

OBERON COUNCIL

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Present: The Mayor, Councillor K Sullivan (in the Chair), Councillors M J McMahon, B O'Bernier, I Doney, D Fitzpatrick, N Francis, Z Handelsmann, C L McCarthy, 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 minutes silence was held as a mark of respect for the passing of Rev. John Pearson.

APOLOGIES

Nil

ENERGY EFFICIENCY AWARDS

A presentation of Energy Efficiency Awards and Cheques was made to award recipients by the Mayor.

COUNTRY ENERGY

A presentation was made by Country Energy Regional General Manager, Mr Chas McPhail to the meeting.

QUESTIONS FROM THE PUBLIC

Mr. Neville Kurtz advised that he had observed several outbreaks of St Johns Wart on the side of the roadway on Abercrombie Rd and in the paddock below the Oberon Dam wall. Is there any pressure Oberon Council can apply to Upper Macquarie County Council (UMCC) to do something about these outbreaks?

Deputy Mayor John McMahon (UMCC Delegate) responded to the question and advised that the issue has been raised by Oberon Council Delegates to UMCC and the Weeds Inspector has been requested to address the problem in the Oberon area. The matter will once again be raised in the immediate future.

Councillor O'Bernier advised that State Water is addressing the problem on land controlled by State Water.

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Mr Ian Whalan asked on behalf of Oberon Aged Care Committee why Anne Tucker, CEO of Columbia Homes met with Council and why the Aged Care Committee was not advised of this meeting? Two weeks prior a meeting was held with Mr. Bob Debus and at the time of arranging this meeting Mr. Whalan was advised that the meeting was to be held with Council rather than the Aged Care Committee. What relevance does Council see in the Aged Care Committee?

The Mayor responded advising Mr. Whalan that the assertion was incorrect regarding the meeting arranged with Mr. Bob Debus and that Mr. Debus called the meeting and Mr. Whalan had been invited to attend and advised that he should invite representatives of the Aged Care Committee to attend if he wished. The Mayor also advised that the meeting held with Anne Tucker was not a public meeting as discussion took place at the meeting relating to Commercial in Confidence matters.

Mr Whalan then asked what can the Aged Care Committee do to form a partnership with Council?

The Mayor advised that the Council wishes to continue to work with the Aged Care Committee but some matters must remain Commercial in Confidence. Council acknowledges the efforts of the Aged Care Committee.

Councillor O’Bernier left the chambers at 6.23 pm

Mrs Marjorie Armstrong asked the following questions:

1. Is it Council's intention to cover the swimming pool when building the indoor sports centre? I heard on the radio the Mayor saying this was the case as the plans were drawn and ready to go, the costing has been included with the costs for the new indoor sports centre?

The Mayor responded yes this is correct.

2. Have I missed seeing the plans for the pool covering, they weren't included with the plans for the indoor sports facility when it was on display for the community to view?

The Mayor responded that the Council has had an opportunity to apply for funding for the full project. The submission for funding was required to be completed in 5 days. The plans are conceptual only and the pricing has been obtained from an architect based on buildings of a similar nature currently under construction.

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3. Does Council or the Aged Care Committee have a list of 100 names actually seeking aged care accommodation? If so the names on the list are they aware their names have been used? How was the list compiled?

The Mayor responded advising that there has not been a list issued. The information Council has used is based on statistics showing the current age of residents and predicted number of people who would require aged care. Council has not released the names of local residents at any time.

4. Are all Councillors in possession of a complete copy of all of Council's policies?

The Mayor responded yes.

5. If so are all Councillors aware of their policy on Code of Meeting Practice?

The Mayor responded yes.

6. Have Councillors taken the time to read the Code of Conduct Policy?

The Mayor responded that he believed that all Councillors had read the Code of Conduct Policy and were aware of their responsibilities.

Councillor O'Bernier returned to the chambers at 6.34 pm.

