

During the exhibition period, three formal submissions were received from the following:

- Kathy Sajowitz
  - Col Roberts - Oberon District Museum
-

- Neville Stapleton - Oberon RSL Sub- Branch

In addition, staff directly engaged with recipients of recurrent funding to ensure they were aware of the policy changes, potential impacts and had an opportunity to provide feedback. While no further formal submissions were received, general consensus supported the proposed changes.

### **5. Next Steps and Timelines**

If Council endorses the updated policy, staff will develop revised application forms, reporting templates and acquittal documentation to support the next round of applications, which will open in late February 2025. The proposed timeline is as follows:

2025/26 Financial Assistance Program (Section 356):

- Late February – Applications Open
- End March – Applications Close
- Early April – Financial Assistance Evaluation Panel meets to assess applications and make recommendations to Council
- Mid-April – Extraordinary Council Finance Committee Meeting: Review of recommendations
- Mid-May – Approved donations incorporated into the FY25/26 Integrated Planning and Reporting documentation

### **6. Clarification – Financial Assistance Program Evaluation Panel**

At the December 2024 Council meeting, discussions took place regarding the formation and role of the proposed Financial Assistance Program Evaluation Panel. The proposed panel format would conduct the initial assessment of applications, verify documentation and seek clarifications from applicants. The panel would also assess other types of in-kind commitments undertaken by Council and determine how these are to be included in the consideration process. This panel-based approach is recommended as it allows for a more detailed and iterative assessment process, which can be time-consuming and administratively intensive. Such a process is better suited to a dedicated panel rather than a formal Council meeting, which does not allow for extensive back-and-forth deliberations with applicants. A report with recommendations will then be presented to Council for final consideration. Council retains the authority to approve, amend, or decline the panel's recommendations.

### **Financial Implications**

Financial Assistance is budgeted for annually in the Operational Plan.

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 5: Leadership and Engagement**

*Action 5.2 Council has sound organisational health, with strong leadership and governance frameworks*

5.2.3 Effective meeting Structures, policies and procedures

#### **Risk Category**

People and Culture (Employees)


Public Image and Reputation

Governance

Service Delivery

#### **Risk Severity Ranking**

Minor - 32%

	<p><b>POLICY 2209 – PROPOSED</b></p> <p>Financial Assistance</p>
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### **1. Intent of Policy**

To provide financial assistance to local activities, services or events that improve community's wellbeing, foster social inclusivity and contribute to environmental sustainability. This policy ensures that financial assistance is provided in accordance with the Local Government Act 1993 and that public funds are allocated in a consistent, equitable and transparent manner.

### **2. Scope of Policy**

This policy applies to any financial assistance given by Oberon Council including charitable, community, sporting organisations or private individuals. It does not cover-tourism related activities, which are met from the Council's operational budget.

Relevant Statutory Requirements specific to the policy:

- *Section 8 & 356, 428(2)(l) Local Government Act 1993*
- *Section 4 Charitable Fundraising Act 1991 NSW*
- *Other NSW Government policy Provision.*

### **3. Guidelines**

#### **Local Government Act Section 356**

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if:
  - (a) the financial assistance is part of a specific program, and
  - (b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and



- (c) the program's proposed budget for that year does not exceed 5% of the council's proposed income from the ordinary rates levied for that year, and
- (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.

#### 4. Financial Assistance

Each year, Council assesses the community's needs and determines an appropriate funding level for the Financial Assistance Program, which is then incorporated into the annual budget. This funding encompasses both direct cash grants and in-kind contributions, such as fee waivers, rate and user charge reductions, MOU commitments and maintenance support for eligible projects. To ensure alignment with community priorities, the elected Council may establish a specific funding focus each year, prioritising groups or initiatives that address community needs, such as programs for older residents or support for charitable organisations. These priorities are communicated transparently through the Council's Operational Plan, providing clarity on funding availability and focus areas.

All funding allocations are reviewed annually, requiring recipients to submit a new application each year. This process ensures equity, allows for the reassessment of community priorities and ensures that funds are distributed effectively to address current needs.

Financial assistance will be provided under the following two categories. Grants above \$4,000 will be subject to more detailed reporting requirements.

- Small Grants Program – Grants up to \$4,000
- Large Grants Program – Grants \$4,001 and above

#### 5. Applications

All requests for financial assistance under the Financial Assistance Program must be submitted in writing during the application window, which will be promoted by Council each year. Applications received outside of this window will not be considered. Projects must meet the assessment criteria as outlined in this policy. Council will only consider the project specified in the application and no negotiations on project proposals will be entered into once an application has been received.

The application must clearly identify which organisation is auspicing/managing the funds for the group/individual and project.

The following application requirements apply:

- **Small Grants Program (up to \$4,000):** Applicants seeking funding under the Small Grants Program must provide:
  - Completed Application Form: Detailing the project, funding needs and benefits to the community.
  - Basic Budget Summary: An outline of projected expenses and how the grant will be utilised.
  - Proof of Legal Entity Status: Evidence that the applicant is a registered organisation or an auspiced group supported by a legal entity.
  - GST Registration Status:
    - If registered for GST, provide the Australian Business Number (ABN).
    - If not registered, include a statutory declaration confirming GST exemption.

- Evidence of Community Benefit: A brief description of how the project aligns with Council's strategic objectives and contributes to the wellbeing of the Oberon community.
- Financial Statement: Appropriate for the size and nature of the applicant.
- **Large Grants Program (\$4,001 and above):** Applicants seeking funding under the Large Grants Program must provide:
  - Comprehensive Application Form: Providing detailed information about the project, scope, objectives, timeline and expected outcomes.
  - Detailed Budget: A complete financial breakdown, including all anticipated income sources (e.g., other funding contributions, sponsorships) and expenses.
  - Supporting Documentation:
  - Evidence of current public liability insurance (minimum \$20 million coverage).
  - Relevant permits or approvals if required for the project.
  - Proof of GST Registration and Legal Entity Status:
    - If GST registered, include the ABN.
    - If exempt, provide a statutory declaration.
  - Evidence of Community and Strategic Alignment: A detailed explanation of how the project supports Council's strategic goals, builds community capacity and addresses local needs.
  - Financial Statement: Appropriate for the size and nature of the applicant.

#### **6. Assessment Process and Evaluation Criteria**

Council will assess applications from:

- Charitable organisations as defined under the Charitable Fundraising Act 1991 (benevolent, philanthropic or patriotic purposes)
- Local not-for-profit sporting, arts, educational and cultural groups

The project must serve the Oberon community and comply with Council's Charter, ensuring equity, transparency and the promotion of public welfare. Council will review each application on these factors, with priority given to projects that:

- Promote inclusivity, ensuring all members of the community, particularly vulnerable individuals can participate.
- Build community capacity through skill development, infrastructure enhancement or social engagement.
- Align with Council's long-term strategic vision and community development objectives.

Applications will initially be assessed by the Financial Assistance Program panel to ensure the request meets these guidelines and the funds sought can be justified from the application. The panel will submit a report to Council with recommendations to fund priority projects within the allocated budget. Depending on funding priorities and the availability of other resources, recommendations may be made to partially or fully fund projects as submitted.

The composition of the panel will be as follows

- Director of Corporate Services
- Councillor delegate – Appointed by the Mayor
- Councillor delegate – Appointed by Council

The elected Council makes a final determination on which applications will be approved for funding and what amount is to be allocated as part of the annual Operational Plan. The decision will be recorded in Council minutes and published in local media.

#### **7. Accountability and Transparency**

The body receiving financial assistance will be accountable to Council for the administration of any funds provided and the following reporting requirements.

- Small Grants Program – Grants up to \$4,000
  - Completion of Small Grant project acquittal report detailing how the funds were utilised and outcomes of the project.
- Large Grants Program – Grants \$4,001 and above
  - Complete of Large Grant project acquittal report that includes a detailed breakdown of how funds were spent and outcomes of the project.
  - Relevant publicity and promotional material associated with the project.
  - Acknowledgement of Council support

This report will be provided to Council for information.

Council must be immediately notified and its approval obtained for any changes in the proposed use of its funding. Where the change is not approved any funding provided under the program must be immediately returned.

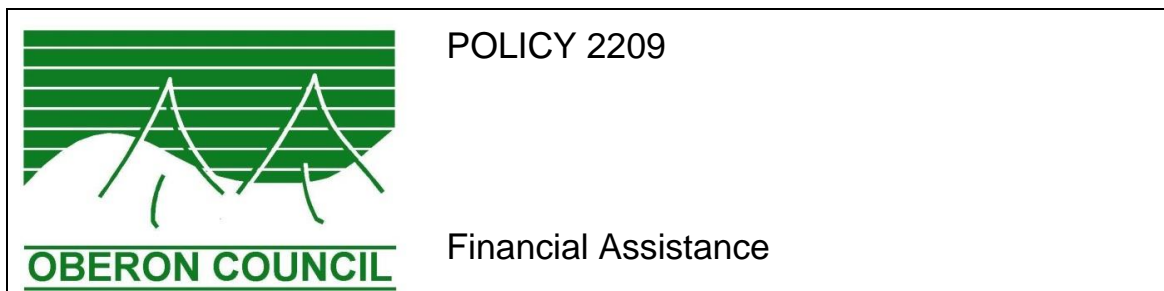
Council may negotiate the timing and structure of funding disbursements, including milestone payments. This will depend on the size, nature and timeline of the event or activity. For larger projects, upfront payments may be considered to ensure timely implementation and resource availability.

## 8. Public Notice

If the request for financial assistance is for private gain or does not fall within Council's specific program, the panel will inform Council in the report. If Council wishes to proceed, the following steps will be followed:

- The General Manager will inform the Council that at least 28 days public notice of a proposal to pass a resolution to grant financial assistance is required. In the interest of openness and transparency in Council decision making the public notice must include details of recipient and amount proposed to be financially assisted.
- The Corporate Services Director will then arrange appropriate advertising and prepare a report after the public notice period has elapsed which includes any submissions.
- The elected Council makes a final determination on which applications will be approved for funding, the amount to be allocated and if this policy needs to be altered to accommodate the resolution.
- As required by the Local Government Act Section 428 the total amount contributed or otherwise granted under section 356 will be disclosed in Council's Annual Report.

Approving Authority	Oberon Council
Contact	Corporate Services Director
Approval	
Revision Date	Dec 2024
Issue Date to Staff	



### 1. Intent of Policy

To provide financial assistance to local activities, services or events which improve the community's well-being, while ensuring that the provision of financial assistance is in accordance with the requirements of the Local Government Act 1993 and that allocations of public funds are made in a consistent, equitable and transparent manner.

### 2. Scope of Policy

This policy applies to any financial assistance given by Oberon Council (including charitable, community and sporting organisations or groups, and private individuals).

It is not intended that this policy refer to payments to be made to organisations conducting tourism related activities, including regional and local tourism associations, community events, and the local Art & Craft committees. These costs will be met out of Council's operating budget and are considered part of its direct service of tourism, events, arts and Culture activities.

Relevant Statutory Requirements specific to the policy:

- Section 8 & 356, 428(2)(l) Local Government Act 1993
- Section 4 Charitable Fundraising Act 1991 NSW
- Other NSW Government policy Provision.

### 3. Guidelines

#### **Local Government Act Section 356**

#### ***Can a council financially assist others?***

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) However, public notice is not required if:*
  - (a) the financial assistance is part of a specific program, and*
  - (b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and*

- (c) *the program's proposed budget for that year does not exceed 5% of the council's proposed income from the ordinary rates levied for that year, and*
  - (d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

### **Oberon Council Section 356 Financial Assistance Program**

#### **Discretionary**

Each year Council considers the need for and level of funds that can be provided for the discretionary Financial Assistance Program and will set aside an appropriate amount in the budget for the Program. The elected Council determines whether there will be a priority focus for funding each year, and it may choose to set aside some or all of the funds for projects targeting specific groups such as “older people” or “charitable bodies”. This will be communicated each year in Council's Operational Plan process so that all persons within the area can apply. Separate application will need to be made each year for this type of assistance.

#### **Annual**

Council has also resolved that annually it will provide the following recurrent financial assistance and will set aside an appropriate amount in the annual operating budget. Separate application will not need to be made each year for this type of assistance. However, Council may discontinue this assistance at any time by Council resolution.

1. Council will provide annually a donation equivalent to the sewerage charges raised against
  - Oberon District Museum Society
  - Oberon Showground Trust.

This will involve a payment from the general fund allocation to the sewerage fund.

2. Water supplied to the Oberon Golf Club for the maintenance of the Oberon Golf Course will be provided at the cost of purchasing water from the Fish River Water Supply. This will involve a payment from the general fund allocation to the water fund for the difference in advertised tariff.
3. Council will provide annually a donation equivalent to the annual charges and water consumption charges for the assessment relating to the Oberon RSL Sub Branch War Memorial. This will involve a payment from the general fund allocation to the water fund for the difference in advertised tariff.
4. Council will provide annually traffic management assistance to the Oberon RSL Sub Branch for the ANZAC Day march. This funding will be included in the Community Events operational budget.
5. Council will provide annually a donation equivalent to the Oberon RSL Sub Branch war memorial and museum land difference between business rates and residential rates from 1 July 2008. .
6. The Oberon Golf Club will be financially assisted annually in accordance with its Lease to Oberon Council.
7. Contributions to the Oberon Golf Club will be reported to Council annually.

8. The Oberon Rugby League will be financially assisted annually to maintain grounds. The allocation will be determined by Council each year.

### **Applications**

Requests for discretionary financial assistance from Council's Section 356 Financial Assistance Program should be in writing and the projects should meet the assessment criteria. Council can only consider the project specified in the application. No negotiations on project proposals will be entered into once an application has been received.

The application must clearly identify which organisation is auspicing/managing the funds for the group/individual and project.

To comply with the requirements of the Federal Government's Goods and Services Tax (GST), it must advise if the body is registered for the GST and if so the Australian Business Number. If the body is not registered, and not required to do so, a statutory declaration must be provided with the application which formally advises Council of this position.

Applications will initially be assessed within the Corporate Services Department to ensure the request meets these guidelines and the funds sought can be justified from the application. The Director of Corporate Services will submit a report to Council with recommendations to fund priority projects within the Council budget. Depending on funding priorities and the availability of other resources, recommendations may be made to partially or fully fund projects as submitted.

The elected Council makes a final determination on which applications will be approved for funding, and what amount is to be allocated, as part of its annual Operational Plan. The decision will be recorded in Council minutes and may be published in the local media.

### **Assessment criteria**

Council will consider applications from organisations for charitable purposes within the definitions of the Charitable Fundraising Act, 1991

- *charitable purpose includes any benevolent, philanthropic or patriotic purpose.*
- *organisation includes any board of trustees or other body of persons, whether incorporated or unincorporated.*

Council will also consider applications from local, not for profit, sporting, arts and cultural organisations.

The project identified for assistance must provide services or activities that meet the needs and benefit the residents of the Oberon Council local government area, and as required by the Local Government Act be *for the purpose of exercising its functions*. The Charter in the Act articulates those functions and they are listed below:

- *to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively*
- *to exercise community leadership*
- *to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism*
- *to promote and to provide and plan for the needs of children*

- *to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development*
- *to have regard to the long term and cumulative effects of its decisions*
- *to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible*
- *to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government*
- *to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants*
- *to keep the local community and the State government (and through it, the wider community) informed about its activities*
- *to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected*
- *to be a responsible employer.*

Applicants must complete Council's Section 356 Financial Assistance Form and address their needs, the benefits provided to the community and relevance to the Council's charter.

Council will assess each application on its merit using the above criteria.

#### **Accountability**

The body receiving financial assistance will be accountable to Council for the administration of any funds provided.

Council must be immediately notified and its approval obtained for any changes in the proposed use of its funding. Where the change is not approved any funding provided under the program must be immediately returned.

Council will expect a written report for financial assistance over \$1,000. The acquittal report should include receipts and also any relevant publicity and promotional material associated with the project.

#### **Public Notice**

If the request for financial assistance is for private gain and/or does not fall within Council's specific program the Corporate Services Director will advise Council of this in the report (see Applications above). If Council still wishes to provide assistance the following procedures will ensure that the required public notice is given:

- The General Manager will inform the Council that at least 28 days public notice of a proposal to pass a resolution to grant financial assistance is required. In the interest of openness and transparency in Council decision making the public notice must include details of recipient and amount proposed to be financially assisted.
- The Corporate Services Director will then arrange appropriate advertising and prepare a report after the public notice period has elapsed which includes any submissions.
- The elected Council makes a final determination on which applications will be approved for funding, the amount to be allocated, and if this policy needs to be altered to accommodate the resolution.
- As required by the Local Government Act Section 428(2)(l) the total amount contributed or otherwise granted under section 356 will be disclosed in Council's Annual Report.

Approving Authority	Oberon Council
Contact	Corporate Services Director
Approval	Finance Committee Meeting – 9 April 2019: Item 05.01, Minute 03 160419
Revision Date	April 2021
Issue Date to Staff	April 2019



**SUBMISSION TO REVISION OF OBERON COUNCIL SECT.356 POLICY 2209**

**1. *Removal of Recurrent Grants: The policy removes the option for recurrent or multi-year funding, due to concerns over sustainability, fairness and donations that are current and fit for purpose.***

- Some recurrent annual donations such as Golf Club, Village funds and School support were previously “removed” from the application process and established as budget line items. This was to better reflect the difference between one off community project funding applications and what had become historically recurrent grants. It is time to review this system, I agree that all applications should be assessed on current merit – a fairer process by far and one which allows greater scrutiny of all applications by Council. Recurrent applications should be submitted annually, justified and supported by documentation.

