

OBERON COUNCIL

Page 1 of 30

Present: The Mayor, Councillor K Sullivan (in the Chair), Councillors R O'Bernier, I Doney, D Fitzpatrick, N Francis, Z Handelsmann, C L McCarthy, M J McMahon and R L Hooper

The General Manager, Mr Bruce Fitzpatrick; the Director of Engineering, Mr Leigh Robins; the Director of Corporate Services, Mr John Chapman; the Director of Development, Mr Ralph Tambasco; and the Executive Assistant, Mrs Sharon Swannell.

PRAYER

The meeting was opened in prayer by Pastor Andrew Godden

A presentation was made to former Councillors Margaret Grady & William Dawson.

APOLOGIES

Nil

QUESTIONS FROM THE PUBLIC

Mrs. Marjorie Armstrong asked the following questions:

1. Why is Council considering purchasing the rugby league grounds and licensed premises?

The Mayor responded and advised that the Leagues Club intended to sell the grounds and investigated selling them to adjoining neighbours. Council is purchasing the grounds to secure the playing fields for a community facility.

2. If purchasing this site is to maintain the football ground why wouldn't Council consider finding a far more suitable site? (pollution from factories and lack of viewing access for the public) Council has taken a great deal of consideration in finding the best site for the Community Centre, why not look outside the square and find the best site for the sporting fields?

The Mayor advised that alternate sites have been given consideration, however are not considered viable due to availability and cost to develop new facilities.

3. Why would Council want to purchase the licensed premises?

This was addressed in responding to question 1.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 2 of 30

4. Will council be taking advantage of the monies on offer from the Federal Government?

The Federal Government funding is listed for discussion during tonight's meeting.

5. If so would Council consider using these funds to build the new Community Centre, a much needed facility, surely this would create some jobs?

The Community Centre will be one of the projects given consideration.

6. Are Councillors aware of the need for a far better Community Centre, one which residents can use to a far greater extent, one which will take Oberon into the future?

Councillors are aware, and the comments are noted.

7. Why does Council believe that the existing site (including the library and new acquisition of the house in Dart Street) is not the best site for a Community Centre, surely it is close to the business centre and very accessible for even the elderly?

Council has not taken a decision regarding the Community Centre at this point.

Mr. Hugh Webb extended an invitation to Councillors and staff to attend an onsite meeting and inspection at Lot 12, 173 Beattie Road on Mon 22 December 2008 commencing at 3 pm. The walk will commence at the entrance off Beattie Rd, Mudgee Stone Quarry representatives will also be in attendance.

This was noted by Council.

CONFIRMATION OF MINUTES

1. **RESOLVED:** that the Minutes of the duly convened Ordinary Meeting held on 11 November 2008 be taken as read and confirmed. (McCarthy/O'Bernier)
2. **RESOLVED:** that the Minutes of the duly convened Special Meeting held on 25 November 2008 be taken as read and confirmed. (McCarthy/Hooper)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 3 of 30

Matters Arising From the Minutes - Nil

DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Councillor McMahon declared an interest in Item A12, Councillor McMahon is related to the owner of the premises.
Councillor McCarthy declared an interest in Item A1, Councillor McCarthy is related to the applicant.

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended by Deputy Mayor during my absence include:

1. Council Meeting 11 November 2008.

Meetings attended since my last report include:

1. Special Council Meeting 25 November 2008.
2. Meeting with rate payer regarding Care Car 25 November 2008.
3. Meeting with Minister for Education – 26 November 2008.
4. Aged Care Committee Meeting – 26 November 2008.
5. Land Committee Meeting – 2 December 2008.
6. Land Issues Paper Community Meeting at Black Springs – 2 December 2008.
7. Land Issues Paper Meeting with Councillors – 3 December 2008.
8. Centroc Board Meeting, Wellington – 4 December 2008.
9. Land Issues Paper Community Meeting, Oberon – 4 December 2008.
10. Land Issues Paper Community Meeting, Burruga – 8 December 2008.

B. Representation

Council was represented by the Deputy Mayor during my absence at the following:

1. Careflight Dinner – 7 November 2008.
2. Australian Council of Local Government dinner and seminar – 17 & 18 November 2008.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 4 of 30

3. Oberon Correctional Centre Graduation Ceremony – 28 November 2008.

Council was represented at the following:

1. Oberon Business Awards – 3 December 2008.
2. Black Springs School Assembly – 9 December 2008.
3. Oberon High School Presentation Night – 9 December 2008.
4. Various media interviews throughout the month.
5. Contact with Gerard Martin, Bob Debus MP & Anne Tucker regarding Aged Care.
6. Attendance at Council Chambers each day excluding Friday 28 November & Monday 1 December.