Mrs Margaret Kilby asked that further to her letter to Council on 21 October 2008 titled Questions on Notice she would like to ask if there are existing use rights to operate a chemical business from premises 60 – 62 Scotia Avenue?

The Director of Development, Mr. Ralph Tambasco responded to the question and advised that the premises have existing use rights.

Mrs Kilby then asked were Councillors aware of the chemicals that are stored at this location?

Council advised Mrs. Kilby that staff were not in a position to answer the question.

CONFIRMATION OF MINUTES

1. **RESOLVED:** that the Minutes of the duly convened Ordinary Meeting held on 16 December 2008 be taken as read and confirmed. (McMahon/Fitzpatrick)

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Matters Arising From the Minutes

Councillor Handelsmann requested that the minutes be amended to record her vote against the resolution for Item A2 resolution 7.

DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Councillor McMahon declared an interest in Item A10 of the Staff Report, Councillor McMahon is related to the owner of the property that is the subject of the report.
Councillor Doney declared an interest in Item A10 of the staff report.
Councillor Fitzpatrick declared an interest in Item B10 of the Staff Report.

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Council Meeting 16 December 2008.
2. Meeting with Acting Police Superintendent 20 December 2008.
3. Meeting with Bob Debus regarding Aged Care 8 January 2008.
4. Meeting with Anne Tucker, CEO Columbia Homes 15 January 2009.
5. Meeting with ratepayer regarding Community Radio 18 January 2009.

B. Representation

Council was represented at the following:

1. Oberon Night of Pacing, Bathurst
2. Various radio & media interviews.

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2. **RESOLVED:** That the Mayor be nominated to attend the LGSA Tourism Conference to be held in Kiama on 10 – 12 March 2009 at a cost of \$544.00. (Fitzpatrick/McMahon)

GENERAL MANAGERS REPORT

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

Meetings

Meetings attended during December 2008 include:

1. Meeting with DCS & MCS regarding Care Car & Investments – 1 December 2008
2. Teleconference re Tablelands Way – 2 December 2008.
3. Meet with Pat Bird regarding Oberon Leagues Club – 3 December 2008.
4. Centroc – Wellington – 4 December 2008.
5. Gavin Jeffries – Forests NSW re: Jenolan Forest Toilet facilities – 5 December 2008.
6. Robert Humphries – State Wide re Risk Management – 9 December 2008.
7. Manex – 10 December 2008.
8. HPP Board Meeting – 10 December 2008.
9. Department of Corrective Service MOU Signing – 12 December 2008.
10. Official Opening, Oberon RSL Club Bowling Green – 13 December 2008.
11. Care Car Meeting – 15 December 2008.
12. Ordinary Council Meeting – 16 December 2008.
13. Meet with Aiden Clark re: Jenolan Caravan Park Amenities – 18 December 2008.
14. Business Development Committee Meeting – 18 December 2008.
15. Meeting with Tony Hoolhan – Acting Police Superintendent – 22 December 2008.
16. Meeting with Pat Bird & Ian Kingston re Leagues Club – 23 December 2008.

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STAFF REPORT

ITEM A1 - STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – REPEAL OF CONCURRENCE AND REFERRAL PROVISIONS - 2008
Staff Report to the 20 January 2009 Ordinary Meeting
File No. D52.1

3. **RESOLVED:** That the information be received and noted.
(McCarthy/Handelsmann)

ITEM A2 - AMENDMENTS TO OBERON LOCAL ENVIRONMENTAL PLAN 1998 BY NSW DEPARTMENT OF PLANNING
Staff Report to the 20 January 2009 Ordinary Meeting
File No. D52.1

4. **RESOLVED:** That the information be received and noted.
(McCarthy/McMahon)

ITEM A3 - ROLE OF SYDNEY CATCHMENT AUTHORITY AND THE LOCAL GOVERNMENT REFERENCE PANEL
Staff Report to the 20 January 2009 Ordinary Meeting
File No. D52.9

5. **RESOLVED:** That the information be received and noted.
(Handelsmann/Francis)