**2. *The new policy introduces clear distinctions between a Small Grants Program (up to \$4,000) and Large Grants Program (above \$4,000), with different reporting requirements.***

- The number of applications for Sect 356 Donations has grown substantially over a number of years. This program is an important community initiative originally set up to assist small community/sporting/educational voluntary organisations in a tangible way to supplement their own fundraising efforts. In turn this builds strong connections between council and community. The program has evolved with more applications for large amounts to fund large projects being submitted and approved. With alternate opportunities for grant funding available (such as Veolia Mulwaree/Building better Regions etc ) which are more suited to larger funding requests, I do not think Sect.356 grants above \$4000 should be considered at all – a limit of \$4000 if approved could however contribute to a project. This would allow more groups to benefit from the available Sect 356 funding budget.
- Village Funds \$5000 annually should be a budget line item with clear guidelines and due diligence established in relation to projects and acquittals. I do not believe these applications are relevant to Sect 356 but rather an obligation of council to support the villages regardless....this has obvious relationship benefits to both village communities and council

**3. *The new policy incorporates robust documentation requirements such as proof of GST registration, statutory declarations, detailed project budgets, marketing plan and insurance certificates. This ensures accountability and proper evaluation of applications.***

- In full agreement, ultimately the Ratepayers of the LGA are the Funding Authority in this case and rigorous checks and balances should be activated to ensure the funds are spent in accordance with guidelines.... but first those guidelines must be in place, hence a review of the policy.

**4. The new policy introduces a Financial Assistance Program Panel that will assess applications based on specific criteria like inclusivity, capacity building and alignment with Council's strategic objectives. The panel will make recommendations to Council.**

- Re specific criteria - due to the increased volume and \$\$ value of Sect 356 applications the above amendment would be beneficial. What I feel should be included in the criteria:
  - A strict timeline for applications. Late applications should not be accepted. This ensures a more formal and robust process.
  - Sect 356 Funding should be fully expended at time of application assessment if insufficient applications then a budget reduction in order.
  - Council should not fund projects/purchases that clearly sit as a responsibility in the area of a Government Department – this is especially pertinent when it comes to student resources and equipment.

**5. The proposed policy strengthens reporting obligations for both small and large grants. It outlines specific acquittal reports and public acknowledgment of Council support through promotional material. This will also include Council waivers, Village Fund allocations and in-kind arrangements that Council enters.**

- Absolutely agree. The management expertise within many community organisations has improved enormously over recent years and the proposed changes are well within the capabilities of the committees involved.
- If acquittal reports are not received by the due date, the organisation in question (should it submit an application), should not be considered the following year
- Accountability is a prime responsibility of council and should encompass any funds it allocates through any funding program.

### **General Comments**

It is my view that:

- Village Funds and Sect 356 allocations should be dealt with separately. Village Funds should be a Budget Line Item. \$15000 is insignificant in the scheme of the bigger budgetary picture and is a tangible way to show support for the villages whose residents rightly or wrongly, can potentially feel “ neglected”. Accountability controls are expected.
- Waiving of rates and “in kind” support has a definite \$\$ value though difficult to support with paperwork for an acquittal - methodology?
- Organisations based outside the Oberon LGA need to clearly demonstrate potential benefit to the Oberon Community before application considered.
- Designated categories in relation to applications would be beneficial to the proposed panel

Kathy Sajowitz

Ratepayer 22/1/25

 Outlook

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**FW: New feedback on Revised Financial Assistance Policy 2209**

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**From** Comms <comms@oberon.nsw.gov.au>  
**Date** Tue 28/01/2025 11:21  
**To** Mathew Webb <Mathew.Webb@oberon.nsw.gov.au>

FYI



Hannah Booth JP  
Records & Communications  
Coordinator  
Oberon Council  
Phone: 0407 405 674  
Tues – Fri: 8.15am to 4.30pm  
[www.oberon.nsw.gov.au](http://www.oberon.nsw.gov.au)

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**From:** Have Your Say Oberon <comms@oberon.nsw.gov.au>  
**Sent:** Friday, 24 January 2025 6:29 PM  
**To:** Comms <comms@oberon.nsw.gov.au>  
**Subject:** New feedback on Revised Financial Assistance Policy 2209

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

You have received new feedback on the Guestbook on project **Revised Financial Assistance Policy 2209** on your site,

-

As far as we are concerned, in our own little world, we can not see anything wrong with the current system, but what suits one may not suit another. We are against change for change sake, if it isn't broken don't try to fix it, too many times I see with governments, if something is working they will pull it apart to see why. I may be missing something here but in the documents I read or I saw nothing that indicated that the system was broken and why it needed to be fixed, I saw comparisons and differences between the new and the old but nothing to tell me why the old system is not working. Councils Financial year runs from July to June ours runs from January to December, 90% of the time I may know what support I may need to be requesting from Council in November in February. You talked about accountability, most of what we request from council is support in kind, each year we won't know what that is going to cost until after the event, most of what we request is repetitive every year, hence I can't see the problem with the current system. First quarters rates, water for the memorial park, road blocks on ANZAC Day, it's the same every year, year in year out. Then there is the odd occasion where in October we decided to do something out of the normal and requested some help in kind from council the job was completed

in January, if I had to wait till March or May to put the request to council it would have been too late, the job was over and done.

-

Added by **Oberon RSL Sub-Branch**

[Click here](#) to view the feedback

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## Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

**From:** [Mathew Webb](#)  
**To:** [Col Roberts](#)  
**Cc:** [Victoria Bewley](#)  
**Subject:** RE: Financial Assistance Policy - Feedback  
**Date:** Tuesday, 28 January 2025 4:00:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Hi Col,

Many thanks for the submission and the details are well received.  
I will include these comments in the report for Council consideration.

Cheers  
Mat



**Mathew Webb**  
*Corporate Services Director*  
**Oberon Council**  
t: [02 6329 8212](tel:0263298212)  
e: [Mathew.Webb@oberon.nsw.gov.au](mailto:Mathew.Webb@oberon.nsw.gov.au)  
w: [oberon.nsw.gov.au](http://oberon.nsw.gov.au)



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**From:** Col Roberts [REDACTED]  
**Sent:** Friday, 24 January 2025 9:32 AM  
**To:** Mathew Webb <[Mathew.Webb@oberon.nsw.gov.au](mailto:Mathew.Webb@oberon.nsw.gov.au)>  
**Subject:** RE: Financial Assistance Policy - Feedback

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Corporate Services Director  
Hello Matt,

I have read your proposals for the future distribution of 356 Funds, and they appear to be fair and reasonable. There is no doubt that the existing system had some shortcomings and needed reviewing in particular the recurrent funding arrangements. I like the proposed concept of two tiers of funding, and the increased justification for higher levels of funding. This has merit, and the final application forms will need to reflect this.

It would be useful to cap the large grant tier. An open ended limit is no guideline for

applicants. As an application it is important to know whether the grant can meet your needs before you go to the trouble of writing and justifying the grant.

It would be also useful to include in the application the Councils long term strategic objectives so that these don't have to be searched for elsewhere.

The assessment criterion, assessment team and need for acquittal documentation is all good.

Regards

Col Roberts

President (and Grant writer) Oberon District Museum

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[b@beron.nsw.gov.au](mailto:b@beron.nsw.gov.au)



**13.11 Central Tablelands Weeds Authority Funding Request**

File No: CTWA/ROADSIDE VERGE

Author: Gary Wallace (General Manager)

**Summary**

Previously Council resolved to seek a meeting with the Central Tablelands Weeds Authority (CTWA) given the concern raised over the limited Roadside Weed Control Program undertaken by the CWTA under the Service Level Agreement previously supported by Council. This report seeks Councils support for additional funding to assist in the completion of Section 1 of the program this year and to provide a strategic approach to future years funding.

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**Recommendation:**

That Council:

1. Commit an additional \$50,408.26 from the Technical Services allocation to complete section 1 of the program.
  2. Indicate to CTWA that they wish to extend the current program from 3 to 4 years.
  3. Commit to including an extended allocation within the 2025-26 Operational Plan in an attempt to bring the period to within a 3 year program.
- 

**List of Attachments**

Nil

**Comment**

Previously Council resolved to seek a meeting with the Central Tablelands Weeds Authority (CTWA) given the concern raised over the limited Roadside Weed Control Program undertaken by the CWTA under the Service Level Agreement previously supported by Council.

The Roadside Weed Control Service Agreement meeting was held in Kelso on 20 December 2024. Council had not taken up the proposed changes to the Service Agreement, whilst Lithgow, Blayney, and Bathurst had accepted the changes and are now working under the revised agreement in the current program 2024/25.

Council was concerned and lost confidence in the program due to the errors in the original proposals cost estimates based on an average of the prior 5 years of the program.

At the meeting Tim Johnston the General Manager (GM) of CTWA acknowledged these errors and reported on the significant cost increases that occurred at the commencement of the 2023/24 program. CTWA GM advised the meeting that there are also difficulties in comparing the cost per kilometre across councils due to the significant differences in the terrain that roads exist in each LGA. Lithgow and Oberon have some commonality as do Bathurst and Blayney; the meeting was informed that comparisons between LGA's is not recommended unless the significant differences in terrain and weed density are carefully considered.

The constituent council GM's and Mayors discussed the pros and cons of the Roadside Service Agreement, a commonly agreed request was for a progress report as early as February and no later than March being provided to councils to ensure that information is available to the council's budget development processes, which in some cases commence in February.

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It was reported to the meeting that a February report on cost per kilometre may be different to the end of program report depending on the volume of work to be completed, weed density and terrain.

Councils were informed that the best estimates for future budgets would arise from using the end of an annual program cost per kilometre rates applied to the kilometres to be treated in the following year.

One of the proposed changes to the Service Agreement that has been taken up by Lithgow and Bathurst was to provide an option to increase the program from 3 years to 4 years. Taking up this option does have a negative effect on the objectives of the program that is also a fundamental principle of the Biosecurity Act i.e. that the county council expectation of private landholders should also be applied to public landholders. The 3-year cycle presents better opportunities for reducing weed density than a 4-year cycle. The Roadside program is a strategic approach to reducing the risks that weeds in road corridors present to agricultural industries and to ensure Councils meet their general biosecurity duty with regards to weeds.

It was clarified at the meeting that the Roadside Weed Control Services provided by the County Council is not core business of the county council. The core business of the county council is as a local control authority to undertake inspectorial and education functions to reduce the risk of regional priority weeds in accordance with the Local Land Services Regional Strategic Weeds Management Plan 2023 – 2027. The county council provides the service and herbicides to the program at cost. The County Council has resolved that \$50k of roadside treatment will be undertaken by county council staff. The county councils' budget is currently dependant on undertaking this work to achieve a balanced budget.

Given the current circumstances of the program a report was requested as to what sections of Section 1 within the Agreement Oberon had received, what was left to carry out (including costs) and a likely program for Section 2. The following program has been provided by CTWA.

### **Financial Implications**

The funding for Oberon Council has almost been used up for roadside spraying (being the 2024/25 allocation). Early February will see the last of the present funding exhausted to complete the road they are working on now. Resulting in:

- Approximately 108km of roadside treated (when the road CTWA are working on is completed)
- Costing approximately \$55,552.00
- Meaning that the average cost per km to date is approximately \$514.37 per km
- This number and cost are approximate as they have not quite used all the funding and there may be some left at the completion of the road they are working on now.

With the rest of Section 1 there are six roads that have been confirmed as roads that are not to be included within the roadside program and have been removed from the list as they are village/town roads (that are within 60km speed zones) this means that for section 1:

- There is approximately 98 km of roadsides remaining within section 1 (with the roads that have been completed last year and to date this year).
- Assuming an average cost of \$514.37 per km, based on the costs incurred this season and multiplied by the 98km which remains outstanding in Section 1, this leaves a shortfall of approximately \$50,408.26 required to complete Section 1 this season.

Section 2 for Oberon Council:

- There are nine roads that have been removed from the list as they are village / town roads (that are within 60km speed zones) resulting in section 2 having a total of 293km.
- Assuming an average cost of \$514.37 per km, based on the costs incurred this season and multiplied by 293km within Section 2 the cost allocation required would be approximately \$150,714.41 to complete Section 2.

Increasing the program from 3 to 4 years (whilst not the most beneficial choice) should bring the agreement in line with other members of the CTWA. Should Council resolve to undertake this option further information will be requested from CTWA seeking the revised program and costs over the next three years. From that information being provided Council will be in a better position to strategically look at its options and obligations associated with the Agreement.

### **Relevance to Oberon Community Strategic Plan**

#### **Theme 3: Caring for the Environment**

*Action 3.2 Work with other agencies to protect fauna and biodiversity*

3.2.3 Roadside Vegetation Management Plan

3.2.4 Weed and pest control management

#### **Risk Category**

Environment

Governance

#### **Risk Severity Ranking**

Minor - 32%

## 14 REPORTS FOR INFORMATION

<b>14.1</b>	<b>Monthly Activity Report General Manager - December 2024 to January 2025</b>
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File No:	Governance/Meetings/Ordinary
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Author:	Gary Wallace (General Manager), Hannah Booth (Records and Communications Coordinator), Julie Baker (Library Manager), Rebecca Burgess (Work Health Safety and Risk Manager), Sharon Swannell (Governance and Executive Manager)
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### Summary

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

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### Recommendation:

That report Item 14.1 is received as information.

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### List of Attachments

Nil

### 1. PLANNED ACTIVITY

POST LOCAL GOVERNMENT ELECTIONS – work has continued on the development of a number of strategic documents that have been workshopped with Councillors or programmed over the next two months. They include:

- Oberon Council WHS Induction and Councillor Handbook
  - Councillor and Staff Interaction Policy
  - Development of the new Councillor Portal
  - Overview of s355 Manual
  - Model Code of Meeting Practice
  - Planning Overview
  - Finance Overview
  - Central NSW Joint Organisation – New Councillors Workshop
  - Reserves Workshop and Overview
  - Management of the Oberon Sports Complex Workshop
-

Further substantial work has been undertaken in the onboarding of the new Council. These have included Director Responsibilities, Induction Overview with Kath Roach, together with Committees Overview and Workshops. Further, the Office of Local Government's Hit the Ground Running sessions have been run in conjunction.

STATEWIDE INITIATIVES - Each year Council's insurer Statewide offer Board Funded Initiatives (BFI) which are free offerings aimed at assisting Council to reduce risk. In past years Council have availed itself of Risk Appetite and Risk Category BFI which assisted Council to move forward in this space.

This year Council availed itself of a Climate Change Risk Assessment BFI. A skilled consultant attended a session with Council's GM and Executive and a number of climate change risk scenarios were assessed based on forecast modelling. Staff are analysing this document now and will report any findings and recommendations to future Council meetings.

Research and forecasting shows that climate changes Oberon can expect include higher temperatures, changes in rainfall patterns and increase in bushfire weather. Being an integral part of the community, how Council responds to these forecast changes is critical. The Climate Change Risk Assessment not only helps Council plan proactively, it also assists in grant applications and obtaining funding for initiatives which can reduce risk to Council and the Oberon community.

SECTION 355 MANUALS AND COMMITTEES – Council confirmed its appointment of Councillor delegates to its Section 355 Committees at the 7 November 2024 Extraordinary Meeting. Council has advertised seeking members of the community interest in nominating to be appointed to its Section 355 Committees. Difficulties have been experienced attracting appropriate community representation on a number of committees. Staff are conducting a direct approach to previous committee members and those that had previously shown interest. At the completion of these approaches a report will be presented to Council seeking endorsement. An updated Policy 1114 – Volunteers and Section 355 Committees will also be presented to Council for endorsement. An updated Section 355 Volunteers Management Manual, which includes a Committee Charter for each of the Section 355 Committees will also be presented for its endorsement.

OVERSIGHT AND MANAGEMENT OF THE OBERON SPORTS COMPLEX – Staff are working on the preparation of a workshop for Councillors to look at the management options for the new Sports complex currently under construction. Council is currently in receipt of a request from the Oberon Leagues Club outlining their interest and position in relation to the facility and Council must look at options to support the ongoing day to day oversight of the facility. A workshop is being prepared for February/March.

## 2. WHS/RISK

	<b>December 2024 &amp; January 2025</b>
<b>Incidents/Accidents/Hazards Reported</b>	2
<b>Hazards Reported</b>	1
<b>Near Miss</b>	0
<b>No Injury, Damage to Assets</b>	1
<b>First Aid Injuries</b>	0
<b>Medical Treatment Injuries</b>	0
<b>Lost Time Injuries</b>	0
<b>Restricted Duty Injuries</b>	0
<b>Incident Reported to Regulator</b>	0

<b>Toolbox/Safety Meetings</b>	437
<b>Plant Pre-Start Inspections</b>	183

• **Work Health Safety and Risk Activities**

- The warmer weather has highlighted the importance of snake awareness for outdoor staff, with a hazard reported in December 2024, a staff member having a close encounter whilst reading water meters.
- WHSR attended the ARIC meeting in December 2024; a HR system demonstration; an engagement session with Technical Services staff; an EV vehicle demo day in Bathurst which was arranged by the CNSWJO; and an online webinar arranged by Statewide Mutual relating to climate change risks.
- Council's workers compensation insurer, Statecover, have introduced a Member Prioritisation with Council allocated a Risk Rating based on workers compensation performance. Members in different risk categories have different timing and methods for the WHS self-audit deliverables throughout the new three-year audit cycle. Based on Statecover assessment Oberon Council has been prioritised as Low Risk. With this great rating Council is not required to take part in any performance improvement activities.
- Statecover introduced a new wage reimbursement schedule which they also provided training on.
- In the second half of 2024 Statecover announced that the Vault system would be replaced with DoneSafe. Unfortunately for Oberon Council, we were advised in early December that larger Councils have been prioritised, and at this stage our migration will not be able to be done before Vault is decommissioned. Initially Statecover advised that they provide would Council with our Vault data, which we would need to hold on to until we are allocated a timeframe for migration to DoneSafe. Council expressed strong dissatisfaction with this as it places us outside our risk appetite in terms of contractor management. Statecover has since advised it is investigating options such as extending Vault or bringing forward migration, however no firm outcome has been reached. Following escalation to Council's General Manager, a meeting has been requested with the relevant Statecover representatives with a view to resolve this issue.
- Several contractors were inducted during the months of December 2024 and January 2025. .
- The Wellbeing@OC 2025 program was launched for staff and includes a continuation of the great initiatives of skin checks, the EAP, flu shots, a supplement towards gym membership, R U OK" Day activities, and a visit this year by the Lung Bus to undertake screening of staff.
- WHSR assisted the Visitor Information Centre with recommendations on appropriate safe food handling courses for vendors at events.
- Assistance was rendered to Rotary Oberon in preparations for the Shakespeare Festival in March. This will be held at The Common.