Attendance is anticipated at the following:

1. Highland Pine Products Board Meeting – 10 December 2008
2. Councillor O’Bernier - Black Springs Annual Presentation Night – 11 December 2008
3. Signing of Memorandum of Understanding with Department of Corrective Services – 12 December 2008
4. Christmas Street Party – 12 December 2008.
5. Official Opening of the Oberon RSL Club Bowling Green – 13 December 2008.
6. Oberon Public School Presentation Night – 15 December 2008.
7. Councillor McMahon - Burruga SES Graduation Evening – 15 December 2008.
8. Councillor Hooper – O’Connell Public School Presentation Night – 18 December 2008.

C. Correspondence

Correspondence received included from:

1. Local Government Remuneration Tribunal re: Fees payable to Councillors and Mayors – 26 November 2008.
2. Clubs NSW re: Proximity of ATM Machines to Gaming Facilities – 28 November 2008.
3. News article regarding Police newly formed Community Safety Precinct Committee – 26 November 2008.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 5 of 30

BUSINESS WITHOUT NOTICE

CARE CAR – SECTION 355 COMMITTEE

16 December 2008, Ordinary Meeting

File: C24.1

3. **RESOLVED:** That this matter be referred to the closed council as the matter refers to personnel matters other than councillors. (Hooper/O'Bernier)

4. **RESOLVED:** That Council do not accept the inclusion of the possible elimination of building entitlements on original holdings and any existing approvals as part of the land use issues paper and advise the Department and Consultants accordingly.
(Sullivan/O'Bernier)

5. **RESOLVED:** That a letter be written to all adjoining Councils that have reached the stage of a land use issues paper to establish if any sunset clauses have been included or are proposed to be included.
(McCarthy/Hooper)

GENERAL MANAGERS REPORT

The General Manager's activities for the month of November 2008 are as follows:

Meetings

Meetings attended during November 2008 include:

1. Meeting with Les Fraser, Department of Corrective Services re: C3 Inmates Community Work – 5 November 2008.
2. Remembrance Day Service – Oberon RSL Club – 11 November 2008.
3. Ordinary Council Meeting – 11 November 2008.
4. Meeting with Ben Kategar – 13 November 2008.
5. Attend Local Government General Manager's Forum – 14 November 2008.
6. Tablelands Way Project Management Committee Meeting – 17 November 2008.
7. Meeting with Peter Crow – VISY re: Waste re-use – 17 November 2008.
8. Meeting regarding development issue – 18 November 2008.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 6 of 30

9. Meeting with Greg Verdon ARTC along with Oberon Tarana Heritage Rail Group, followed by Oberon Museum Society – 19 November 2008.
10. Meeting with Jaclyn Burns & H. Jamison, Edith – 24 November 2008.
11. Civica Workshop – 24 November 2008.
12. Meet with Rate Payer re: Care Car – 25 November 2008.
13. Special Council Meeting – Australia Day Awards – 25 November 2008.
14. Meeting with Minister for Education regarding Burruga School – 26 November 2008.

STAFF REPORT

Councillor McCarthy declared an interest in Item A1, Councillor McCarthy is related to the applicant.

Councillor McCarthy left the chambers at 5.45pm

6. **RESOLVED:** That the late correspondence in relation to Item A1 of the staff report be received and that members of the gallery be invited to address council. (O’Bernier/Hooper)

Mr. Robert McDowell, Mr. Ian Mawhood, Ms Sue Wilcox, Ms Crystal Annetts, Mr. John Ferguson & Mr. Warwick Mawhood addressed council in relation to the matter.

ITEM A1 - NOTICE OF INTENTION TO APPLY FOR A PACKAGED LIQUOR LICENCE, MAWHOOD BROS PTY LTD, 141 – 149 OBERON STREET, OBERON Staff Report to the 16 December 2008 Ordinary Meeting File No. PO40.141-149

7. **RESOLVED:** That no objection be raised to the Notice of Intention from Lands Legal on behalf of Mawhood Bros Pty Ltd to apply for a “Packaged Liquor Licence” in respect to Mawhoods IGA, 141- 149 Oberon Street, Oberon.

(McMahon/Hooper)

Councillor McCarthy returned to the chambers at 6.15 pm.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 7 of 30

**ITEM A2 - NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE,
O'CONNELL CAFÉ AND DELI 2431 O'CONNELL ROAD, O'CONNELL
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PR186.2431**

8. **RESOLVED:** That no objection be raised to the Notice of Intention from Mrs Robyn Donnelly to apply for a liquor licence in respect to the O'Connell Café and Deli, 2431 O'Connell Road, O'Connell.