ITEM A4 - NSW DEPARTMENT OF PLANNING – PLANNING CIRCULAR PS08-009 – DISCLOSURE OF POLITICAL DONATIONS AND GIFTS (FURTHER INFORMATION)
Staff Report to the 20 January 2009 Ordinary Meeting
File No. D52.1

6. **RESOLVED:** That the information be received and noted.
(Doney/Handelsmann)

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ITEM A5 - DROWNING AT GLENBROOK SWIM CENTRE
Staff Report to the 20 January 2009 Ordinary Meeting
File No. A1.3.1

7. **RESOLVED:** That the information be received and noted.
(Handelsmann/O’Bernier)

ITEM A6 - STEALING INCIDENT AT OBERON POOL COMPLEX
Staff Report to the 20 January 2009 Ordinary Meeting
File No. D55.3.1

8. **RESOLVED:** That the information be received and noted.
(O’Bernier/Fitzpatrick)

ITEM A7 - BASIX SINGLE DWELLING OUTCOMES 2005-08
Staff Report to the 20 January 2009 Ordinary Meeting
File No. D52.1

9. **RESOLVED:** That the information be received and noted.
(Handelsmann/Doney)

ITEM A8 - JENOLAN CARAVAN PARK AMENITIES
Staff Report to the 20 January 2009 Ordinary Meeting
File No. PO14.7

10. **RESOLVED:** That
- a) The matter be raised at a meeting with builders arranged by the EDO to seek the most suitable design and construction material.
 - b) Following discussion with local builders regarding possible alternate construction material, fresh tenders be called for the construction of an Amenities Block at Jenolan Caravan Park.

(McCarthy/Hooper)

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ITEM A9 - UNAUTHORISED BUILDING WORKS

Staff Report to the 20 January 2009 Ordinary Meeting

File No. PR20.275

11. **RESOLVED:** That the matter be referred to Council's legal advisers to determine the appropriate course of action to be taken.
(O'Bernier/Hooper)

Councillor McMahon declared an interest in Item A10 of the Staff Report, Councillor McMahon is related to the owner of the property that is the subject of the report.

Councillor McMahon left the meeting at 6.41 pm.

ITEM A10 - COMPLAINTS CONCERNING USE OF PREMISES

Staff Report to the 20 January 2009 Ordinary Meeting

File No. PO11.59-61

12. **RESOLVED:** That Mr B & Mrs M Kilby and Messrs AR and RH & Mrs LE McMahon be advised that in the circumstances referred to in this report and subject to compliance with the restricted hours of various activities as provided in the Protection of the Environment Operations Act 1997, as amended:
1. No objection is offered to the following uses of land situated at Lots 35 & 36 in DP 2364, Section B, No 59-61 Carrington Avenue, Oberon:
 - a. Mow or slash lawns and grass in daylight hours
 - b. Establish and maintain a small vegetable garden in the north-eastern corner to grow vegetables for personal use during daylight hours
 - c. Store but not repair private motor vehicles in the shed
 - d. Carry out necessary repairs and minor maintenance to the shed qualifying as "exempt development" pursuant to the Council's Development Control Plan 2001 during daylight hours.
 2. Any use of the land found to be in contravention of this decision will result in the appropriate action being taken.
(McCarthy/Hooper)

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

Votes for: Councillors Francis, Doney, Hooper, McCarthy, Fitzpatrick, Sullivan

Votes against: O'Bernier, Handelsmann

Councillor McMahon returned to the chambers at 6.45 pm.