**3. HUMAN RESOURCES**

• **Employee Statistics**

<b>Staff Movements</b>							
	Employee Separation	New employee	Casual	Part-time	Full Time	Senior Officer (GM)	Total Staff
December	1	1	31	3	66	1	100
January	4	3	32	3	68	1	103

**Consultative Committee**

- The Consultative Committee is scheduled to meet in February 2025

### Recruitment

- Casual seasonal labourer x 2: interviews conducted in December 2024, with successful applicants starting in December 2024 and January 2025.
- Library assistant: interviews conducted in December 2024, successful applicant starting in February 2025.
- Labourers x 2: interviews conducted in December 2024, with successful applicants starting in January 2025.
- Administration/Customer Service Trainees x 4: Interviews conducted in December 2025. Successful trainee starting in February 2025.

### General HR Matters

- HR Manager attended the CNSWJO HR Managers meeting at Orange on 3 December 2024. This meeting was a professional development opportunity on strengths, this was presented by Gallup.
- HR Manager and IT/GIS Coordinator investigated a new HR System. Five systems were reviewed in December and January with further in-depth demonstrations planned for February 2025.

## 4. GOVERNANCE AND ADMINISTRATION

Oberon Council continues to engage with the community through a variety of platforms, including updates on Council's website ([www.oberon.nsw.gov.au](http://www.oberon.nsw.gov.au)), the Oberon Council Facebook page (<https://www.facebook.com/oberoncouncil>), the *Have Your Say Oberon* community engagement platform and Council's LinkedIn page. These channels are used to share media releases, public notices, position vacancies, public exhibitions, events and other relevant information.

Communications prepared and released during December 2025 and January 2025 included:

- Mayors Column
- December Community Newsletter
- The Village Voice – 5 & 19 December, 16 & 30 January
- End of Year Spectacular
  - Event Update
  - Event Postponed
- Library School Holiday Activities
  - Fizzics interactive presentation
  - Movie Marathon
  - Art on a String
  - TfNSW – O'Connell Road bridge works
- Fireworks Notice
  - 7 December 2024
  - 24 December 2024
  - 31 December 2024
- Found
  - Cat x3
  - Dog
- Oberon LGA road condition update
- Notice of Community Consultation Meeting – Black Springs
- Service NSW Agency closure 9/12/2024
- Grader operator training
- December Ordinary Council Meeting notice

- Addressing Councillor comments on social media
- Christmas / New Year holiday trading hours
- Watch out for snakes
- Self Care Units – Applications open
- TfNSW opening of Jenolan Caves Road at Hampton
- Mayors End of Year Message
- Happy New Year
- O’Connell Recreation Ground amenities block update
- Lowes Mount Road reconstruction update
- Mouse House temporary closure
- Position Vacant
  - Facilities Manager
- Water Main repair update – Oberon Street
- Australia Day long weekend trading hours
- Australia Day Ambassador 2025 introduction
- Campbells River Road treatment works update
- Australia Day Award winners announcement
- Nbn works notice
- Media Release – Clr O’Grady resignation

As resolved at the October Ordinary Council Meeting, Oberon Council published the final edition of the Community Newsletter in December. Moving forward, staff have been collaborating closely with The Central West Village Voice to develop an engaging content format and refine the details of Council’s dedicated page. This partnership will enhance Council’s communication efforts, ensuring updates continue to reach the community effectively through The Village Voice’s broader distribution and professional production.

## 5. **COMMUNITY ACTIVITY, REGIONAL ISSUES and OTHER MEETINGS**

18 Dec 2024	Golf Day Meeting Wrap Up
19 Dec 2024	Falls Hill Site – Legal Status and Update – McIntosh & McPhillamy
19 Dec 2024	Councillor Inspection – Oberon Sports Complex
20 Dec 2024	Central Tableland Weeds Authority – Lee Street, Kelso
23 Dec 2024	PCG – Oberon Sports Complex
23 Dec 2024	Greg Bourne – OTHR Update
24 Jan 2025	Prepare for Australia Day
25 Jan 2025	Australia Day Ambassador Welcome Function
26 Jan 2025	Australia Day Ceremony
30 Jan 2025	Tatiana Coulter – OBTA direction
3 Feb 2025	PCG Meeting – Oberon Sports Complex
3 Feb 2025	Councillor O’Connor – Update on Council Matters
4 Feb 2025	Funeral
4 Feb 2025	Mayor and Councillor Discussion
4 Feb 2025	Pat Condon Development Discussion
5 Feb 2025	APD Global – Black Springs Telstra Tower Meeting
6 Feb 2025	CNSWJO – GMAC Meeting – Bathurst
7 Feb 2025	Agnew & Moray – Legal Update

- 10 Feb 2025 Social and Economic Meeting
- 11 Feb 2025 OTHR Grant Progress with DA – Greg Bourne
- 11 Feb 2025 Oberon Quarries Planning Agreement Discussion
- 11 Feb 2025 Oberon Land use Strategy – Curragong Update
- 11 Feb 2025 Abercrombie Road Discussion – Anthony Hoolihan
- 11 Feb 2025 Informal Briefing Session



**14.2 Monthly Activity Report - Planning & Development - December 2024**

File No: Governance/Meetings/Ordinary

Author: Kirsty Hanrahan (Building Surveyor), Lyn Hancox (Planning and Development Administration Assistant), Damian O'Shannassy (Planning and Development Director), Janet Bailey (Development Control Administration Officer), Sharon Inwood (Acting Facilities Manager)

**Summary**

This report item summarises the main activity in the Planning and Development Department since the December 2024 Council Meeting.

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**Recommendation:**

That report item 14.2 is received as information.

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**List of Attachments**

Nil

**1. PLANNED ACTIVITY**

**Development Applications**

The number of applications submitted to Council during December 2024 was slightly less than compared with previous months but consistent with the previous year. Applications submitted in January 2025 are higher than previous months and well over the previous year. However, applications being assessed remains high, with some complex applications continuing to be assessed. Council continues to utilise, on a part time basis, a Planning Consultant to assist in reducing the backlog of Development Applications and other Planning related matters.

**Comprehensive Land Use Strategy (CLUS)**

A Councilor briefing by the Consultant, Currajong Planning was held prior in December providing an update to the proposed draft strategies and updated timeline for community consultation.

Preliminary consultation is planned to be undertaken in March 2025 to launch the Oberon Land-use Strategies Project by Council consultant Currajong Planning.

**PROJECTS**

***Oberon Gym Complex (enclosure of the rear area)***

Minor works are continuing (railing to new accessible ramp and fitout works) with an anticipated completion date during March 2025.

These works are the result of Council receiving a Stronger Country Community Fund Round 5 grant for \$585,362.00. The project remains on track to be completed within the grant timeframe.

**Solar to the Oberon Pool, Gym and Library/Community Centre**

A Local electrical contractor was engaged to install additional solar to the Oberon Pool and new solar and battery storage to the gym and new solar to the Library/community centre. Additional solar panels have been installed to the Oberon Pool roof with the total panels now offsetting 23% of consumption on a sunny day, therefore reducing overall cost to Council to run the facility.

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Library works are complete with the new panels currently offsetting 49% of consumption since being installed, therefore reducing Council's power bill by nearly 50%. The gym solar panels and battery storage was installed in December and to date on a sunny day has offset up to 80% of power.

The solar installations are the result of Council receiving a Stronger Country Community Fund Round 5 grant for \$100,000.00. The project remains on track to be completed within the grant timeframe.

### **O'Connell Recreation Ground Amenities Building**

The works commenced in December with the metal frame and roof installed and internal framing and cladding currently underway followed by internal lining and fitout at the time of the report. These works will be completed within the grant timeframe.



### **Summary**

The Oberon Fitness and Leisure Centre (OFLC) is pleased to submit the report for December 2024 and January 2025.

December was a little quiet at the gym with client taking time out to prepare for the festive season however the pool was still very busy with the completion of all school swimming lessons

### **Community Initiatives**

- Weekly Personal training sessions
- Small group training sessions run for teacher groups from Oberon High School and St Josephs aimed at improving teacher wellbeing and reducing stress
- Oberon U3a fitness sessions for senior community members
- Oberon High School activities at both gym and pool
- Community swimming lessons
- Public schools swimming lessons
- Mums and Bubs class

- Kindy gym

### Pool Report

The main activity during December was conducting swimming lessons. This season we were able to offer lesson back to O'Connell school which saw the facility now run swimming lesson for most of November and December

Having O'Connell back with us was an additional boost to the income for swimming lessons with an extra of 68 children going through our swim school.

January was also a very busy month. We were lucky enough to secure another youth grant assisting with free entry for all youth between 12-24 yrs of age. During this time we had 473 youth come through the facility.

In December we held a presentation for all our swimming participants, the children really enjoyed the acknowledgment so we will try the same for the end of this term.

With this grant funding we were also able to deliver free activity programs each week over the four weeks of January. The four programs were also well attended with an average of 20 children participating each week.

### Fitness Centre Report

The fitness centre was a little quite during both December and January with the increase in resources needed at the pool, however we were still able to conduct our regular classes with numbers down a little due to the Christmas period. We held our regular Christmas party in December but numbers were low, once again due to that time of year, however the members that did attend enjoy the Train the Trainer part.

## 2. PLANNING AND DEVELOPMENT MATTERS

### DETERMINATIONS – December 2024

19.2024.6.2	Modification to On-site Wastewater System 19.2024.6.1	1326 Hazelgrove Road, OBERON NSW 2787
10.2022.3.2	Modification to existing DA 10.2022.3.1 - rural subdivision	334 Bosworth Falls Road, O'CONNELL NSW 2795
CDC2024.078	Verandah addition and Deck Extension to existing Dwelling	50 Bolton Lane, O'CONNELL NSW 2795
S682024.033	Decommission Old Septic and Install New Single Tank Bioseptic ATWS	1091 O'Connell Plains Road, THE LAGOON NSW 2795
CDC2024.066	New Dwelling	688 Bald Ridge Road, BALD RIDGE NSW 2795
DA2024.038	Approval for use of a storage shed	72 Humphries Drive, OBERON NSW 2795
DA2024.053 CC2024.024	New Shed	3 Luchetti Place, OBERON NSW 2787
S682024.037	Installation of a On-site Wastewater System	1387 Mutton Falls Road, O'CONNELL NSW 2795
CC2024.049	New Laboratory and two(2) additional Silos at Industrial premises	31 Endeavour Street, OBERON NSW 2787

### DETERMINATIONS – January 2025

DA2024.077 CC2024.039	New Dwelling and Retaining Wall	36 Jenolan Street, OBERON NSW 2787
DA2024.075 S682024.021	New Dwelling and Installation of On-site Wastewater System	168 Baileys Lane, OBERON NSW 2787
DA2024.069 S682024.015	Demolition of Existing Dwelling, New Dwelling and Install On-site Wastewater System	2070 Edith Road, OBERON NSW 2787
DA2024.091	New Shed	11 Tasman Street, OBERON NSW 2787
DA2024.035	New Shed with Bathroom	109 Lysander Road, OBERON NSW 2787
S682024.042	Approval to Operate On-site Wastewater System	13 Marks Crescent, OBERON NSW 2787
DA2024.093 S682024.041	New Dwelling & Connection to Sewer	6 Ellis Drive, OBERON NSW 2787
DA2024.090 S682024.039	New Dwelling & Connection to sewer	27 Springfield Street, OBERON NSW 2787
DA2024.070	New Storage Shed	32 O'Connell Road, OBERON NSW 2787
DA2024.084 S682024.047 S682024.035	New Dwelling - Transportable Modular Home and Installation of On-site Wastewater System	953 Hazelgrove Road, OBERON NSW 2787
MOD DA2025.004 MOD CC2025.004	Modification of Industrial Development - Construction of New Internal Walls with Windows and Personal Access Door	8 Sirius Street, OBERON NSW 2787
CC2025.009	New Dwelling	6 Ellis Drive, OBERON NSW 2787
DA2024.081	Stage 4 - Oberon Sports Complex - Field Lighting, Water, Sewer, Gas & Electricity Connection & Internal Reticulation	31 O'Connell Road, OBERON NSW 2787
DA2024.083 S682024.032	New Dwelling & Installation of On-site Wastewater System	39 Artie's Road, MOUNT OLIVE NSW 2787
MOD 10.2024.22.2	Modification of Dwelling - Relocation	160 Brittle Jack Road, O'CONNELL NSW 2795

## DEVELOPMENT APPLICATIONS IN PROGRESS – December 2024 &amp; January 2025

No.	Date sub Portal	Lodgement Date	Commencement Date	Stop the Clock Date	Information Received Date	Determination date
10.2022.8.1	16.12.2022	25.01.2023	21.02.2023	14.03.2023		
10.2023.16.1	13.03.2023	29.03.2023	18.07.2023	18.07.2023		
10.2023.30.1	08.05.2023	09.06.2023	26.06.2023	14.07.2023		
10.2023.35.1	11.06.2023	27.06.2023	03.08.2023	03.08.2023		
10.2024.2.1	02.01.2024	15.01.2024	18.01.2024	24.04.2024	24.04.2024	
10.2024.3.1	19.12.2024	15.01.2024	18.01.2024	26.02.2024	24.04.2024	
10.2024.28.1	19.06.2024	02.07.2024	03.07.2024	12.07.2024		

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

DA2024.035	09.07.2024	15.07.2024	19.07.2024	19.07.2024	23.09.2024	10.01.2025
10.2024.28.1	19.06.2024	17.07.2024	17.07.2024	12.07.2024		
DA2024.038	09.07.2024	24.07.2024	04.09.2024	04.09.2024		4.12.2024
DA2024.040	06.08.2024	09.08.2024	28.08.2024	28.08.2024	08.10.2024	
DA2024.043	07.08.2024	23.08.2024	29.08.2024	30.08.2024		
DA2024.054	10.09.2024	19.09.2024	03.10.2024	08.10.2024		
DA2024.053	30.08.2024	19.09.2024	03.10.2024			09.12.2024
DA2024.056	10.09.2024	23.09.2024	02.10.2024	02.10.2024	09.10.2024	
DA2024.058	13.09.2024	03.10.2024	08.10.2024	09.10.2024		
DA2024.070	19.09.2024	15.10.2024	17.10.2024	20.11.2024	13.01.2025	22.01.2025
10.2024.22.2	24.09.2024	15.10.2024	21.10.2024	14.11.2024	20.01.2025	30.01.2025
DA2024.065	03.10.2024	18.10.2024	18.10.2024			14.01.2025
DA2024.067	03.10.2024	10.10.2024	28.10.2024	28.10.2024		
DA2024.069	01.10.2024	28.10.2024	28.10.2024	30.10.2024	13.11.2024	09.01.2025
DA2024.073	13.10.2024	31.10.2024	05.11.2024	7.11.2024	13.12.2024	
DA2024.075	21.10.2024	31.10.2024	30.11.2024	02.12.2024	02.12.2024	10.01.2025
10.2022.3.2	10.10.2024	31.10.2024	31.10.2024			04.12.2024
DA2024.076	16.10.2024	1.11.2024	27.11.2024	29.11.2024		
DA2024.077	23.10.2024	6.11.2024	30.11.2024	02.12.2024	03.12.2024	08.01.2025
DA2024.079	31.10.2024	13.11.2024	30.11.2024	02.12.2024		
DA2024.081	4.11.2024	15.11.2024	30.11.2024	02.12.2024	23.12.2024	30.01.2025
DA2024.080	4.11.2024	20.11.2024	30.11.2024	02.12.2024		
DA2024.083	28.10.2024	21.11.2024	30.11.2024	02.12.2024	23.01.2025	30.01.2025
DA2024.084	7.11.2024	28.11.2024	06.12.2024	10.01.2025		22.01.2025
DA2024.085	18.11.2024	28.11.2024	05.12.2024	05.12.2024	08.01.2024	
DA2024.087	22.11.2024	3.12.2024	09.12.2024	09.12.2024		
10.2021.94.3	10.10.2024	29.11.2024	09.12.2024			17.12.2024
DA2024.090	01.12.2024	10.12.2024	18.12.2024			16.01.2025
DA2024.091	08.10.2024	10.12.2024	18.12.2024			10.01.2025
DA2024.092	03.12.2024	11.12.2024	18.12.2024			
DA2024.093	28.11.2024	11.12.2024	18.12.2024			16.01.2024
DA2024.094	4.11.2024	16.12.2024	10.01.2025	12.02.2025		
DA2024.095	13.11.2024	06.01.2025	10.01.2025			
DA2025.001	19.12.2024	06.01.2025	10.01.2025			21.01.2025
2025.002DA	03.12.2024	07.01.2025	07.01.2025			20.01.2025
2025.003DA	01.12.2024	10.01.2025	23.01.2025	23.01.2025		
2025.004 MOD DA	04.01.2025	13.01.2025	14.01.2025			22.01.2025
2025.005DA	27.11.2024	15.01.2025	15.01.2025	15.01.2025		
2025.008 DA	06.12.2024	28.01.2025	28.01.2025	28.01.2025	07.02.2025	
10.2024.22.3	07.02.2025	10.02.2025	11.02.2025			12.02.2025