(Doney/Hooper)

9. **RESOLVED:** That Item A11 of the staff report be brought forward and dealt with at this point in time. (O'Bernier/Hooper)

**ITEM A11 - STATE ENVIRONMENTAL PLANNING POLICY NUMBER 1
APPLICATION 142/08 – IN SUPPORT OF DEVELOPMENT APPLICATION 171/07
FOR A DWELLING
Staff Report to the 16 December Ordinary Meeting
File No. PR159.9**

10. **RESOLVED:** That:

1. The SEPP1 proposal to vary the setback of the proposed dwelling to Buckemall Creek from 100 metres to 65 metres in accordance with the requirements of Clause 18(1)(b) of OLEP 1998 be supported with assumed concurrence of the Department of Planning for the proposed dwelling at Lot 115 in DP: 757050, 9 Luney Road, Edith.
2. Clause B14.12.9 of Development Control Plan 2001 be varied to allow the dwelling on Lot 115 in DP: 757050, 9 Luney Road, Edith to be located at a distance of 10 metres from the boundaries of Zita Road and Luney Road.

In accordance with Section 375A of the Local Government Act, the following votes are recorded for/against this motion:

Votes for: Councillors Francis, McMahon, Doney, O'Bernier, Hooper, McCarthy, Handelsmann, Fitzpatrick, Sullivan

Votes against: Nil

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 8 of 30

11. **RESOLVED:** That Item B7 be bought forward and dealt with at this point in time. (O’Bernier/Hooper)

ITEM B7 - SUBSTATION EASEMENT

Staff Report to the 16 December 2008 Ordinary Meeting

File No. E31.13

Moved and Seconded:

1. That easements to house an electrical substation and underground reticulation in the Dart Street carpark and Cook Park be granted to Country Energy.
2. All costs associated with the easement creation be borne by Country Energy.

(O’Bernier/McMahon)

Amendment Moved and Seconded:

1. That staff be asked to investigate with Country Energy an alternate location for the proposed electrical substation and underground reticulation in Dart Street.
2. That following advice being obtained, a committee comprising Councillors McMahon, O’Bernier and Handelsmann be appointed to make a decision in relation to the proposed electrical substation and underground reticulation in Dart Street.
3. All costs associated with the easement creation be borne by Country Energy including the cost of the parking space.

(Doney/O’Bernier)

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

12. **RESOLVED:**

1. That staff be asked to investigate with Country Energy an alternate location for the proposed electrical substation and underground reticulation in Dart Street.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 9 of 30

2. That following advice being obtained, a committee comprising Councillors McMahon, O'Bernier and Handelsmann be appointed to make a decision in relation to the proposed electrical substation and underground reticulation in Dart Street.
3. All costs associated with the easement creation be borne by Country Energy including the cost of the parking space.

(Doney/O'Bernier)

13. **RESOLVED:** That Item B10 of the staff report be brought forward and dealt with at this point in time. (O'Bernier/Hooper)

ITEM B10 - FRIENDS OF THE OBERON LIBRARY
Staff Report to the 16 December 2008 Ordinary Meeting
File Nos. A2-1, C20.1

Moved and Seconded: That:

1. Council support the application by Oberon Friends of the Library to become an incorporated body,
2. The initial fees associated with the incorporation of Oberon Friends of the Library (totalling \$145) be met by Council,
3. The balance of funds held in trust for the Oberon Friends of the Library be transferred to the newly incorporated body and
4. Council consider the payment of the annual Public Liability Insurance premium for the Oberon Friends of the Library after further investigations into the cost have been completed.

(Handelsmann/O'Bernier)

The motion was put and lost.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 10 of 30

14. **RESOLVED:** That item B12 of the staff report be bought forward and dealt with at this point in time. (O’Bernier/Hooper)

**ITEM B12 - OBERON SHOWGIRL COMPETITION
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.3**

15. **RESOLVED:** That \$1500 be provided from Council’s donation budget to the Oberon Show Society Inc. to go towards prizes for the 2009 Miss Showgirl Competition.

(McCarthy/Fitzpatrick)

16. **RESOLVED:** That Item’s B13 & B16 be bought forward and dealt with at this point in time and that the late supplementary information tabled be accepted in relation to the item. (Hooper/McCarthy)

**ITEM B13 - MULTI-PURPOSE COMMUNITY CENTRE PROJECT
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C21.1**

**ITEM B16 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A5.3**

17. **RESOLVED:** That staff make an application for funding under the Federal Government Regional and Local Community Infrastructure Program for the Multi-purpose Sport & Recreation Centre for the full value of the project.

(Hooper/McCarthy)

18. **RESOLVED:** That staff be asked to prepare a list of projects to be presented to the January Ordinary Meeting for the provision of facilities in recreational centres and community centres in the Oberon Local Government Area to the value of \$267,000.

(Hooper/Sullivan)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 11 of 30

**ITEM A3 - APPLICATION FOR REFUND OF DEVELOPMENT AND
CONSTRUCTION CERTIFICATE APPLICATION FEES**
Staff Report to the 16 December 2008 Ordinary Meeting
File No. PR153.16

19. **RESOLVED:** That the Council determine the request by the Black Springs Rural Fire Brigade to provide a donation to the value of the application fees totalling \$730.00 paid on 29 October 2008 in respect to Development Application, Construction Certificate and On-Site Waste Water (Section 68) Application No 58/09.