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ITEM A11 - DEVELOPMENT APPLICATION 23/09
Staff Report to the 20 January 2009 Ordinary Meeting
File No. PR22.173

13. **RESOLVED:** That the matter be deferred to the February 2009 Ordinary Meeting following a further site inspection to be carried out by Councillors, the applicants and Mudgee Stone Company.
(O’Bernier/Doney)

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

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

Votes against: Nil

ITEM B1 - POLICY REVIEWS
Staff Report to the 20 January 2009 Ordinary Meeting
File No. A1.2.7

14. **RESOLVED:** That:
1. Public notice of the draft Policy 2209 Financial Assistance (**Attachment B1**) be given for 28 days.
 2. The reference to financial assistance to the Oberon Rugby League Club be retained in the policy until final and legal property settlement occurs.
 3. The draft Policy 2209 Financial Assistance (**Attachment B1**) be made publicly available at the Council Chambers and on Council’s web-site.
 4. Submissions received after the public exhibition period be reviewed prior to adopting the revised policy.

(Fitzpatrick/O’Bernier)

ITEM B2 - 2009 E DIVISION MEETING OF THE SHIRES ASSOCIATION OF NSW
Staff Report to the 20 January 2009 Ordinary Meeting
File No. A1.4.3

15. **RESOLVED:** That the information be received and noted.
(McMahon/O’Bernier)

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ITEM B3 - COUNCILLOR TRAINING IN NATURAL RESOURCE MANAGEMENT

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A1.4.1 and D51.9

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

ITEM B4 - MOUNT VICTORIA – LITHGOW GREAT WESTERN HIGHWAY UPGRADE

Staff Report to the 20 January 2009 Ordinary Meeting

File No. E31.1

17. **RESOLVED:** That the Newnes Plateau route be endorsed as Council's preferred option for the Mt Victoria to Lithgow upgrade.
(Hooper/O'Bernier)

Councillor McCarthy asked that his vote against the motion be recorded.

ITEM B5 - VEHICLE LEASING

Staff Report to the 20 January 2009 Ordinary Meeting

File No. E37.5.1

18. **RESOLVED:** That an allocation of \$3,500 be provided to review Council's light vehicle fleet. (Hooper/Handelsmann)

ITEM B6 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A5.3

19. **RESOLVED:** That an application be submitted to the Regional and Local Community Infrastructure Program to carry out the following projects:
- a) Improvements to the Burruga toilet facilities and installation of an emergency exit in the kitchen area of the Burruga Community Centre - \$25,000.
 - b) Improvements to Black Springs Cemetery - \$15,000.
 - c) Improvements to public toilet facilities in Apex Park, Netball Courts, Miss Wilson Park and Recreation Reserve - \$100,000
 - d) Installation of an adventure playground at The Common area - \$127,000.
- (Hooper/Francis)

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ITEM B7 - GREATER WESTERN AREA HEALTH ADVISORY COUNCIL - VACANCY Staff Report to the 20 January 2009 Ordinary Meeting

File No. A3.6.1

20. **RESOLVED:** That the information be received and noted.
(Hooper/McCarthy)

ITEM B8 - COMMUNITY SAFETY PRECINCT COMMITTEE

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A3.5.1

21. **RESOLVED:** That a letter be written requesting the police advise when the Police Accountability Act was rescinded or changed to enable the police to remove the PACT committee system.
(Hooper/McCarthy)
22. **RESOLVED:** That an invitation be extended to the Bathurst Police Superintendent to attend a future Council Meeting.
(Sullivan/Fitzpatrick)
23. **RESOLVED:** That the Mayor and General Manager of the Oberon Council be appointed to the Community Safety Precinct Committee and expressions of interest be sought from members of the Oberon community including previous Oberon PACT members to nominate their interest in participating on this committee.
(O’Bernier/Hooper)

ITEM B9 - ROAD NAMING

Staff Report to the 20 January 2009 Ordinary Meeting

File No. E31.9

24. **RESOLVED:** That submissions be invited for road names for the new road 2.2 kilometres in length which runs west off Gingkin Road.
(McCarthy/McMahon)

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ITEM B10 - HAZELGROVE PUBLIC SCHOOL RESERVE TRUST COMMITTEE

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A2.23

25. **RESOLVED:** That Mr Graham Whittaker be appointed to the Hazelgrove Public School Reserve Trust Committee.
(McCarthy/O’Bernier)