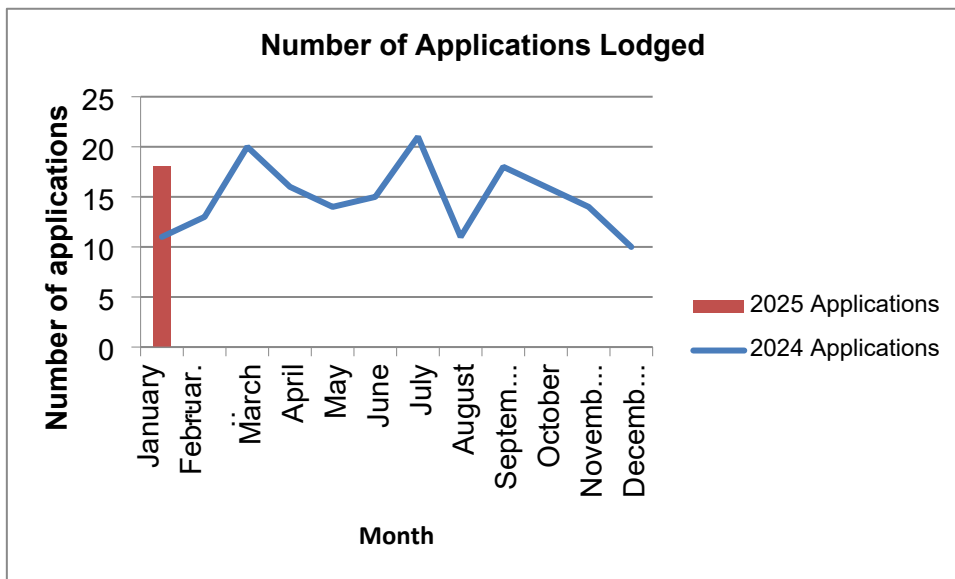
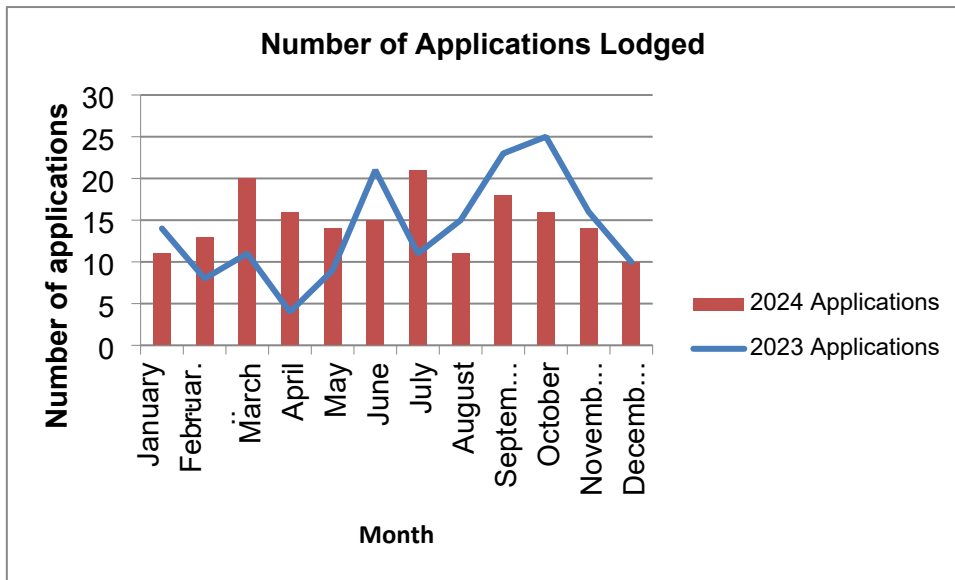
Total fees for Applications during December 2024 were \$37,777.57.

The income from applications year to date is \$315,425.02.

Total fees for Applications during January 2025 were \$26,335.35.

The income from applications year to date is \$341,760.37.

Copies of determinations are available for inspection at Council’s Administration Centre. Applications for the calendar year are being provided in a table form to give an outline of applications being lodged against those of the previous year.



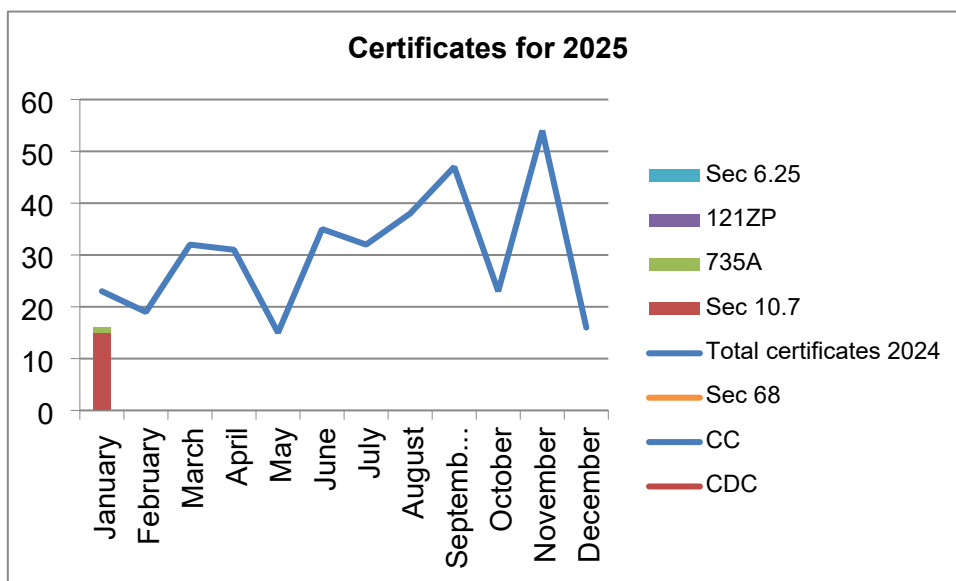
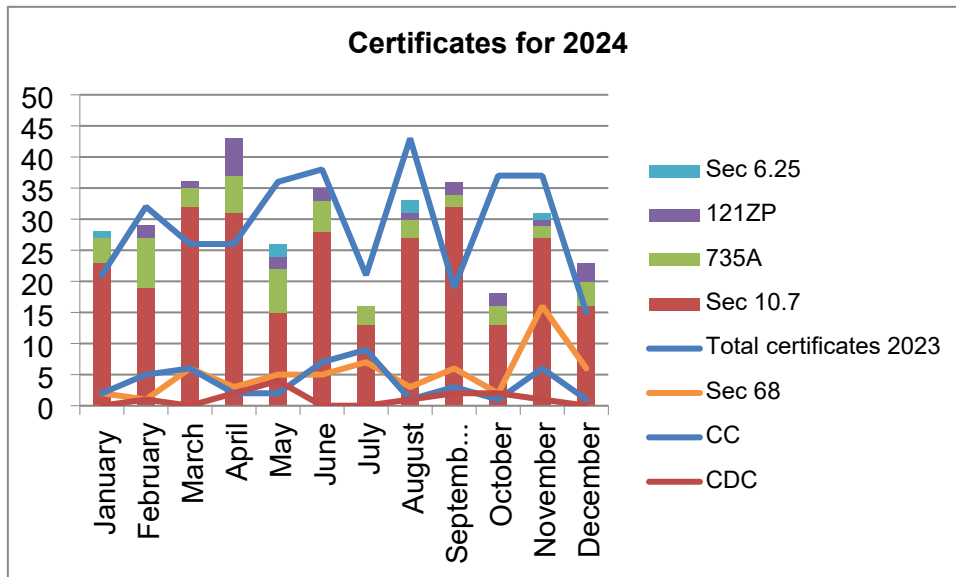
**CERTIFICATES ISSUED**

During the Conveyancing process and normally as part of the sale of a property, various Certificates are applied for by Solicitors, Real Estate Agents or by the public. In December 2024 and January 2025 the following Certificates were issued:

CERTIFICATES	December 2024	January 2025
SECTION 10.7 PLANNING CERTIFICATES Environmental Planning and Assessment Act, 1979	16	15

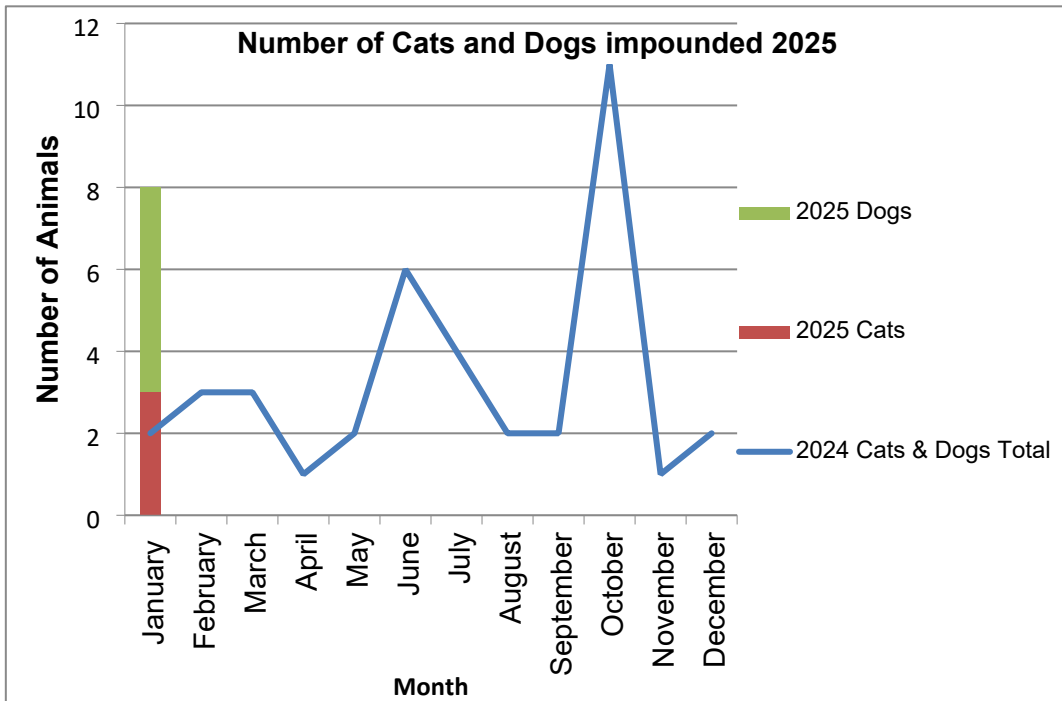
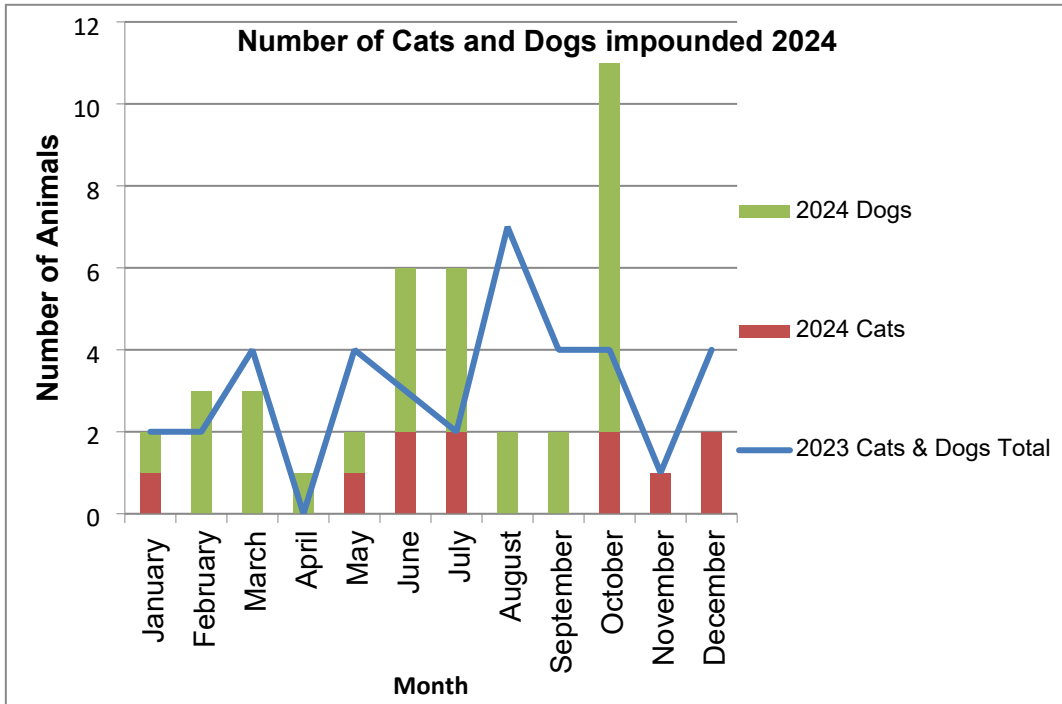
SECTION 735A CERTIFICATES AS TO NOTICES Local Government Act, 1993.	4	1
CERTIFICATES AS TO ORDERS SCHEDULE 5 Environmental Planning and Assessment Act, 1979	3	0
SECTION 6.26 BUILDING INFORMATION CERTIFICATES Environmental Planning and Assessment Act, 1979	0	0
CONSTRUCTION CERTIFICATES	1	10
COMPLYING DEVELOPMENT	0	0
SECTION 68 APPLICATIONS Local Government Act 1993	6	7

Certificates for the calendar year are being provided in a table form to give an outline of certificates being lodged against those of the previous year.



**OBERON ANIMAL POUND**

The following are details of activity at the Animal Pound in December 2024.



DOG DECLARATIONS	December 2024	January 2025
Notice of Intention to Declare a Dog Dangerous	0	0
Notice to Declare a Dog Dangerous	0	0



Notice of Intention to Declare a Dog Menacing	0	0
Notice to Declare a Dog Menacing	0	0
Notice of Intention to Declare a Dog Nuisance	0	0
Notice to Declare a Dog Nuisance	0	0

**MISCELLANEOUS MATTERS**

Various inspections, including building inspections, health inspections, environmental inspections and complaints were conducted during November 2024.

TYPE OF INSPECTIONS	December 2024	January 2025
Building Inspections	28	24
Food Inspections	0	0
Environmental Inspections (Air, Noise and Water Pollution)	1	0
Subdivisions Certificate Inspections	0	0
Complaints (Including Animal Control & Livestock)	36	41
Building Maintenance Inspections	6	2

**14.3 Monthly Activity Report Technical Services - February 2025**

File No: Governance/Meetings/Ordinary

Author: Dr Cornelia Wiebels (Technical Services Director), Tania Matthews (Technical Services Administrative Assistant), Dani Bradshaw (Change Management Analyst), Thomas Dimec (Project Engineer), Geoff Paton (Works Engineer), Paul Robinson (Plant Manager), Gary Chapman (Roads Operation Manager), Andrew Krol (Water and Sewer Officer in Charge)

**Summary**

This report item summarises the main activities in the Technical Services Department during the months of December 2024 and January 2025.

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**Recommendation:**

That report 14.3 is received as information.

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**List of Attachments**

Nil

**Comment**

**1. Roads – Regional and Local**

Lowes Mount Road reconstruction recommenced on 20 January 2025 with Sauls Earthmoving ripping and reshaping the road and undertaking compaction in preparation for Stabilising Pavement Australia (SPA) coming to the site to apply a stabilising agent (4% lime/fly-ash) to assist in achieving a modified pavement with higher strength. The images below show lime stabilisation on Lowes Mount Road.



The stabilising work was completed on 6 February 2025. Sealing has been delayed by poor weather but is anticipated to be completed by 19 February 2025

Rehabilitation of Abercrombie Rd, Black Springs, is programmed to commence 24 February 2025. Work will involve a light rip of the existing pavement, reshaping, compaction and resealing work (two-coat bitumen seal). Works completed to date include placing gabion rock to prevent excessive table-drain erosion and installing an underground drainage pipe to convey excessive water from the high-side of the road to the low side. Work is intended to be completed by mid-March.

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Abercrombie Road off Shooters Hill Road has experienced ongoing stripping of the bitumen seal placed over a heavy road patch. Recent work by Council's new Jet Patcher allowed stripped areas to be resealed and then complete a full-width temporary seal using an emulsion bitumen (refer photo below). This section of road from the temporary seal through to the Shooters Hill Rd intersection is planned for reconstruction in 2025/26.



Work on unsealed roads included:

Nunan's Hill Road maintenance grading and spot gravelling



Drainage works and gravel re-sheeting on Chain of Ponds Road



Maintenance grading on Howes Road



**2. State Roads – RMCC (Road Maintenance Council Contract) Works for Transport for New South Wales (TfNSW)**

**Routine maintenance**

Improvements to the road network and monitoring are carried out on O’Connell and Duckmaloi Roads, in line with Council’s TfNSW Roads Maintenance Contract. Specifics include monitoring of the surface sections of the roads, upgrading drainage systems to prevent flooding, and installing new signage for better navigation and safety.

**Heavy Patching and Resealing On Duckmaloi Road and O’Connell Road**

Council and TfNSW have collaboratively investigated and identified areas on State Roads requiring heavy patching, covering approximately 5,000 m<sup>2</sup> for the 2024-2025 period currently reviewing areas and documentation to commence works in March 2025. Tenders evaluations are tabled at the February 2025 Confidential Council meeting.

Council’s work proposal estimates the following, work orders issued

1. **O’Connell Road:** \$153,000.00
2. **Duckmaloi Road:** \$200,000.00

Additionally, resealing works are planned for Duckmaloi Road and O’Connell Road, covering a combined area of approx. 30,000 m<sup>2</sup> for 2024-2025.