(Handelsmann/O'Bernier)

20. **RESOLVED:** That Item A4 & B8 be dealt with consecutively as both items relate to the same matter. (O'Bernier/McCarthy)

ITEM A4 - SCOOTER STORAGE AT CURTIS STREET AGED UNITS
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C22.1

ITEM B8 - AGED CARE UNITS – BALFOUR STREET
Staff Report to the 16 December 2008 Ordinary Meeting
File No. C22.1

21. **RESOLVED:** That:
1. \$17,000 be allocated from the Aged Care reserve for the construction of two garages at Balfour Street units.
 2. Funding be allocated to provide adequate garage parking for scooters at the Curtis Street units.

(O'Bernier/McCarthy)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 12 of 30

ITEM A5 - SECTION 96 MODIFICATION APPLICATION NO 22/09 – MODIFICATION TO DEVELOPMENT APPLICATION 165/02 2 LOT SUBDIVISION

Staff Report to the 16 December 2008 Ordinary Meeting

File No. PO7.10 & DA22/09

22. **RESOLVED:** That clause B.9.3 of Oberon Development Control Plan 2001 be varied to enable a future dwelling on proposed lots 10 and 11 of Modification Development Application 165/02 to have on-site wastewater disposal.

(McCarthy/Handelsmann)

In accordance with Section 375A of the Local Government Act, the following votes are recorded for/against this motion:

Votes for: Councillors Fitzpatrick, Handelsmann, McCarthy, Hooper, O’Bernier, Doney, McMahon, Francis, Sullivan

Votes against: Nil

ITEM A6 - AMENDMENT TO FEES AND CHARGES SCHEDULE – ITEM 19 “SWIMMING POOL ENTRY FEES”

Staff Report to the 16 December 2008 Ordinary Meeting

File No. D55.3.1

23. **RESOLVED:** That the Dolphin Swim School programs and fees that were not included in the 2008/2009 Management Plan be advertised in accordance with the Council’s statutory obligations under the Local Government Act.

(Fitzpatrick/Handelsmann)

ITEM A7 - AMENDMENT TO FEES AND CHARGES SCHEDULE – SHOWER TOKENS IN ABLUTION FACILITIES AT OBERON SWIMMING POOL

Staff Report to the 16 December 2008 Ordinary Meeting

File No. D55.3.1

24. **RESOLVED:** That no action be taken in relation to this item.

(Sullivan/O’Bernier)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 13 of 30

ITEM A8 - DEVELOPMENT APPLICATION 06/05 FOR A PROPOSED THREE (3) LOT SUBDIVISION, MODIFICATION DEVELOPMENT APPLICATION 153/08 & MODIFICATION DEVELOPMENT APPLICATION 26/09.

Staff Report to the 16 December 2008 Ordinary Meeting

File No. PR32.459

25. **RESOLVED:** That the Common Seal of the Oberon Council be affixed to the 88(E) Instrument for Mr. Graeme Turnbull for Lot 110 in DP 757050 in relation to Development Application 06/05 and Modification Application 153/08.

(O'Bernier/Fitzpatrick)

In accordance with Section 375A of the Local Government Act, the following votes are recorded for/against this motion:

Votes for: Councillors Sullivan, Fitzpatrick, Handelsmann, Hooper, O'Bernier, Doney, McMahon, Francis

Votes against: Nil

ITEM A9 - ENERGY EFFICIENT HOUSING AWARD FOR THE YEARS– 2005, 2006, 2007

Staff Report to the 16 December 2008 Ordinary Meeting

File No. PR188.1712, PR70.106, PR191.1936 & D50.1

26. **RESOLVED:** That:

1. The 2005 \$200 Energy Efficient Building Award be presented to Binnijig Pty Ltd for the recent construction of their dwelling at 1682 Hazelgrove Road, Oberon.
2. The 2006 \$200 Energy Efficient Building Award be presented to Mr JW & Mrs JE Liddell for the recent construction of their dwelling at 106 Jerula Road, Oberon.
3. The 2007 \$200 Energy Efficient Building Award be presented to Mr. Robert and Mrs. Lyndall Pritchard for the recent construction of their dwelling at 1936 Edith Road, Oberon.
4. Binnijig Pty Ltd (Mr & Mrs Davey) Mr & Mrs Liddell and Mr & Mrs Pritchard be invited to the Ordinary Meeting of Council on the 20th January 2009 for the presentation of the Awards and Certificates by the Mayor.