### 3. Water & Wastewater

#### Weekly Oberon Dam Levels

Weekly dam level recordings for Oberon Dam, supplied by Water NSW

<b>December 2024</b>
02.12.2024 - 99.4%
08.12.2024 - 100 %
16.12.2024 - 100 %
26.12.2024 - 99 %

<b>January 2025</b>
04.01.2025 - 99.3%
12.01.2025 - 98.8%
18.01.2025 - 99.2%
28.01.2025 - 98.6%

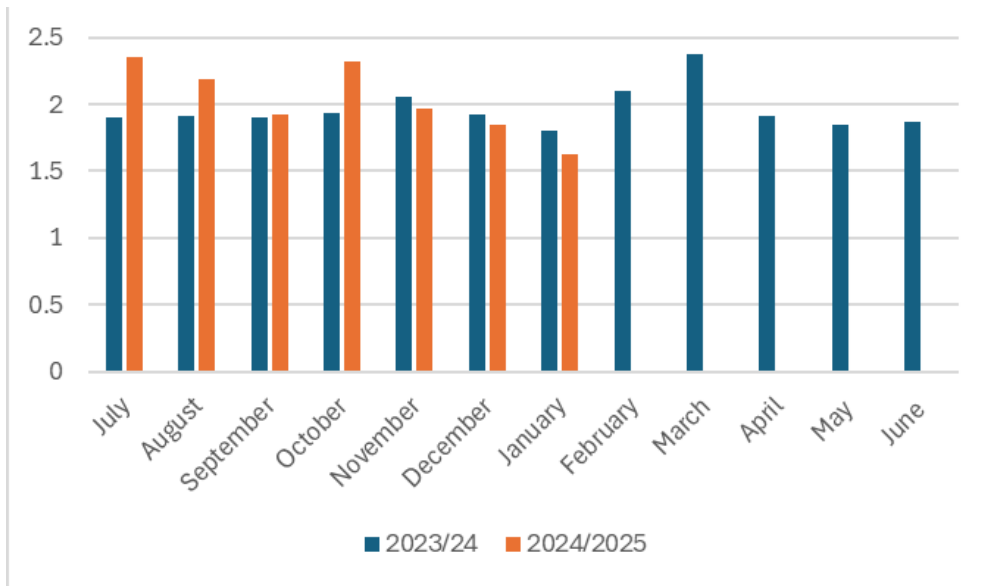
#### Water Consumption from WaterNSW Oberon Dam

<b>December 2024</b>
01.12.2024 - 08.12.2024 - 14.363 ML
09.12.2024 - 15.12.2024 - 13.897 ML
16.12.2024 - 22.12.2024 - 14.616 ML
23.12.2024 - 31.12.2024 - 14.406 ML

The total raw water consumption during December 2024 was 57.282 ML.  
The daily average consumption was 1.848 ML.

<b>January 2025</b>
01.01.2025 - 05.01.2025 - 7.658 ML
06.01.2025 - 12.01.2025 - 10.461 ML
13.01.2025 - 19.01.2025 - 11.553 ML
20.01.2025 - 31.01.2025 - 20.921 ML

The total raw water consumption during January 2025 was 50.593 ML.  
The daily average consumption was 1.632 ML.



The above graph displays the average daily water consumption per month

### Sewage Treatment Plant – Weekly kL Intake for Treatment of Wastewater

December 2024	
01.12.2024 – 08.12.2024	16,657 kL
09.12.2024 – 15.12.2024	13,884 kL
16.12.2024 – 22.12.2024	9353 kL
23.12.2024 – 31.12.2024	9858 kL

The daily average wastewater flow into Oberon Sewerage Treatment Plant was 1,223.366 kL.  
The total wastewater volume into Oberon Sewer Treatment Plant December 2024 was 49,752 kL.

January 2025	
01.01.2025 – 05.01.2025	6215 kL
06.01.2025 – 12.01.2025	9839 kL
13.01.2025 – 19.01.2025	8842 kL
20.01.2025 – 31.01.2025	15,743 kL

The daily average wastewater flow into Oberon Sewerage Treatment Plant was 1,310.935 kL.  
The total wastewater volume into Oberon Sewer Treatment Plant January 2025 was 40,639 kL.

## 4. Parks and Gardens

### Tree and Garden Maintenance

Parks and Gardens staff kept up with mowing, slashing, whipper snipping, weed spraying, and gardening around the parks, gardens, sporting facilities, cemeteries, and road verges around the LGA.

They have been mowing and whipper snipping Glyndwr Park North, Glyndwr Park South, the Leagues Club and Hockey Fields, Buckley Crescent Park, the Dog Park, Apex Park, the Oberon Recreation Ground, Richardson and Robinson Parks, The Visitor Information Centre, Wollemi Park, The Reef Reserve, The Common, The Pool Park, Cunynghame Oval, Dart St Carpark, Oberon Showground, Oberon Cemetery, Oberon Rotary Lookout, Herb David Park, the Leagues Club and Hockey fields, The Library, O'Connell Cemetery, O'Connell Recreation Ground, Flat Rock Reserve,

Black Springs Recreation Ground, Cemetery and town verges, and other rural Cemeteries (Shooters Hill, Burruga, Isabella, O'Connell, and Porters Retreat).

Road verges continue to present a challenge given resources, but slashing and mowing has been undertaken on Bracken Estate, Oberon Hills Estate, Titania Park Estate, Lowes Mount Road, Albion Street, the Avenue at O'Connell, Muirs Road, Edith Road, Ross Street, North Street and other street verges in Oberon. Council employed a Reach Mower to mow the steep banks on Edith Road and parts of Albion Street.

Staff have also attended to tree limbs impacting footpaths and fallen limbs from some of the large storms over the last couple of months.

Attention was also given to the gardens in Apex Park, The Common and the main street and preparing sporting and athletics fields for the approaching seasons, with top dressing of fields and line marking.

Council has received several compliments on the quality of the work they have been undertaking around town:

*"The staff did a wonderful job mowing and whipper Snipping Apex Park, please pass on my appreciation to the staff involved",*

*And the mowing of the showground for the upcoming events:*

*"A superb job! The grounds look the best they have ever looked"*



Main Street Gardens freshly planted and in full bloom 2 months later





The Common after mowing



Reach Mower tidying up the Edith Road verge

## 5. Cemeteries

Oberon Council is scheduled to serve as the training venue for a two-day Cemetery Safety Training course in April 2025. This course aims to provide industry best practices and will cover topics such as grave preparation, soil conditions and shoring requirements, trench collapse and consolidation, dealing with grief in the workplace, relevant legislation, working in confined spaces, exhumation, and

mausoleum requirements. Additionally, cemetery safety refresher courses will be conducted as needed, with the refresher courses being offered online via Zoom.

**6. Other Works**

New solar lights were installed along the footpath at the end of Ross Street, connecting the Oberon High School and Albion Street.



Solar lights going up between Oberon High School and Albion St

**14.4 Monthly Activity Report Corporate Services - December 2024 to January 2025**

File No: Governance/Meetings/Ordinary

Author: Mathew Webb (Corporate Services Director), AJ Jack (IT and GIS Co-ordinator), Rhiannon Mijovic (Library Manager), Victoria Bewley (Acting Community Services Coordinator), Debra Keane (Tourism and Economic Development Manager), Zoe Marks (Finance Manager)

**Summary**

This report provides an update on the activities of the Corporate Services Directorate in December - January and forward plans.

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**Recommendation:**

That report item 14.4 is received as information.

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**List of Attachments**

Nil

**1. Information Technology**

**New Software**

The Planning Directorate has decided to implement ReadyTech modules for Health, Local Laws and Wastewater. Implementation is expected to commence in February or March, subject to staff availability.

IT and HR have shortlisted two providers for a complete hire-to-retain HR system. In-depth demonstrations will occur in February, with a decision to be made shortly thereafter.

**2. Finance**

**Land Sale for Debt Recovery**

The Finance Team conducted a Councillor workshop in December regarding the debt recovery process. A presentation was also delivered on properties eligible for land sale due to outstanding debts exceeding five years.

Following the workshop, the team has been preparing the required General Manager Certificates for each property. A few properties with high debts are nearing the five-year threshold, so they will also be included in this process.

**Internal Restrictions Review**

The Finance Team presented the current reserves process at a Councillor workshop in December. Since then work has continued on drafting a policy for presentation at the next ARIC meeting. This has included:

- Reviewing policies from other councils.
- Clarifying the distinction between policy and procedures

**2025/26FY Budget Process**

The following tasks have been undertaken as part of the FY2025/26 budget preparation:

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- Workpapers have been created and sent to all directors for review
- Budget meetings have started with directors
- Fees and Charges have been reset and issued for directors and managers for review
- Payroll estimates have been created and shared with directors

Further work will continue to ensure the Integrated Planning & Reporting (IP&R) process is completed on schedule

### **3. Community Services**

The event committee has determined a new date for the postponed End of Year Spectacular. The event, renamed "Picnic in the Park," will be held at Oberon Common on Saturday, 26 April, from 11:00 AM to 3:00 PM. It will feature market stalls, food vendors, children's activities, live music and a free community BBQ.

#### **Independent living units**

A vacancy in the Curtis Street independent living units became available just before Christmas and has now been filled. Another unit in the same complex will soon become available. The Independent Living Unit panel has met and made recommendations to fill both tenancies. Selected tenants are currently awaiting the availability of the second unit.

#### **Black Springs Hall**

A secondary internet connection has been installed, allowing the installation of CCTV cameras and keyless locks to proceed. Quotes have been obtained for Crimsafe security screens for ground-accessible windows, as well as for block-out blinds. These will be incorporated into future grant applications for funding.

### **4. Oberon Library & Community Centre**

January was a busy month for the library, featuring a successful school holiday program, including:

- Fizzics Education's "Big Science, Big Fun" show
- A movie marathon featuring *IF* and *Raya and the Last Dragon*
- A kite bunting and art workshop facilitated by Central West artist Fiona Howle

The library also hosted Australia Day festivities, which were well attended.

Oberon's children's NAIDOC artwork is now displayed in the library's children's area, allowing participants to see their contributions showcased.

Additionally, discussions with publishing houses are underway to organise more author talks throughout 2025.



### **5. Tourism and Economic Development**

#### **Fossicking Frenzy**



The Fossicking Frenzy event attracted 125 registered participants, with an additional 38 people on the waitlist attending. Five sessions were held, each featuring a lucky door prize donated by Minelab. The event was a collaboration between the Prospectors Home Club (Penrith) and Oberon Council to promote safe and respectful fossicking and detecting. The Bathurst and Lithgow lapidary clubs also participated to showcase their craft.

Given the event's success, discussions are underway to organise a fossicking and detecting weekend at Burruga Dam during the Outdoor Festival in November.

### **Field to Forest 2025**

This event has been scheduled for March which is earlier than normal, as visitation during April is always strong due to the mushrooming season and Easter and ANZAC public holiday weekends. Key activities include:

- Producers and maker talks at Oberon Markets (1 March)
- Truffle Festival (8 March)
- Rotary Shakespeare Festival (14–15 March)
- Fishing & Fossicking Tour and Black Springs Pioneer Festival (22 March)
- Seasonal Dinner at Essington Park with Renzaglia Wines (29 March)

### **Drought Resilience Project**

Oberon, Bathurst, and Lithgow Councils are collaborating on the Future Drought Fund's Regional Drought Resilience Planning program, now entering the implementation phase. An inception meeting with the contractors, Tilma Group, is scheduled for early February, with project completion expected by September.

The primary focus will be on agritourism, aiming to streamline processes for farmers and agritourism operators. Agritourism is a significant economic driver for all three councils, with strong economic, social and environmental benefits. Additional projects will be considered as funding opportunities arise.

**- 14.5 Grants Update - January 2025**

File No: Governance/Grants 2024

Author: Toni Dwyer (Grants Co-ordinator), Mathew Webb (Corporate Services Director)

**Summary**

This report provides a summary of grant funding applications submitted and funding notifications received during December to January 2025.

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**Recommendation:**

That report item 14.5 is received as information.

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**List of Attachments**

Nil

**Comment**

**GRANT APPLICATIONS**

**a. NSW Department of Primary Industries, Recreational Fishing Trust**

An application was submitted on 18 December for a Fish Cleaning Table at the Reef Reserve. Estimates were calculated using templates and costings supplied by the Department of Primary Industries. The application was for \$21,674 for the supply and installation of a concrete slab, fishing table and water supply.

**b. Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Active Transport Fund, A more active, safe and linked Dart/Dudley Street School Precinct.**

An application was submitted on 13 January 2025 for the project of an extended raised footpath and centre pedestrian refuge across Dudley Street making the Dart/Dudley Street intersection safer and facilitate children's independent walking and cycling mobility. The pathway is used by students travelling to and from the local public primary school. The application was for 50% of the project's estimated cost. It has been advised in guidelines that successful applicants should be informed approximately 10 weeks after application.

**c. Australian Government, Safer Local Roads and Infrastructure Program Tranche 2, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Active Transport Fund, Bald Ridge Road – Design and upgrade two culvert crossings over Bald Ridge Creek and an un-named tributary.**

An application was submitted on 28 January 2025 for the design and construction of two new crossings approximately 12 meters in length to meet NSW Department Primary Industries - NSW Fisheries requirements and accommodate heavy vehicle access. The application was for 80% of the project's estimated cost. Applications are accepted for this program all year round but are batched for assessment three times a year. Tranche 2 closed on 31 January 2025.

**GRANT NOTIFICATIONS**

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**a. Australian Government, Department of Home Affairs, 2023-2030 Australian Cyber Security Strategy Program**

Oberon Council was notified that it was successful in its application for Cyber Security Awareness Support for Vulnerable Groups. The total grant offered was for \$35,000. This grant will enable Council to provide training on Cyber Security for local community organisations and not-for-profits, people living in regional, rural and remote communities and people with poor literacy skills. This program is to be run for 3 years., 2024-25, 2025-26 and 2026-27. Council originally applied for \$45,000 (i.e. 3 x \$15,000). However, the maximum awarded was \$35,000.

**b. NSW Government Road Safety Program (Federal & State) Towards Zero Program (State)**

Oberon Council was notified that it was unsuccessful for the three projects nominated for both programs and the following feedback provided.

**i. Abercrombie Road Raised Pavement Markers (RRPMs)**

Project did not generate a positive Safety Performance Index (SPI), therefore not eligible as per Towards Zero Safer Roads Program Guidelines. - RRPMs as a standalone treatment are not listed as eligible treatments. To generate a positive SPI, ensure some/all treatments included directly address the casualty crash/es within the project extent and generate a Crash Reduction Factor (CRF) to maximise the road safety benefit of a project.

**ii. Lowes Mount Road Guard Railing**

Low <20 Safety Performance Index. No star rating change. An AusRAP STAR rating of the project must increase from 1 STAR to 3 STAR or 4 STAR.

**iii. Dudley Street Kerb Blisters and Pedestrian Refuge**

Unable to determine if STAR rating increase was achieved. Safety data provided were the minutes from Council meeting.

“AusRAP star ratings are measured on a scale from 1 to 5 stars and provide a clear indication of a road’s safety performance, with the level of risk halving with each additional star. A 5-star rating represents the highest level of safety, while a 1-star rating indicates a higher risk. Analysis of AusRAP data will contribute to an overall improvement in road safety by supporting the optimisation of investment in the safety of roads. The commitment to publish star ratings and achieve the 2030 minimum 3-star target represents a critical step in enabling Australia’s long-term vision of zero deaths and serious injuries in road crashes by 2050”  
[AusRAP News: Star Ratings for Australian Arterial Roads by 2025 - iRAP](#) .

It was advised that projects underwent a rigorous assessment process, which included:

- Non-technical integrity review checks
- Eligibility check
- Technical integrity review checks
- Evaluation scoring

**c. NSW Government, Office for Veteran Affairs, ANZAC Community Grant Program Burruga War Memorial**

Oberon Council was advised that it was successful in in its ANZAC Community Grant Program application for the Burruga War Memorial Park Refresh. Whilst \$3,000 was requested the grant offered is \$1,500. It was advised that this was due to the number of applications and requests.

In the notification they encouraged writing to Oberon RSL sub-Branch for additional support. Council is reviewing the scope to determine the best option moving forward.

## GRANT APPLICATION PROGRESS

Grant Progress Table				
Submitted	Details/Description of Project	Grant Program	Grant Amount	Status
28 January 2025	Bald Ridge Road – Design and upgrade culvert crossings	Australian Government, Safer Local Roads and Infrastructure Program Tranche 2	\$1,136,000	Pending – no notification period provided
13 January 2025	A more active, safe and linked Dart/Dudley Street School Precinct Oberon	Australian Government, Active Transport Fund	\$29,185	Pending-(notification expected by end March 2025 approximately)
18 December 2024	Fish Cleaning Table Lake Oberon	NSW DPI, Recreational Fishing Trust	\$21,674	Pending – (notification expected by 30 June 2025)
22 November 2024	Weed Control – Black Springs & The Reef	Crown Lands Improvement Fund – Weeds 2024-25	\$10,568	Pending – (notification expected May 2025)
22 November 2024	Update and Align DCP, 2001 and CP, 2004 to Enable and Accelerate New Housing Capacity	Regional Housing Strategic Planning Fund 2024 – Round 3	\$161,040	Pending – (notification expected April 2025)
18 November 2024	Oberon Local Government Area Active Transport Strategy & Plans 2025-2035	Get NSW Active 2025-2026	\$71,335	Pending - Assessment (November 2024 to March 2025). Notification (April-May 2025)
11 November 2024	Burruga War Memorial	NSW ANZAC Community Grant Program	\$3,000	Successful – Offered \$1,500
8 November 2024	4 x Administration/Customer Service trainees for 2 years.	NSW Office for Local Government (OLG), A fresh start for Local Government Apprentices, Trainees and Cadets	4 x Administration/Customer Service trainees for 2 years.	Pending
16 October 2024	Pre-NAIDOC Week Youth Workshop Program	Arts OutWest Inc Community Arts Support Program (CASP)	\$3,000	Pending
18 July 2024	Construction Sewerage	Housing Support Program –	\$11,250,000	Pending



	Treatment Plant Upgrade	Community Enabling Infrastructure Stream		
11 June 2024	Cyber Security Training	Australian Government, Cyber Security Awareness Support for Vulnerable Groups	<del>3 x \$15,000</del> - Awarded \$35,000	Successful
10 May 2024	Abercrombie Road- Raised Pavement Markers	Road Safety Program (Federal & State) and (State) Towards Zero Program	\$118,000	Unsuccessful
10 May 2024	Lowes Mt Road – Guard Railing	Road Safety Program (Federal & State) and (State) Towards Zero Program	\$334,000	Unsuccessful
10 May 2024	Dudley Dart Street footpath and pedestrian refuge	Road Safety Program – Sub School Zone Infrastructure	\$54,000	Unsuccessful

**14.6 Investments - January 2025**

File No: Financial Management/Investments/Register

Author: Lisa Koleda (Management Accountant), Zoe Marks (Finance Manager)

**Summary**

This report provides Council with the Statement of Investments as of 31 January 2025.