(McCarthy/Handelsmann)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 14 of 30

ITEM A10 - DEVELOPMENT APPLICATION 198/06 FOR A PROPOSED FOUR (4) LOT SUBDIVISION

**Staff Report to the 16 December 2008 Ordinary Meeting
File No. PR198/06**

27. **RESOLVED:** That the Common Seal of the Oberon Council be affixed to the 88B Instrument in relation to Development Application 198/06 for a proposed Four (4) Lot Subdivision of Lot 12 in DP: 1045100 (staged), 1534 Sewell's Creek Road, O'Connell.
(Hooper/O'Bernier)

In accordance with Section 375A of the Local Government Act, the following votes are recorded for/against this motion:

Votes for: Councillors Sullivan, Fitzpatrick, Handelsmann, Hooper, O'Bernier, Doney, McMahon, Francis
Votes against: Councillors McCarthy

Councillor McMahon & Councillor Doney declared an interest in item A12 the Councillors remained in the meeting as there was no discussion held in relation to this matter.

ITEM A12 - COMPLAINTS CONCERNING USE OF PREMISES

**Staff Report to the 16 December 2008 Ordinary Meeting
File No. PO 11.59-61**

28. **RESOLVED:** That the information be received and noted.

(O'Bernier/McCarthy)

Councillor McMahon & Doney abstained from voting on this matter.

ITEM B1 - POLICY REVIEWS

**Staff Report to the 16 December 2008 Ordinary Meeting
File No. A1.2.7**

29. **RESOLVED:** That Policy Number 1103, Payment of Expenses for Mayors and Councillor's Policy be adopted in the reviewed format as advertised.
(Handelsmann/Sullivan)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 15 of 30

ITEM B2 - EARTHWORKS FOR SPORTS FACILITY
Staff Report to the 16 December 2008 Ordinary Meeting
File No. E34.9.1

30. RESOLVED: That:

1. The matter be deferred to the January Ordinary Meeting.
2. A comparative cost be sought for a sprung floor vs concrete floor in the proposed Multi-purpose Sport & Recreation facility.

(McCarthy/Hooper)

ITEM B3 - RURAL FIRE SERVICE STRUCTURE
Staff Report to the 16 December 2008 Ordinary Meeting
File No. F90.1

31. RESOLVED: That:

1. Councillors Francis & McCarthy be nominated to be delegates on the Chifley Zone Bush Fire Management Committee.
2. Councillors Francis & McCarthy be nominated as delegates on the Operations and Planning Committee.
3. The RFS be advised of Councils Delegates on the BFMC and the OPC.

(Hooper/McCarthy)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 16 of 30

ITEM B4 - B-DOUBLE ACCESS – BURRAGA AREA
Staff Report to the 16 December 2008 Ordinary Meeting
File No. R256.1, R45, R40, R224

32. RESOLVED: That:

1. For access to B-Double vehicles between Oberon and the Australian United Timbers site via Abercrombie Rd, Campbell's River Rd, Arkstone Rd and Burraga Rd be granted subject to:
 - a) Intersection widening to cater for the left turn from Arkstone Rd into Campbell's River Rd.
 - b) Relocation of the property entrance to provide 225m stopping sight distance in each direction.
2. Approval for access to B-Double vehicles between Oberon and "Ballyroe" via Abercrombie Rd, Campbell's River Rd and Arkstone Rd be granted subject to intersection widening to cater for left turn manoeuvre from Campbell's River Rd into Arkstone Rd.
3. Council resources be used to provide the widenings and new entrance at cost for each of the applicants.

(Hooper/O'Bernier)

ITEM B5 - UNDERGROUND ELECTRICITY POLICY
Staff Report to the 16 December 2008 Ordinary Meeting
File No. E31.1

- 33. RESOLVED:** That Council's Underground Electricity Policy be amended to include provision of underground power services wherever works are being undertaken in the Village Zone the opportunity be taken wherever possible to install conduits for future reticulation.

(McCarthy/Hooper)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 17 of 30

ITEM B6 - 2009 YOUTH WEEK IN NSW

Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.2

34. **RESOLVED:** That the offer from the NSW Department of community Services for a \$1230.00 contribution toward the cost of 2008 Youth Week activities at Oberon be accepted and the funding matched on a dollar for dollar basis.

(McMahon/Handelsmann)

ITEM B9 - OBERON – HAZELGROVE WALKING TRACK

Staff Report to the 16 December 2008 Ordinary Meeting
File No. P71.2

35. **RESOLVED:** That upon securing a lease over the walking track corridor between Oberon and Hazelgrove Stations, a sublease to provide access to Lot 3 DP 1080555 be granted.

(O'Bernier/Doney)

ITEM B11 - OBERON TIP – HOURS OF OPERATION

Staff Report to the 16 December 2008 Ordinary Meeting
File No. E35.1

36. **RESOLVED:** That no action be taken in relation to this matter.

(Hooper/Fitzpatrick)

ITEM B14 - PROPOSED INTERNAL AUDIT COMMITTEE

Staff Report to the 16 December 2008 Ordinary Meeting
File No. C15.1 & A1.1.2

37. **RESOLVED:** That no action be taken in respect to this matter.