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**Recommendation:**

That report item 14.6 is received as information.

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**List of Attachments**

Nil

**Comment**

The Reserve Bank of Australia (RBA) maintained the cash rate at 4.35% during their meeting on 10 December 2024. There was no RBA meeting in January 2025. The next scheduled meeting was set for February 17-18 at the time of writing this report.

While there has been some progress in reducing inflation, it remains above the target range, necessitating a stable cash rate to ensure continued progress towards the target. The Australian economy is growing, albeit at a slower pace, and maintaining the current cash rate supports steady economic growth without introducing additional volatility

The RBA's decision to maintain the cash rate at 4.35% provides a stable environment for term deposit investments and boosts confidence by reducing the uncertainty associated with interest rate volatility. Council can expect stable yields in the short term, with opportunities for competitive rates from banks.

As of 31 January 2025, Council had \$24,750,000 invested with term deposits. Total cash and cash equivalents were \$27,988,784.82 Below is a breakup of Council's Cash and Cash Equivalents:

***Cash at bank***

<b><i>Institution</i></b>	<b><i>Value</i></b>
CBA Business - General Funds	2,076,458.10
CBA Business - Online Saver	1,058,083.89
NAB Business - Cheque	104,242.83
	<u>3,238,784.82</u>

**Active Term Deposits:**

<b>Institution</b>	<b>Date Invested</b>	<b>Rate</b>	<b>Maturity Date</b>	<b>Amount</b>
Commonwealth Bank	31/01/2024	4.97%	12/02/2025	500,000.00
Australian Unity Bank	21/12/2023	5.10%	26/02/2025	500,000.00
National Australia Bank	28/02/2024	5.00%	26/02/2025	500,000.00
National Australia Bank	28/02/2024	5.00%	26/02/2025	500,000.00
Bank of Queensland	11/09/2024	4.97%	11/03/2025	500,000.00
Australian Unity Bank	20/12/2023	5.10%	12/03/2025	500,000.00
National Australia Bank	13/03/2024	4.95%	12/03/2025	500,000.00
Australian Unity Bank	20/12/2023	5.10%	26/03/2025	500,000.00
National Australia Bank - (Sewer)	28/06/2024	5.32%	9/04/2025	500,000.00
AMP Bank - (Sewer)	24/04/2024	5.05%	23/04/2025	500,000.00
G&C Mutual Bank	21/12/2023	5.10%	7/05/2025	500,000.00
G&C Mutual Bank	21/12/2023	5.10%	21/05/2025	500,000.00
Bank Of Queensland - STP	14/08/2024	4.80%	4/06/2025	500,000.00
Commonwealth Bank	14/08/2024	4.63%	18/06/2025	500,000.00
National Australia Bank	03/07/2024	5.42%	03/07/2025	500,000.00
AMP Bank	29/01/2025	5.00%	14/07/2025	500,000.00
National Australia Bank	03/07/2024	5.39%	17/07/2025	500,000.00
AMP Bank	15/01/2025	5.10%	17/07/2025	500,000.00
Judo Bank	15/01/2025	5.05%	17/07/2025	500,000.00
AMP Bank	29/01/2025	5.05%	30/07/2025	500,000.00
National Australia Bank	03/07/2024	5.38%	31/07/2025	500,000.00
Bank Australia - (Sewer)	03/07/2024	5.10%	13/08/2025	500,000.00
Bank Of Queensland.	03/07/2024	5.20%	27/08/2025	500,000.00
Defence Bank	04/07/2024	5.30%	27/08/2025	500,000.00
Bank Of Queensland.	03/07/2024	5.20%	10/09/2025	500,000.00
Defence Bank	04/07/2024	5.30%	10/09/2025	500,000.00
AMP Bank	04/12/2024	5.10%	10/09/2025	500,000.00
Defence Bank	04/07/2024	5.30%	24/09/2025	500,000.00
National Australia Bank	17/07/2024	5.16%	08/10/2025	500,000.00
Bank Of Queensland.	17/07/2024	4.95%	22/10/2025	500,000.00
ING Bank (Australia) Ltd	16/10/2024	5.03%	22/10/2025	500,000.00
National Australia Bank	17/07/2024	5.13%	05/11/2025	500,000.00
Commonwealth Bank	28/08/2024	4.60%	19/11/2025	500,000.00
Commonwealth Bank	20/11/2024	4.85%	19/11/2025	500,000.00
ING Bank (Australia) Ltd - STP	20/11/2024	5.12%	19/11/2025	500,000.00
Rabobank Australia	04/09/2024	4.90%	03/12/2025	500,000.00
Rabobank Australia	04/09/2024	4.90%	17/12/2025	500,000.00
Defence Bank - STP	18/12/2024	5.00%	17/12/2025	500,000.00
Judo Bank	18/12/2024	4.70%	17/12/2025	250,000.00
Rabobank Australia	04/09/2024	4.90%	14/01/2026	500,000.00
Rabobank Australia	04/09/2024	4.90%	28/01/2026	500,000.00
Rabobank Australia	04/09/2024	4.90%	11/02/2026	500,000.00
Family First Credit Union	11/09/2024	4.90%	25/02/2026	500,000.00
G&C Mutual Bank	25/09/2024	4.30%	11/03/2026	500,000.00
Rabobank Australia	25/09/2024	4.78%	25/03/2026	500,000.00
ING Bank (Australia) Ltd	06/11/2024	5.05%	08/04/2026	500,000.00
Bank Of Queensland.	23/10/2024	4.70%	22/04/2026	500,000.00
ING Bank (Australia) Ltd - STP	06/11/2024	5.04%	06/05/2026	500,000.00
ING Bank (Australia) Ltd - STP	06/11/2024	5.04%	20/05/2026	500,000.00
ING Bank (Australia) Ltd - STP	06/11/2024	5.03%	03/06/2026	500,000.00

**24,750,000.00**

**Total Cash & Cash Equivalents 27,988,784.82**

**Externally restricted\* 20,708,717.00**

**Internally restricted\*\* 7,708,081.68**

**Unrestricted Cash -428,013.86**

\* Externally Restricted as at 31 January 2025, as reconciled at time of writing report

\*\* Internal Restricted as at 31 January 2025, as reconciled at time of writing report

**Investments placed during this reporting period:**

<b>Institution</b>	<b>Date Invested</b>	<b>Rate</b>	<b>Maturity Date</b>	<b>Amount</b>
AMP Bank	4/12/2024	5.10%	10/09/2025	500,000.00
Defence Bank - STP	18/12/2024	5.00%	17/12/2025	500,000.00
Judo Bank	18/12/2024	4.70%	17/12/2025	250,000.00
AMP Bank	15/01/2025	5.10%	17/07/2025	500,000.00
Judo Bank	15/01/2025	5.05%	17/07/2025	500,000.00
AMP Bank	29/01/2025	5.00%	14/07/2025	500,000.00
AMP Bank	29/01/2025	5.05%	30/07/2025	500,000.00

**Investments placed during this reporting period:**

<b>Institution</b>	<b>Date Invested</b>	<b>Rate</b>	<b>Maturity Date</b>	<b>Amount</b>
AMP Bank	4/12/2024	5.10%	10/09/2025	500,000.00
Defence Bank - STP	18/12/2024	5.00%	17/12/2025	500,000.00
Judo Bank	18/12/2024	4.70%	17/12/2025	250,000.00
AMP Bank	15/01/2025	5.10%	17/07/2025	500,000.00
Judo Bank	15/01/2025	5.05%	17/07/2025	500,000.00
AMP Bank	29/01/2025	5.00%	14/07/2025	500,000.00
AMP Bank	29/01/2025	5.05%	30/07/2025	500,000.00

**Summary of Interest earned for - 2024/25**

Interest received on matured investments for the month	79,666.17
Year to Date interest received on matured investments	948,873.84
Monthly accrued interest on active investments	99,785.42
Average interest rate achieved	5.02%
90-day BBSW	4.30%
CBA Business - General Funds Acc (YTD Interest received)	47,699.90
CBA Business - Online Saver Acc (YTD Interest received)	45,982.95

Definitions:

*Interest received for the month and YTD (year to date) represent the actual payments received into Council's general fund bank account.*

*Monthly accrued interest on active investments is accumulated interest that has yet to be paid – at time of reporting.*

*Average interest rate achieved is the sum of all interest dividends, divided by the length of time investments are held – at time of reporting.*

*90 days BBSW is a benchmark interest rate at the time of reporting.*

*Biz Saver Online Acc, interest received is the accumulated interest earned on fund held in the Biz Saver available for use.*

I certify that the investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2005, and Council's Investments Policy.

Zoe Marks  
Responsible Accounts Officer

**14.7 Status of Council Resolutions - February 2025**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Damian O'Shannassy (Planning and Development Director), Mathew Webb (Corporate Services Director), Dr Cornelia Wiebels (Technical Services Director)

**Summary**

This report item summarises the current status of Council resolutions and provides updates for actions taken.

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**Recommendation:**

That report 14.7 is received as information.

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**List of Attachments**

1. 250212 Status Update February 2025 [**14.7.1** - 23 pages]

**Comment**

Following each Council Meeting the General Manager and Directors review the decisions and agree on a priority for actioning these decisions. Each Director will provide an update to the Council Action Checklist, as well as reporting on actions to the General Manager.

With respect to outstanding actions from previous Council Meetings the General Manager will review these with the Mayor and the Directors on at least a monthly basis.

If any Councillor requires an update on a specific item, they should contact the General Manager or the relevant Director or submit a Councillor Request Form to the Governance and Executive Manager.

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
<p>Ordinary Meeting - Carried over actions from status report</p>	<p>15 210921 Business Case - Land at 34 Glyndwr Avenue, Oberon</p>	<p>That Council provide up to \$20,000 from the Land Bank to prepare documentation in preparation of a development application for a dual occupancy on land known as Lot 10 DP 245689 being known as 34 Glyndwr Avenue.</p>	<p>Gary Wallace</p>	<p><b>02/02/2023 Gary Wallace</b> Developing project scope for consultant services.</p> <p>Advice received for grant opportunities relating to residential and industrial developments to be considered from Regional Infrastructure Fund expected in October.</p> <p><b>03/02/2023 Gary Wallace</b> No information has been forthcoming regarding the Regional Infrastructure Fund. Progression of plans and engineering for the site continue given the site constraints.</p> <p><b>14/06/2023 Gary Wallace</b> Currently awaiting outcome of the Housing Australia Fund Bill and opportunities that may exist for Council to utilise this for subsidized housing.</p> <p><b>09/08/2023 Gary Wallace</b> No further understanding of bill status. Options for medium density being considered given site constraints.</p> <p><b>13/09/2023 Gary Wallace</b> The Australian Housing Bill has seen support at a Federal level between the Greens and Labour. Awaiting the detail to see if opportunities for Council exist.</p> <p><b>13/12/2023 Gary Wallace</b> No additional advice received as yet, however substantial housing packages are earmarked for 2024 from both Federal and State Governments</p>	<p>Matter closed</p>

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				<p><b>14/02/2024 Gary Wallace</b> Council is undertaking an assessment of the requirements for the Housing Australia Grant funding opportunity, applications open until 22 March 2024.</p> <p><b>15/05/2024 Gary Wallace</b> Opportunities have potentially arisen from the Federal Budget and will look to progress when and if opportunities present.</p> <p><b>10/07/2024 Gary Wallace</b> New grant opportunities have presented and looking at options to best fit Council's needs. Applications open until late August.</p> <p><b>9/10/2024 Gary Wallace</b> A number of grant opportunities have presented and looking at options to best fit Council's needs.</p> <p><b>08/11/2024 Gary Wallace</b> Grant opportunities progressing.</p> <p><b>12/12/2024 Gary Wallace</b> Notice of Motion submitted to December meeting.</p> <p><b>12/02/2025 Gary Wallace</b> Council has resolved to sell the parcel of land in question. Any unused funds will be returned to the land bank.</p>	
Ordinary Meeting - Carried over actions	33 150322 Humphries Road Oberon - Partial Road Reconstruction	A report be prepared detailing guidelines for developers in the construction of roads for future consideration by Council.	Damian O'Shannassy	<p><b>02/02/2023 Gary Wallace</b> To be included in an update to the DCP as part of our strategic planning review.</p> <p><b>10/10/2023 Gary Wallace</b> Strategic process to commence in November. Scope</p>	In Progress



Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
from status report				<p>complete.</p> <p><b>14/02/2024 Gary Wallace</b> Tender for comprehensive Land Use Strategy to be advertised in February.</p> <p><b>14/03/2024 Gary Wallace</b> Request for Tender uploaded on the e-Tendering Portal with closing date 4 April 2024</p> <p><b>10/04/2024 Gary Wallace</b> Request for Tender to May 2024 Ordinary Meeting.</p> <p><b>10/07/2024 Damian O'Shannassy</b> Tender for CLUS adopted at June Ordinary Meeting. Contract being prepared for signing with the preferred Town Planning consultant.</p> <p><b>03/10/2024 Damian O'Shannassy</b> Contract for the Comprehensive Land Use Strategy review signed with the Consultant and General Manager on 6 September 2024.</p> <p><b>12/02/2025 Damian O'Shannassy</b> Review of the DCP and Contributions Plan are the last documents to be prepared for a complete Strategic Review.</p>	
Ordinary Meeting - Carried over actions from status report	35 190422 Residential Land Development	<p>1. Nominate the Open Tendering method as prescribed in accordance with Clause 166(b) of the Local Government Regulation 2005 seeking interest in the development of residential land.</p> <p>2. Upon completion of the mandatory 21-day tender period, assessment by a panel will provide a further report to Council for consideration and determination.</p>	Gary Wallace	<p><b>02/02/2023 Gary Wallace</b> Noted – Design Specification and construction plans to supplement the Tender documentation is complete.</p> <p>Advice received for grant opportunities relating to residential and industrial developments to be considered from Regional Infrastructure Fund</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				<p>expected in November/December. Should no additional advice be received Tender will be sent out for costs.</p> <p><b>03/02/2023 Gary Wallace</b> No further progress on the Regional Infrastructure Fund. Given the proximity of the NSW State election it is considered that this fund will be activated after the NSW State election in March. Council will progress to tender.</p> <p><b>14/03/2023 Gary Wallace</b> Tender documents currently being prepared to be exhibited in March 2023.</p> <p><b>10/05/2023 Gary Wallace</b> Current opportunities re being considered for further options for construction. A report is provided to the May 2023 meeting.</p> <p><b>14/06/2023 Gary Wallace</b> Reported to May 2023 Meeting.</p> <p><b>08/08/2023 Gary Wallace</b> DA being prepared for Council consideration.</p> <p><b>13/09/2023 Gary Wallace</b> The Australian Housing Bill has seen support at a Federal level between the Greens and Labour. Awaiting the detail to see if opportunities for Council exist.</p> <p><b>10/10/2023 Gary Wallace</b> Scope finalised in October, will be uploaded to portal in December.</p>	

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				<p><b>14/02/2024 Gary Wallace</b> Council undertaking an assessment of the requirements for the Housing Australia Grant funding opportunity, applications open until 22 March 2024.</p> <p><b>15/05/2024 Gary Wallace</b> Opportunities have potentially arisen from the Federal Budget and will look to progress when and if opportunities present.</p> <p><b>10/07/2024 Gary Wallace</b> New grant opportunities have presented and looking at options to best fit Council's needs. Applications open until late August.</p> <p><b>9/10/2024 Gary Wallace</b> A number of grant opportunities have presented and looking at options to best fit Council's needs.</p> <p><b>08/11/2024 Gary Wallace</b> Development application developed in preparation for an assessment process.</p> <p><b>12/02/2025 Gary Wallace</b> Development application lodged.</p>	
230418 Ordinary Meeting 18 April 2023	22 - 18/04/2023 Policy 2123 Anti Bullying Positive Working Relationships Policy	That Workplace Behavioural Standards and Expectations Policy 2123 be further reviewed to ensure it is consistent with Policy 2101, and that Complaints Handling Policy 2101 also be reviewed.	Gary Wallace, Mathew Webb	<p><b>09/05/2023 Mathew Webb</b> Review underway</p> <p><b>08/08/2023 Gary Wallace</b> Working group established to critique current policy.</p> <p><b>13/12/2023 Gary Wallace</b> Values and Commitments phase complete. Will be reported to March 2024.</p>	Matter ongoing

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				<p><b>14/03/2024 Gary Wallace</b> Resourcing (sickness) has delayed this. The finalisation of this action requires melding of two existing policies.</p> <p><b>13/06/2024 Mathew Webb</b> This will be updated in conjunction with the new Council and other relevant policies such as the Code of Conduct, Complaints Handling and Internal Reporting.</p> <p><b>9/10/2024 Gary Wallace</b> A review of policies will be provided to Councillors in workshop form to provide an understanding of the revised policies so as they align to others within the register. This will mean transitioning from some policies to others. A comprehensive report will be provided to the December Ordinary Meeting.</p> <p><b>12/02/2025 Gary Wallace</b> Councillor and Staff Interaction Policy has been adopted. Code of Conduct and Complaints Handling has been deferred to align with the Model Code provisions developed by the State Government. Upon implementation these will be presented to Council.</p>	
231219 Ordinary Meeting 19 December 2023	4 - 19/12/2023 Black Springs Land	That:  1. Oberon Council explore compulsory acquisition of the land situation at 67 Dog Rocks Road, Black Springs, (Lot 174, DP757072) being the Black Springs Transfer Station utilising their powers as outlined in the Land Acquisition (Just Terms Compensation) Act 1991 or other acquisition methods.	Gary Wallace	<p><b>14/02/2024 Gary Wallace</b> Noted, Telco informed that they are currently in negotiations with private landholder. No further action at this time.</p> <p><b>14/03/2024 Gary Wallace</b> No further information provided by Telco at this stage.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		<p>2. Provide to Council at its February or March Meeting a further report on the acquisition of the subject land at 67 Dog Rocks Road, Black Springs.</p>		<p><b>10/04/2024 Gary Wallace</b> Request for meeting with Telco has been requested to update the current situation.</p> <p>Additional information is provided below outlining the process Council will be required to undertake prior to acquisition being considered by the Crown.</p> <p>When Crown land is needed for a specific public purpose, authorities notify the department that they plan to compulsorily acquire any interest in land as defined by the Crown Land Management Act 2016. This can include any Crown reserves, travelling stock reserves, Crown roads and unidentified Crown land, waterways, substratum and stratum lots, easements and commercial leases.</p> <p>The Just Terms Act requires that acquiring authority to be satisfied that it has identified all interests in the land.</p> <p>Before acquiring land, the authority must consider the rights and interests of Aboriginal people and communities. Compulsory acquisition cannot go ahead where there is an undetermined Aboriginal claim over the land. Native title applies to all Crown land unless the Federal Court has made a native title determination.</p> <p>From initial searches no Federal Court determination exists for the subject land.</p> <p><b>10/07/2024 Gary Wallace</b> Meeting held with Federal Member to look at acceleration options for tower. Telco has considered the project 'frustrated' and Federal Member to chase</p>	

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				<p>with Federal Communications Minister.</p> <p><b>9/10/2024 Gary Wallace</b> No further information has been provided by Federal Member. All information has been forwarded to Telco to assist in the finalisation of this matter.</p> <p><b>08/11/2024 Gary Wallace</b> Mayoral letter to be forwarded to federal member and telco seeking update on previous information supplied by Council.</p> <p><b>12/02/2025 Gary Wallace</b> Work progressing on “unfrastrating” the site in a location that is currently owned by Council.</p>	
231219 Ordinary Meeting 19 December 2023	21 - 19/12/2023 Late Report - Oberon Sewerage Treatment Plant Replacement Project - Tender	<p>That:</p> <p>1. Council acknowledge the changes to the closing of the new Sewerage Treatment Plant tender from 29 January 2024 to 16 February 2024.</p> <p>2. The Managing Director/CEO of Public Works Advisory be directed to attend the next Ordinary Council Meeting to explain the significant delay in providing detailed design documents for the Oberon Sewerage Treatment Plant project.</p> <p>3. Correspondence be forwarded to the Minister responsible for the portfolio outlining the Council's concerns regarding delays to this project.</p>	Gary Wallace	<p><b>14/02/2024 Gary Wallace</b> 1. Noted 2. Correspondence forwarded to Public Works in line with Council resolution, awaiting response. 3. Correspondence forwarded to Ministers office awaiting response.</p> <p><b>14/03/2024 Gary Wallace</b> No response received at this time.</p> <p><b>13/06/2024 Gary Wallace</b> Initial response received asking Council to work with PWA to minimise concerns. A further response is being prepared.</p> <p><b>9/10/2024 Gary Wallace</b> Initial response to PWA provided. Deed requirements from grants may condition further engagement with PWA.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				<p><b>08/11/2024 Gary Wallace</b> No further information supplied at this time.</p> <p><b>12/02/2025 Gary Wallace</b> Looking to progress actions through Infrastructure NSW.</p>	
240319 Ordinary Meeting - 19 March 2024	21 - 19/03/2024 Grants Update and Contribution	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Commit \$21,000 for a Consultant to undertake a thorough review and determine which is the best project in our Renewable Energy Action Plan and work towards a January 2025 submission under the Community Energy Upgrades Fund.</li> <li>2. That Council consider as part of its ongoing Operational Plan a reserve fund to support energy initiatives as identified from our Renewable Energy Action Plan analysis to help ongoing support for grant funding.</li> <li>3. Note other grant updates and activities have been included in the report.</li> </ol>	Mathew Webb	<p><b>15/05/2024 Mathew Webb</b> Consultant appointed and work underway on the development of the plan and grant application documentation</p> <p><b>08/10/2024 Mathew Webb</b> Consultant has completed site visits and including this data in compilation of the report and application.</p> <p><b>06/11/2024 Mathew Webb</b> Draft report has been received from consultant and staff are currently assessing. Both also awaiting outcome of Round 1 grant funding, to see what types of projects have been funded.</p> <p><b>12/12/2024 Mathew Webb</b> Awaiting the opening of Round 2 to understand the guidelines and best approach for the grant application.</p>	In Progress
240416 Ordinary Meeting - 16 April 2024	STP Construction Tender Update	<p>That Council;</p> <ol style="list-style-type: none"> <li>1. Note the Sewerage Treatment Plant Tender Update Report</li> <li>2. Enter negotiations for the supply of the construction of the Sewerage Treatment Plant with the lowest two (2) compliant Tenderers,</li> </ol>	Gary Wallace	<p><b>15/05/2024 Gary Wallace</b> Await advice on outcome of grant application.</p> <p><b>13/06/2024 Gary Wallace</b> Grant application unsuccessful. STP Steering Committee met to discuss options to move the project forward.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		<p>given the closeness in the price of the Tenders and Council's wish to achieve the most advantageous supply of the project.</p> <p>30 - 16/04/2024</p>		<p><b>10/07/2024 Gary Wallace</b> Council has engaged consultants to look at options for the project to proceed. A report to August is expected.</p> <p><b>08/11/2024 Gary Wallace</b> Work progressing with two compliant tenderers whilst grant opportunities continue.</p> <p><b>12/12/2024 Gary Wallace</b> Staff progressing through meetings with INSW and DCCEEW.</p> <p><b>12/02/2025 Gary Wallace</b> Looking to progress actions through Infrastructure NSW.</p>	
240521 Ordinary Meeting - 21 May 2024	13 - 21/05/2024 Kerb and Gutter Capital Works Allocations for 2024 - 2025	<p>That Council</p> <ol style="list-style-type: none"> <li>1. Allocate \$155,000 from the Legacy Town Improvement (TI) unallocated 'Drainage, Kerb &amp; Gutter' allocation to start implementing part of Council's seven-year Kerb &amp; Gutter Capital Works Program in Financial Year (FY) 2024/25 with the project of Edith Road – Canterwell Lane to Ross Street (southern side only, 160m) and investigation, design and installation of drainage in Dudley Street between Dillon Street and the unnamed road to the south.</li> <li>2. Review its Kerb &amp; Gutter program under consideration of required road widening and requirements for significant additional drainage installations including associated costs and alignment with Council's sealed town roads program.</li> <li>3. Further investigate the reported sewer-</li> </ol>	Dr Cornelia Wiebels	<p><b>13/06/2024 Dr Cornelia Wiebels</b></p> <ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted.</li> <li>3. JO's Smoke Testing contractor Interflow being consulted, smoke testing being scoped within available budget with the aim to commence this in July/August 2024.</li> </ol> <p><b>09/07/2024 Dr Cornelia Wiebels</b></p> <ol style="list-style-type: none"> <li>3. Meeting with Interflow held; smoke testing of around 200 properties intended as well as cleaning and CCTV inspection of identified sewer mains; on-site works forecast for September 2024</li> </ol> <p><b>07/08/2024 Dr Cornelia Wiebels</b></p> <ol style="list-style-type: none"> <li>3. Smoke testing of 179 properties as well as cleaning and CCTV inspections of selected sewer mains forecast to commence in Sept 2024</li> </ol>	In Progress



Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		overflow issue at East Dillon Street through its Technical Services Department and that a report is provided back to Council with findings, recommendations and estimated costings once the investigation has progressed.		<p><b>09/10/2024 Dr Cornelia Wiebels</b> Smoke testing commenced in September and already found some issues, however has been postponed and will resume once any smoke testing related issues are resolved in collaboration with Council's contractor Interflow.</p> <p><b>05/11/2024 Dr Cornelia Wiebels</b> Smoke testing scheduled to resume in the week starting 11 November 2024</p> <p><b>05/12/2024 Dr Cornelia Wiebels</b> Smoke testing complete. Report expected back to outline required action from smoke testing; some illegal connections identified during smoke testing requiring correction.</p> <p><b>12/02/2025 Dr Cornelia Wiebels</b> Smoke testing report currently being reviewed by staff. Additional analysis in the area is being undertaken to determine appropriate recommendations for Council to consider.</p>	
240521 Ordinary Meeting - 21 May 2024	15 - 21/05/2024 Playground Risk Assessment Report	That Council: 1. Prioritise its resourcing on maintaining and improving its 10 identified playgrounds. 2. Explore funding opportunities, or other funding sources to allocate ~\$300,000 for playground refurbishments and renewals (Common Upper & Middle, Cunningham Oval) over the FYs 2025/26 to 2027/28. 3. A further report be provided on the feasibility and costs involved in upgrading the current 6 non-complying playgrounds equipment to	Dr Cornelia Wiebels	<p><b>13/06/2024 Dr Cornelia Wiebels</b> 1. Noted. 2. To commence during FY24/25 for funds from FY25/26. Considerations also given in TI report within June 2024 Business Paper. 3. Quotes being sought for assessments incl. costing - Parks and Gardens Update in Technical Services Monthly Activity Report, June 2024; matter referred to ARIC</p> <p><b>09/07/2024 Dr Cornelia Wiebels</b></p>	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		comply with current day standards as outlined in the report.		<p>2. \$232,930 allocated for Playgrounds Upgrades and Make Safe as per Resolution to Item 13.1 in June 2024 Ordinary Council Meeting.</p> <p><b>07/08/2024 Dr Cornelia Wiebels</b> 3. KidSafe on site first week of August, awaiting report</p> <p><b>09/10/2024 Dr Cornelia Wiebels</b> Received a detailed assessment of the compliance and condition of all Playground areas across the LGA. Staff are currently working on costing upgrade works for individual playgrounds, with a report to be prepared for the November Ordinary Meeting of Council.</p> <p><b>05/11/2024 Dr Cornelia Wiebels</b> Further report to Ordinary Council Meeting on 12 November 2024</p> <p><b>05/12/2024 Dr Cornelia Wiebels</b> No resolution in November. Further report to December 2024 Ordinary Council meeting.</p> <p><b>12/02/2025 Dr Cornelia Wiebels</b> Resolutions from the December Ordinary Meeting superscede this resolution. See resolution 17 – 17122024</p>	
240521 Ordinary Meeting - 21 May 2024	16 - 21/05/2024 Oberon Common Footpath Extension	That:  1. Council commence construction of the footpath identified on the Common Master Plan from Curtis Street to the link path at the Common.	Dr Cornelia Wiebels	<p><b>13/06/2024 Dr Cornelia Wiebels</b> Design work is required for the footpath so as to meet the requirements of Council's DIAP. The grades of the path will require design for contractors to appropriately quote. Design consultant engaged - Parks and Gardens update in Technical Services</p>	Matter ongoing

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		2. The funding be provided from the internal reserve for railway crossings and unallocated Town Improvement Fund.		<p>Monthly Activity Report, June 2024</p> <p><b>07/08/2024 Dr Cornelia Wiebels</b> Detailed design completed to Australian Accessibility Standards. Consultant engaged to undertake sampling &amp; testing along the planned path for (naturally occurring) asbestos. An open tender is being considered in conjunction with the O'Connell Rec Ground Shared Path (report to August 2024 Ordinary Meeting).</p> <p><b>09/10/2024 Dr Cornelia Wiebels</b> Asbestos was detected in one sample along the planned footpath; it needs to be considered further how this will be managed prior to progressing with further construction preparation.</p> <p><b>05/11/2024 Dr Cornelia Wiebels</b> Consultant engaged to develop a Remediation Action Plan.</p> <p><b>05/12/2024 Dr Cornelia Wiebels</b> Received Remediation Action Plan; Plan to be reviewed to assess implications on how to proceed.</p> <p><b>12/02/2025 Dr Cornelia Wiebels</b> Removal of approximately 20m3 of soil required from site via specialist contractor; seeking quotes for construction.</p>	
240611 - Extraordinary Council Meeting -	4 - 11/06/2024 Proposed Heritage Listing of The O'Connell	That Council,  1. Update the draft State Heritage Inventory Sheet for the Avenue of Trees at O'Connell (ref 2210207).	Damian O'Shannassy	<p><b>13/06/2024 Damian O'Shannassy</b> Staff have contacted State Heritage who have requested some information of Council.</p> <p>Council's Heritage Advisor has been engaged to</p>	Matter ongoing

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
11 June 2024	Avenue of Trees	<p>2. Prepare a Planning Proposal for the individual listing of the Avenue of Trees at O'Connell as a local item for inclusion in Schedule 5 of the Oberon LEP 2013.</p> <p>3. Advise the local community in O'Connell to consider liaising with Heritage NSW, based on the State level assessment of the 1998 CMP, with a longer-term view of nominating the Avenue of Trees for inclusion separately on the State Heritage Register.</p>		<p>update the State Heritage Inventory Sheet.</p> <p><b>01/10/2024 Damian O'Shannassy</b> Work is progressing on the Planning Proposal including but not limited to mapping of the item.</p> <p><b>8/11/2024 Gary Wallace</b> Heritage Advisor continue to progress the State Listing with NSW Heritage. All documentation has been prepared for State to consider</p> <p><b>12/12/24 Damian O'Shannassy</b> Report to December provided outlining current activity undertaken.</p> <p><b>12/02/2025 Damian O'Shannassy</b> Planning proposal has been submitted to the Department of Planning for a gateway determination.</p>	
240716 Ordinary Meeting - 16 July 2024	Landscaping at Hughes Pit	<p>4 - 16/07/2024</p> <p>That Council</p> <p>1. Investigate the original terms in which this pit was purchased/operated with the Hughes family</p> <p>2. If Council did purchase the land, that Council ascertain if the Hughes family are interested in taking back ownership of this land and on what terms</p> <p>3. Provide remediation activities required for the Hughes Pit</p> <p>4. Seek advice on whether the pit contains any usable material</p>	Dr Cornelia Wiebels	<p><b>10/07/2024 Gary Wallace</b> Land is currently owned by Crown Lands. Restoration work in accordance with the development consent is limited given the age of the approval and work is continuing to resolve and finalise the matter. A report will be submitted to the December ordinary Meeting.</p> <p><b>08/11/2024 Gary Wallace</b> Mine closure plan required to be developed in accordance with Mines Act given the land is crown land reserve. A full report will be provided to December Ordinary Meeting subject to final requirements from Crown and closure rehabilitation plans being approved.</p> <p><b>12/12/24 Gary Wallace</b></p>	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
				In reviewing the current development approval the activity will cease in June 2025. Following the completion of the development approval processes to return the land to an appropriate condition are required. It is considered that allowing the consent to lapse is the most appropriate way to finalise the development approval.	
240716 Ordinary Meeting - 16 July 2024	13 - 16/07/2024 Oberon Electric Vehicle Charging Strategy	<ol style="list-style-type: none"> <li>1. Prioritise the Visitor Information Centre and Oberon Library as suitable locations for an application under the NSW Government Electric Vehicle destination charging grant scheme.</li> <li>2. Continue to investigate the viability of the Tally's Lane and Dart Street Carpark sites and a report be provided to Council prior to any project progression in these locations.</li> </ol>	Mathew Webb	<p><b>08/10/2024 Mathew Webb</b> Grant secured for upgrade of charging stations at the Visitor Information Centre</p> <p><b>06/11/2024 Mathew Webb</b> Works booked with contractor awaiting installation</p> <p><b>12/12/2024 Mathew Webb</b> Hardware has been installed at the Visitor Information Centre. Staff are working with the software provider to program adequate tariffs and accounts.</p> <p><b>12/02/2025 Mathew Webb</b> Project implemented and complete.</p>	Matter closed
240716 Ordinary Meeting - 16 July 2024	14 - 16/07/2024 MOU with O'Connell Cricket Club re O'Connell Recreation Ground	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note the report</li> <li>2. Applaud the intention of O'Connell Cricket Club to enter into a MOU with Council</li> <li>3. Delegate the GM to negotiate the MOU with the O'Connell Cricket Club and gather more details and outline responsibilities</li> <li>4. The finalised MOU to come back to August 2024 Ordinary Meeting, if possible, for approval</li> </ol>	Gary Wallace	<p><b>08/10/2024 Gary Wallace</b> Meeting with O'Connell Cricket Club undertaken in September 2024. Awaiting final information prior to finalising the MOU in draft form.</p> <p><b>08/11/2024 Gary Wallace</b> Awaiting final information from O'Connell Cricket Club to finalise the draft. Upon receipt the MOU will be forwarded to the next available meeting.</p>	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
240813 Ordinary Meeting - 13 August 2024	7 - 13/08/2024 Black Springs Community Hall Committee Meeting 1 August 2024	That Council: 1. Receive and note the minutes of the Black Springs Community Hall Committee Meeting held on 1 August 2024. 2. Prioritise and seek grant funding opportunities for the installation of blackout blinds at the Black Springs Community Hall. 3. Undertake a structural assessment on the concrete tank and if deemed unsafe undertake removal activities.	Mathew Webb	<b>08/10/2024 Mathew Webb</b> Project entered into the Grants projects register. Structural assessment of concrete tank scheduled for 9 October 2024.  <b>06/11/2024 Mathew Webb</b> Assessment completed and tank scheduled for removal. Just awaiting for works crew to complete.  <b>12/02/2025 Mathew Webb</b> Concrete tank has been removed and quotes received in readiness for grant applications.	Matter closed
240813 Ordinary Meeting - 13 August 2024	8 - 13/08/2024 Review of Roadside Weed Control Services Program	That: 1. Council note the information provided by Central Tablelands Weeds Authority (CWTA). 2. Seek a meeting with CTWA and all General Managers and Delegates from constituent Councils to be included in that meeting. 3. Determine how the increased kilometre cost of spraying occurred and resulted in Oberon Council's sector one not being completed. 4. A review of the service level agreement be undertaken. 5. A report be provided to the October Ordinary Council Meeting.	Gary Wallace	<b>08/10/2024 Gary Wallace</b> With the election process being undertaken, representatives for external organisations will only be verified at the October Meeting. Once verified action pertaining to the current recommendation will ensue.  <b>08/11/2024 Gary Wallace</b> Meeting to be prioritised once delegates have been endorsed.  <b>10/12/2024 Gary Wallace</b> Council delegates now endorsed and meeting being held on 20 December 2024.  <b>12/02/2025 Gary Wallace</b> Report to February Ordinary Meeting.	Matter closed
241107 Extraordinary Council	Delegates to External Organisations	That: 1. Council confirm its appointment of Councillor Delegates to external organisations,	Gary Wallace	<b>12/12/2024 Gary Wallace</b> External organisations advised of the appointed delegates. Council has advertised seeking members	In Progress