(Hooper/Handelsmann)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 18 of 30

ITEM B15 - COMMUNITY BIKE RIDE

Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.1

- 38. RESOLVED:** That subject to inclusion in Council's insurance policy, arrangements be put in place for a Free Community Push Bike Ride on a Sunday early in January 2009 including provision for escort vehicles, signage, advertising, a BBQ lunch for participants and free entry to the Oberon Pool at the conclusion of the ride.

(McCarthy/O'Bernier)

ITEM B17 - BLUE MOUNTAINS TOURISM

Staff Report to the 16 December 2008 Ordinary Meeting
File No. P73.1

- 39. RESOLVED:** That:

1. Mr. Wayne Cooper be appointed as Oberon Council's representative on the Blue Mountains Tourism Board and that Mayor Keith Sullivan be appointed as the alternate delegate or observer as required.
2. A letter of appreciation be forwarded to the Chairman of Blue Mountains Tourism thanking him for his assistance.

(Sullivan/Hooper)

ITEM M1 - HERITAGE COMMITTEE MEETING MINUTES

Staff Report to the 16 December 2008 Ordinary Meeting
File No. A2.22

- 40. RESOLVED:** That:

1. The Director of Development be authorized to proceed with arrangements for the completion of a site plan, floor plans of each building and the main elevation view of the barn at "Lindlegreen" to a limit of \$1,500, to be funded from the Local Heritage Fund.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 19 of 30

2. a. The establishment of geographical boundaries for an Urban Conservation Area at O'Connell and "Stratford" be commenced, and
 - b. The former O'Connell School of Arts building and "Stratford" dwelling be listed as items of heritage significance in the new LEP.
3. Mr Peter Dove be appointed as representative of the Black Springs Progress Association on the Heritage Committee.
4. The Director of Development be authorized to place orders, funded from the Local Heritage Fund, for:
5. Two map signs to be located on Carlwood Road at the intersections with Lowes Mount Road and O'Connell Road at a cost of \$4,990 (excl. GST), and
6. Eight single "finger" signs pointing to the alignment of the Old Cox's Road, at a cost of \$5,040 (excl GST) to be located on:
 - i. Beaconsfield Road
 - ii. Bloom Hill Road
 - iii. O'Connell Plains Road
 - iv. O'Connell Road
 - v. Lowes Mount Road
 - vi. Snakes Valley Road
 - vii. Hazelgrove Road, and
 - viii. On the eastern boundary of the Oberon Local Government Area.
7. The listing of the "Macquarie" buildings and curtilage on the O'Connell Road in the new LEP as an item of major heritage significance be investigated.

(McCarthy/Doney)

ITEM M2 - LIBRARY COMMITTEE MEETING MINUTES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A2.8

41. **RESOLVED:** That no action be taken in relation to this matter.

(Hooper/Fitzpatrick)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 20 of 30

42. **RESOLVED:** That the late correspondence received in relation to the proposed festival be accepted and that Mr. Wayne Cooper be invited to address Council in relation to this matter. (O’Bernier/Sullivan)

**ITEM M3 - EVENTS COMMITTEE MEETING MINUTES
Staff Report to the 16 December 2008 Ordinary Meeting
File No. A2.5**

43. **RESOLVED:** The Daffodil Festival of Spring Gardens be included in the events calendar again in 2009.

(Hooper/Fitzpatrick)

44. **RESOLVED:** The naming of the new festival be the “Oberon & Villages Summer Festivals”.

(Hooper/Doney)

45. **RESOLVED:** The following revised draft program be endorsed:

- February 21-22:
 - Annual Oberon Show
 - Highland Steam & Vintage Fair
 - Visit by Oberon school students to the Oberon Show on Friday afternoon 21st February to participate in an educational tour of the steam engines and collectables
- February 28-March 1:
 - SEI Ride – Native Dog Station, Wiseman’s Creek
- March 7-8:
 - The Tablelands Way Oberon Farmers Market
 - Needleworkers Display, potentially in the Anglican Hall
 - The Bullock Flat bed Race (if community support is forthcoming)
- March 15-22:
 - Seniors Week
- Date to be determined:
 - Official Opening of The Common terrazzo project (subject to negotiation with the Oberon Arts Council)

(Hooper/Doney)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 21 of 30

46. RESOLVED: That:

1. An application be made for a \$35,000 grant with \$17,500 to be provided from Council funding including \$6,500 being provided from other contributions, reducing the Council's contribution and that this funding cover the following items:
 - a) Providing cash assistance and/or fuel for transport of equipment up to a maximum of \$6,000,
 - b) Authorisation and physical closure of roads necessary to conduct a street parade of steam and vintage vehicles on Saturday 22nd February 2009,
 - c) Assisting with promotion of the event,
 - d) Seek other funding to offset costs associated with the event,
 - e) Provide temporary storage at Council's depot for selected vehicles participating in the fair.