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
Meeting - 7 November 2024	and Appointment of Council Committees	noting the Joint Regional Planning Panel delegates to be appointed by secret ballot. 2. Council confirm its appointments and Chair of the Section 355 Committees; and make appointments to other Council Committees, Community Committees and Working Parties for a period of 2 years as follows:		of the community interest in nominating to be appointed to Section 355 Committees. A further report will be provided to the February 2025 Ordinary Meeting.  <b>12/02/2025 Gary Wallace</b> Difficulties have been experienced attracting appropriate community representation on a number of committees. Staff are conducting a direct approach to previous committee members and those that had previously shown interest. At the completion of these approaches a report will be presented to Council seeking endorsement.	
241112 Ordinary Meeting - 12 November 2024	4 - 12/11/2024 Well Planned Windfarm Providing a Positive Contribution to the Oberon Community and Environment	That Oberon Council write to Stromlo/TAG Energy and Forestry Corporation, requesting that the proposed wind farm development will comply with all aspects of our Councils and communities Development Control Plan – Wind Power Generation 2005.	Gary Wallace	<b>11/12/2024 Gary Wallace</b> Correspondence forwarded from Mayors Office, response received indicating that the state guidelines will be used as a guide to develop any SEAR's should a proposal be considered.  <b>12/02/2025 Gary Wallace</b> Additional to email correspondence written correspondence on Council letterhead has been forwarded to all parties.	Matter closed
241112 Ordinary Meeting - 12 November 2024	5 - 12/11/2024 Proposed Heritage Listing of The O'Connell First World War Memorial Avenue of Trees	That Council bring a report back to the December 2024 Ordinary Meeting on the recommendations endorsed at the June 2024 Extraordinary meeting:  1. "Update the draft State Heritage Inventory Sheet for the Avenue of Trees at O'Connell (ref 2210207)", including a timeline for completion.	Damian O'Shannassy	<b>12/02/2025 Damian O'Shannassy</b> Update provided to December Ordinary Meeting.	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		<p>2. "Prepare a Planning Proposal for the individual listing of the Avenue of Trees at O'Connell as a local item for inclusion in Schedule 5 of the Oberon LEP 2013", including a timeline for completion.</p> <p>3. "Advise the local community in O'Connell to consider liaising with Heritage NSW, based on the State level assessment of the 1998 CMP, with a longer-term view of nominating the Avenue of Trees for inclusion separately on the State Heritage Register".</p>			
241112 Ordinary Meeting - 12 November 2024	10 - 12/11/2024 Rural Fire Service - Oberon Station	<p>That Council:</p> <p>1. Provide in principle support to the NSW RFS to allow for a grant application to be prepared for the construction of a new Fire Station.</p> <p>2. Delegate authority to the General Manager to identify the parcel of land and the land area required and provide a report back to Council for determination for Council to make a decision to adequately assist the lodgement of a grant application.</p> <p>3. A further report be provided to Council should it be necessary for a grant application.</p>	Gary Wallace	<p><b>12/02/2025 Gary Wallace</b> Correspondence forwarded to RFS seeking additional information in relation to a co-located facility. Awaiting response</p>	Matter ongoing
241217 Ordinary Meeting - 17 December 2024	5 - 17/12/2024 Land at Glyndwr Avenue	<p>That the General Manager:</p> <p>a. Approach a real estate agent to obtain two appraisals of the property, with the playground equipment removed, as follows:</p> <p>i. As is with no sewer connection or water connection installed;</p> <p>ii. With sewer connection and water</p>	Gary Wallace	<p><b>12/02/2025 Gary Wallace</b> Quotes have been obtained for sewer connection and unsewered connection. Quotes obtained from real estate agents regarding costs. Work will commence on preparing sale documents.</p>	Matter ongoing



Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		<p>connection installed</p> <p>b. Obtain a quote from one of more plumbers (as required by Procurement policy) to install the sewer connection and water connection to the property.</p> <p>c. On the basis of the most effective cost alternative for council after undertaking a) and b) the property be put up for sale at the recommended sale price.</p>			
241217 Ordinary Meeting - 17 December 2024	6 - 17/12/2024 Social and Economic Impact Analysis of Proposed Oberon Wind Farm Projects	<p>That Oberon Council seek funding to prepare a Social and Economic Impact Analysis of proposed wind farm projects in our local government area. Prospective funding sources include:</p> <ul style="list-style-type: none"> <li>· NSW Government Grants</li> <li>· Stromlo/Tag Energy/Forestry Corporation</li> </ul> <p>The Social and Economic Impact Analysis would look specifically at the social and economic impacts of wind farm projects on the Oberon community, businesses and Council.</p>	Gary Wallace	<p><b>12/02/2025 Gary Wallace</b></p> <p>Email correspondence and council official letters have been forwarded to TAG/Stromlo and Forestry. Initial contact with Government has been undertaken. Will await outcome of letters from the three parties prior to any further action.</p>	Matter ongoing
241217 Ordinary Meeting - 17 December 2024	13 - 17/12/2024 Modification of Consent 80 Wilson Drive Oberon 2 Lot Subdivision (MOD 10.2021.94.3)	<p>That Council:</p> <p>1. Refuse the application for the following reasons:</p> <p>a. The application as proposed would not be substantially the same development as the original application.</p> <p>b. The proposed modification would be inconsistent with Section B.12.8 Electricity Supply of Council's Development Control Plan 2001.</p> <p>c. The proposed modification is inconsistent with the level of essential services (electricity and telecommunications) intended by the</p>	Damian O'Shannassy	<p><b>12/02/2025 Damian O'Shannassy</b></p> <p>Consent refused</p>	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		<p>conditions of consent for the original application.</p> <p>d. The Conditions of consent imposed are not onerous on the proponent.</p> <p>e. The proposed modification is inconsistent with the commitments made by the proponent in the Statement of Environmental Effects prepared by Integral Consulting for the original application.</p>			
241217 Ordinary Meeting - 17 December 2024	14 - 17/12/2024 Modification of Consent DA10.2022.59. 2 Multi-Dwelling Housing 2A Queen Street, Oberon	<p>That Council,</p> <p>1. Refuse the proposed Modification to DA 10.2022.59.1 at 2A Queen Street, Oberon to include additional bedrooms in two of the proposed dwellings for the following reason:</p> <p>a. The proposed alterations and additions will result in an over development of the site and unacceptable impact in the streetscape.</p> <p>2. That a division be called in accordance with Section 375A of the Local Government Act 1993.</p> <p>Carried - Resolution No:</p>	Damian O'Shannassy	<b>12/02/2025 Damian O'Shannassy</b> Consent refused.	Matter closed
241217 Ordinary Meeting - 17 December 2024	15 - 17/12/2024 2025/26 IPART Rate Peg Determination	That Council adopt the IPART determined rate peg of 5.4% for the 2025/26 Financial Year.	Mathew Webb	<b>12/02/2025 Mathew Webb</b> Noted for inclusion in IP & R documents	Matter closed
241217 Ordinary Meeting - 17 December 2024	16 - 17/12/2024 Plan of Management for 24 Crown Reserves - for Adoption	<p>That Council:</p> <p>1. Adopt the Community Land Plan of Management for 24 Crown Reserves.</p> <p>2. Advise Crown Lands that the subject Plan of Management has been adopted.</p>	Damian O'Shannassy	<b>12/02/2025 Damian O'Shannassy</b> Actioned	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
241217 Ordinary Meeting - 17 December 2024	17 - 17/12/2024 Playground Risk Assessment Further Report	That Council:  1. Endorse the removal of all non-compliant play equipment at the parks at Armstrong Place, Bligh Street, Buckley Crescent, Burraga, Cunynghame Oval, Glyndwr Avenue North, Glyndwr Avenue South and Miss Wilson (Option A). 2. Approve the proposed Works Program for the parks at Buckley Crescent, Burraga, Cunynghame Oval, Hassall Park, Herb David, the Pool and multiple playground areas within the Oberon Common (Option A). 3. Implement a Communications Strategy outlining the rationale behind the need to remove the current non-compliant play equipment and what mechanisms Council proposes to replace the non-compliant equipment. 4. Receive a further report with the aim to consider the implementation of a Playground Service Hierarchy. 5. Replace play equipment in Armstrong Place, Buckley Crescent, Bligh Street, Miss Wilson Park and Glyndwr Avenue South in a staged process as funds for this purpose become available.	Dr Cornelia Wiebels	<b>12/02/2025 Dr Cornelia Wiebels</b> 1. Noted. 2. Noted. Additional funds to be added in FY25/26 to complete program. 3. Communications Strategy prepared, first stage going out in week ending 14/2/25 with equipment starting to be removed early March 2025. 4. Noted 5. Pending future funding.	In Progress
241217 Ordinary Meeting - 17 December 2024	18 - 17/12/2024 Councillor and Staff Interaction Policy - New Policy	That Council:  1. Endorse Policy – Councillor and Staff Interaction and place it on public Exhibition for a period of 28 days.  2. If no submissions are received during the exhibition period, the policy be adopted as	Gary Wallace	<b>12/02/2025 Gary Wallace</b> No submissions received, policy adopted as presented.	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		presented.  3. Delegate to the General Manager to amend any minor changes proposed.			
241217 Ordinary Meeting - 17 December 2024	19 - 17/12/2024 Financial Assistance Policy 2209	That Council:  1. Place the renewed Financial Assistance Policy 2209 on public exhibition for a period of 42 days, inviting public submissions during this time. 2. Note the proposed removal of annual recurrent donations and consultation process with impacted community organisations. 3. Note that a subsequent report summarising the consultation outcomes and submissions received will be presented to Council before the final adoption of the policy.	Mathew Webb	<b>12/02/2025 Mathew Webb</b> Public exhibition completed. A separate report provided to February Ordinary Meeting	Matter ongoing
241217 Ordinary Meeting - 17 December 2024	20 - 17/12/2024 Policy 1101 - Model Code of Meeting Practice	That Council defer consideration of Policy 1101 until further clarification is available regarding the amendments proposed by the Minister for Local Government to the Model Code of Meeting Practice.	Gary Wallace	<b>12/02/2025 Gary Wallace</b> Awaiting further advice from Office of Local Government	Matter ongoing
241217 Ordinary Meeting - 17 December 2024	21 - 17/12/2024 Oberon Sports Complex - Progress Update	That Council:  1. Note the progress in the report, 2. Endorse the consideration of the Stage 4 Development Application (DA) for the external servicing including the water, fire control systems, electricity and gas connection and the sewer rising main, and, the Stage 5 DA which incorporates carparking, internal roads and the intersection on O'Connell Road, during the end of year shutdown 2024 and the January 2025	Gary Wallace	<b>12/02/2025 Gary Wallace</b> DA for Stage 4 has been determined. DA 5 currently being assessed.	Matter closed

Oberon Council - Agenda - Ordinary Meeting - 18 February 2025

Document	Item	Action Required	Assignee	Action Taken	Status
		period under staff delegation as outlined in this report.			
241217 Ordinary Meeting - 17 December 2024	33 - 17/12/2024 Water Write-off Request - Assessment 1237065	That Council do not write-off the water consumption charges for Assessment 1237065 but instead offer a payment plan arrangement for full cost recover.	Mathew Webb	<b>12/02/2025 Mathew Webb</b> Customer advised of Council's resolution. Payment plan arrangements underway.	Matter closed

**14.8 Questions Taken on Notice at the Previous Meeting**

File No: Governance/Meetings/Ordinary

Author: Gary Wallace (General Manager), Dr Cornelia Wiebels (Technical Services Director), Damian O'Shannassy (Planning and Development Director), Mathew Webb (Corporate Services Director)

**Summary**

This report item provides a formal record of questions taken on notice at the previous Council meeting and subsequent responses.

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**Recommendation:**

That report 14.8 is received as information and the responses noted.

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**List of Attachments**

Nil

**Comment**

The following questions were taken on notice at the 17 December 2024 Ordinary Meeting of Council. Responses are provided below.

**Question:** Lee Hanlon, Tarana Resident, presented Council with a number of questions in relation to the possibility of Tarana merging into the Oberon Local Government Area.

1. Would Tarana still have the skip bin near the pub?
2. Where would the boundaries be? River, railway etc.
3. Lithgow Council pay for registration of RFS vehicles, would Oberon council do this?
4. Would logging trucks use Diamond Swamp Road?
5. Would Tarana residents be better off under Oberon Council? One Tarana resident stated that rates have increased 50% in the last two years.
6. Would Oberon Council get the two Sodwalls bridges realigned at a different angle and make the new bridges wider? Will Oberon Council improve the visibility issues?

**Response:** Section 215 of the Local Government Act highlights the process by which a boundary adjustment of LGA boundaries must incorporate. Under s215:

**215 Who may initiate a proposal?**

- (1) A proposal may be made by the Minister or it may be made to the Minister by a council affected by the proposal or by an appropriate minimum number of electors.
- (2) An appropriate minimum number of electors is—
  - (a) if a proposal applies to the whole of an area or the proposal is that part of an area be constituted as a new area—250 of the enrolled electors for the existing area or 10 per cent of them, whichever is the greater, or
  - (b) if a proposal applies only to part of an area—250 of the enrolled electors for that part or 10 per cent of them, whichever is the lesser.

As such it is difficult to answer these queries without having an understanding of the proposed shift. Given the Council in question is Lithgow City Council the first approach would need to be made through them prior to any significant assessment being undertaken by Oberon Council.

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**Question:** Veronika Cvitanovic, Mozart resident. Veronika spoke regarding the State of the Shire Report that was included in the Business Paper and Agenda from 12 November Ordinary Meeting. This report mentioned, on page 17, that fluoridation remained a strongly debated issue for responses both for and against. When this topic was in discussion back in 2018, there was talk of a health study the NSW Health had done.

1. Where is this study?
2. Has the dosing and testing equipment been certified or calibrated according to the measurement act?

**Response:** The Health Study is the responsibility of NSW Health.

Council staff is following the NSW Health requirements – e.g. NSW Code of Practice for Fluoridation of Public Water Supplies & Fluoridation of Public Water Supplies Act 1957 – regarding testing and calibration of associated equipment, measuring of fluoride concentrations and reporting to NSW Health, including:

- Ensure accuracy of fluoride chemical dosing equipment at the Water Treatment Plant (WTP) – Daily.
- Calibrate the fluoride measuring probe using approved standard solutions (standard solution = solution of precisely known concentration; purchased externally from specialist chemical supplier) – Daily.
- Measure the fluoride concentration of the treated water leaving the WTP & report concentration to NSW Health – Daily.
- Measure the fluoride concentration in the reticulated (distributed) water within town & report to NSW Health – Weekly.
- Take samples and send to a NSW Health Pathology Forensic & Analytical Science Service (FASS) laboratory – Monthly.

Additionally, Council staff:

- Keep a spare fluoride measuring probe and meter on site (equipment support is provided via an external supplier for any required replacement or servicing).  
*Note:* should Council be unable to measure the fluoride concentration accurately or not at all at any time, NSW Health requires that fluoride dosing is turned off, which is required to be reported to NSW Health.
- Has now made the Fluoride Compliance Detailed Report, as downloaded from the NSW Health Drinking Water Database, available on Council's website ([Oberon Water Treatment Plant Oberon Council](#)), to be updated monthly in future.

## 15 URGENT BUSINESS

### Summary

In accordance with Clause 232 of the Local Government (General) Regulations 2021 "Model Code of Meeting practice" business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

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

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

## 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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Set out below is Section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) Personnel matters concerning particular individuals (other than Councillors)
  - (b) The personal hardship of any resident or ratepayer
  - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
  - (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
  - (e) Information that would, if disclosed, prejudice the maintenance of law
  - (f) Matters affecting the security of the Council, Councillors, Council staff or Council property
  - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
  - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land
  - (i) alleged contraventions of any code of conduct requirements applicable under section 440
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**16.1 Tender - RFT 24/09 Supply of Traffic Control Services**

File No: TS/Tenders

Author: Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**16.2 Tender - RFT 24/08 Sprayed Bituminous and Aggregate Supply**

File No: TS/Tender

Author: Thomas Dimec (Project Engineer), Gary Chapman (Roads Operation Manager), Dr Cornelia Wiebels (Technical Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**16.3 Tender RFT 24/10 Full or Partial Stabilisation Service**

File No: TS/Tender

Author: Thomas Dimec (Project Engineer), Gary Chapman (Roads Operation Manager), Dr Cornelia Wiebels (Technical Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**16.4 Tender - RFT 24/11 Linemarking Services**

File No: TS/Tender

Author: Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director), Gary Chapman (Roads Operation Manager)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

**16.5 Electricity Procurement - Central NSW Joint Organisation Procurement**

File No: CNSWJO Electricity Procurement

Author: Gary Wallace (General Manager)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to 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.*

**16.6 Construction of an 11 (Eleven) Lot Industrial Subdivision - Oberon**

File No: TS/Subdivision

Author: Thomas Dimec (Project Engineer), Dr Cornelia Wiebels (Technical Services Director)

*This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to 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.*

## **17 CLOSURE OF MEETING**

The Mayor will declare the meeting closed.

The next Ordinary Meeting of Oberon Council will be held on Tuesday 18 March 2025 commencing at 5.30pm, in the Oberon Council Chambers, 137 Oberon Street, Oberon.