2. An additional \$4,000 be provided to fund the cost of providing the use of Council's low loader (within its load capacity) and driver to transport engines from/to local areas.

(Hooper/Sullivan)

47. RESOLVED: That:

1. Mrs Jill Evans be appointed to the Events Committee, and
2. The Jenolan Caves Trust be invited to nominate a representative to the Events Committee.

(Hooper/Doney)

Council rose for dinner at 8.35 pm.

Councillor Handelsmann left the meeting at 8.35 pm due to ill health.

The meeting resumed at 9.00 pm

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 22 of 30

PRECIS OF INFORMATION

ITEM P1 - OBERON SWIMMING POOL

Staff Report to the 16 December 2008 Ordinary Meeting
File No. D55.3.1

48. **RESOLVED:** that the information be received and noted. (McCarthy/Fitzpatrick)

ITEM P2 - ANNUAL CENTRAL TABLELANDS COMBINED CLEARANCE SALE

Staff Report to the 16 December 2008 Ordinary Meeting
File No. A3.3

49. **RESOLVED:** that the information be received and noted. (McCarthy/Fitzpatrick)

ITEM P3 - DEPARTMENT OF LOCAL GOVERNMENT CIRCULARS MAILING LIST

Staff Report to the 16 December 2008 Ordinary Meeting
File No. A1.3.2

50. **RESOLVED:** that the information be received and noted. (McCarthy/Fitzpatrick)

ITEM P4 - DISCLOSURE OF PECUNIARY INTERESTS

Staff Report to the 16 December 2008 Ordinary Meeting
File No. A1.2.4

51. **RESOLVED:** that the information be received and noted. (McCarthy/Fitzpatrick)

ITEM P5 - OBERON ANIMAL POUND

Staff Report to the 16 December 2008 Ordinary Meeting
File No. D54.1

52. **RESOLVED:** that the information be received and noted. (McCarthy/Fitzpatrick)

ITEM P6 - STATEMENT OF BANK BALANCES AND INVESTMENTS

Staff Report to the 16 December 2008 Ordinary Meeting
File No. C17.1

53. **RESOLVED:** that the information be received and noted. (McCarthy/Fitzpatrick)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 23 of 30

NOTICES OF MOTION

Nil

INFORMATION BULLETIN

54. RESOLVED: that the information be received and noted. (McCarthy/Fitzpatrick)

It was noted that Council passed its congratulations the Engineer and staff for the high standard of roadwork's carried out at Shooters Hill Road.

REPORTS FROM DELEGATES

Councillor McMahon provided a verbal report on the Upper Macquarie County Council Meeting held on Friday 5 December 2008.

Councillor McMahon provided a verbal report on the Australian Council of Local Government Meeting held on 18 November 2008.

Councillor McCarthy provided a verbal report on the Rural Fire Service Chifley Zone Committee Meeting.

55. RESOLVED: That a meeting be arranged with the Local Member, the National Parks & Wildlife District Manager and Council Rural Fire Service delegates as well as the Captain of Jenolan Brigade, Mr Barry Richards to facilitate the new fire shed at Jenolan.

(McCarthy/O'Bernier)

BUSINESS WITHOUT NOTICE

Nil

SUPPLEMENTARY STAFF REPORT

Nil

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 24 of 30

CLOSED COUNCIL

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 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.

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 ground of legal professional privilege,*
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

ITEM C1 - LAND COMMITTEE MEETING

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

- (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*

This matter is classified confidential because it contains information about the purchase & development of property that, if disclosed, would confer a commercial advantage on a person with whom the council is conducting business. It is not in the public interest to reveal the details of deliberations on this matter at this stage.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 25 of 30

ITEM C2 - SICK LEAVE

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

- (a) personnel matters concerning particular individuals (other than councillors)

The reason for discussion of this item in closed Committee of Council is that it relates to personnel matters concerning particular individuals (other than Councillors).

ITEM C3 - BLACK SPRINGS AND BURRAGA TRANSFER STATION OPERATIONS

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

- (a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

On balance it is considered that receipt and discussion of this matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited. It is therefore classified as confidential.

ITEM C4 - DE-CORPORATISATION OF NSW COUNCILS

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

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

This item contains legal opinions and is therefore classified as confidential.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 26 of 30

ITEM C5 - VEHICLE LEASING

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

- (a) personnel matters concerning particular individuals (other than councillors)

The reason for discussion of this item in closed Committee of Council is that it relates to personnel matters concerning particular individuals (other than Councillors).

ITEM C6 - INVESTMENTS

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

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

This items contains information about potential legal proceedings and therefore confidential.

CARE CAR – SECTION 355 COMMITTEE

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

- (b) personnel matters concerning particular individuals (other than councillors)

The reason for discussion of this item in closed Committee of Council is that it relates to personnel matters concerning particular individuals (other than Councillors).

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 27 of 30

JENOLAN CARAVAN PARK AMENITIES

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

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

On balance it is considered that receipt and discussion of this matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited. It is therefore classified as confidential.

56. **RESOLVED:** that

1. Council resolve into closed council to consider business identified, together with any late 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*.

(O'Bernier/Fitzpatrick)

Council closed the meeting at 10.12pm. There were no members of the public present at this time.

57. **RESOLVED:** that Council move out of closed council and into open council.

(McMahon/Francis)

Open Council resumed at 11.38 pm.

The following resolutions of Council while the meeting was closed to the public were read to the meeting by the Mayor, there were no members of the public present.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 28 of 30

ITEM C1 - LAND COMMITTEE MEETING

Confidential Staff Report to the 9 December 2008 Ordinary Meeting
File No. A2.24

58. RESOLVED: That:

1. Option 3 of the Tasman Street Sub-division for the development of an 18 lot subdivision be adopted on the understanding that the offer to the adjoining property owner, Mr. Daniel Bailey, to participate in a joint subdivision proposal was not accepted within the timeframe offered and that works proceed as expeditiously as possible.
2. A modification to the existing approved sub-division be undertaken in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act to prepare a revised sub-division proposal excluding the development of Whalan Street.

(McCarthy/Fitzpatrick)

59. RESOLVED: That:

1. Urgent arrangements be entered into with the Oberon Rugby Leagues Club for the purchase of the site occupied by the Rugby League licensed premises and the two football grounds for the sum of \$450,000 net of legal costs to be paid on the basis of \$300,000 on exchange/settlement and \$50,000 per year for the next three years.
2. Arrangements be entered into for a lease back of the licensed club premises on a long term lease at a peppercorn rental on the basis that all responsibilities in regard to the licensed premises be met by the Oberon Rugby Leagues Club.
3. That the funding for the purchase be provided from un-restricted funds.

(O'Bernier/McMahon)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 29 of 30

ITEM C2 - SICK LEAVE

Confidential Staff Report to the December 16, 2008 Ordinary Meeting
File No. Personnel

- 60. RESOLVED:** That an additional 137.5 hours (5 weeks @ 27.5 hours per week) sick leave be credited to the leave balances of the staff member as detailed in the confidential staff report.

(O’Bernier/Sullivan)

CARE CAR – SECTION 355 COMMITTEE

16 December 2008, Ordinary Meeting
File: C24.1

- 61. RESOLVED:** That:

1. A Section 355 Committee of Council be appointed to undertake the ongoing Management of the Care Car.
2. The following people be appointed to the committee:
 - Mayor Keith Sullivan
 - Amanda McGrath, Toni Dwyer and Lisa Nash (Oberon Council)
 - Loretta Graham, Maxine Whittaker (Oberon Medical Centre)
 - Eric Ford and Sarah Martin (Oberon Multi-Purpose Service)
 - Vibeke Lange and Angela Buckley (Care Car Volunteers)
3. The committee meet twice per year, or more frequently on an as needs basis.

(Sullivan/Hooper)

ITEM C3 - BLACK SPRINGS AND BURRAGA TRANSFER STATION OPERATIONS

Confidential Staff Report to the 14 October 2008 Ordinary Meeting
File No. E35.1 & A6.1

- 62. RESOLVED:** That the matter be deferred pending further investigations by the Director of Engineering.

(Sullivan/Hooper)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 30 of 30

ITEM C4 - DE-CORPORATISATION OF NSW COUNCILS

Confidential Staff Report to the 14 October 2008 Ordinary Meeting

File No. A1.4.1

63. **RESOLVED:** That the information be received and noted. (Fitzpatrick/Hooper)

ITEM C5 - VEHICLE LEASING

Confidential Staff Report to the 16 December 2008 Ordinary Meeting

File No. E37.5.2

64. **RESOLVED:** That the matter be deferred pending further investigations.

(Sullivan/Fitzpatrick)

ITEM C6 - INVESTMENTS

Confidential Staff Report to the 16 December 2008 Ordinary Meeting

File No. C17.2.2

65. **RESOLVED:** That the information be received and noted and that a monthly update on the status of council investments be provided by the General Manager.

(Sullivan/Fitzpatrick)

JENOLAN CARAVAN PARK AMENITIES

16 December 2008 Ordinary Meeting

File: PO14.7

66. **RESOLVED:** That tenders for the installation of new amenities at the Jenolan Caravan Park be re-advertised in late January and include an assessment of the potential cost of the development. (McMahon/Doney)

This concluded the business and the meeting rose at 11.42 pm.

Confirmed this _____ day of _____ 2008.

General Manager.

Mayor.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 December 2008, commencing at 5.30pm.

General Manager

Mayor