ITEM B11 - SPORTS FACILITY FLOORING

Staff Report to the 20 January 2009 Ordinary Meeting

File No. E34.9.1

26. **RESOLVED:** That the information be received and noted.
(McCarthy/Handelsmann)

ITEM B12 - OBERON DOG TRAINING CLUB

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A3.1

27. **RESOLVED:** That:
1. An appropriate area of Council land be identified for use by The Oberon Dog Training Club.
 2. The Oberon Dog Training Club be advised that the Council’s insurance company precludes the Council from providing an indemnity to any other party for insurance purposes; therefore insurance cover is unable to be provided.
(McCarthy/McMahon)

ITEM B13 - FRIENDS OF THE OBERON LIBRARY

Staff Report to the 20 January 2009 Ordinary Meeting

File Nos. A2.1, C20.1

28. **RESOLVED:** That the matter be deferred pending the Mayors proposed meeting with representatives of the Friends of the Library Committee.
(Hooper/Sullivan)

Councillor Handelsmann asked that her vote against the motion be recorded.

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ITEM B14 - LIBRARY COMMITTEE

Staff Report to the 20 January 2009 Ordinary Meeting
File No. A2.8

29. **RESOLVED:** That the information be received and noted.
(Doney/McMahon)

ITEM B16 - REQUEST FOR LONG SERVICE LEAVE

Staff Report to the 20 January 2009 Ordinary Meeting
File Nos. Personnel

30. **RESOLVED:** That approval be given for the General Manager to take four weeks long service leave commencing on 6 April 2009 and concluding on 1 May 2009.

(O'Bernier/McMahon)

ITEM B17 - URINATING IN A PUBLIC PLACE

Staff Report to the 20 January 2009 Ordinary Meeting
File Nos. A3.1

31. **RESOLVED:** That:
1. Council staff ensure that the toilet facilities in Miss Wilson Park are appropriately sign posted, and that the facility is open, cleaned and maintained during cricket matches.
 2. The appropriate authorities be notified of the incident that took place at Cunynghame Oval on Saturday 10 January 2009.

(McMahon/Fitzpatrick)
32. **RESOLVED:** That staff investigate the possibility of installing a toilet facility closer to Cunynghame Oval.

(McCarthy/O'Bernier)

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ITEM M1 - BUSINESS DEVELOPMENT COMMITTEE MEETING MINUTES
Staff Report to the 20 January 2009 Ordinary Meeting
File No. A2.18.1

33. RESOLVED: That the information be received and noted.

(O’Bernier/Handelsmann)

Council rose for dinner at 8.21 pm.

The meeting resumed at 8.50 pm.

ITEM B15 - COUNCIL COMMITTEES AND DELEGATES TO EXTERNAL ORGANISATIONS
Staff Report to the 20 January 2009 Ordinary Meeting
File Nos. A2.1

34. RESOLVED: That

1. Councillor O’Bernier withdraws as delegate to the Oberon Promotions Committee.
2. Councillor Handelsmann withdraws as Oberon Business Association delegate to the Oberon Promotions Committee and that the Oberon Business Association be invited to nominate a new delegate to be appointed to the committee.
3. Four Councillors be appointed to the Business Development Committee and that the current schedule of meetings be amended to the last Tuesday of the month commencing at 4.00 pm on a quarterly basis and that the revised meeting schedule commence in March 09.
4. Councillor Sullivan, Fitzpatrick, Handelsmann, O’Bernier be appointed as delegates to the Business Development Committee.
5. A schedule of committee meetings be included in the monthly business paper to enable Councillors to advise their attendance.

(Sullivan/McMahon)

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SUPPLEMENTARY STAFF REPORT

ITEM S1 - COUNCILLOR INFORMATION SEMINARS

Supplementary Staff Report to the 20 January 2009 Ordinary Meeting
File No's. A1.2.3

35. **RESOLVED:** That a letter be written to the Department of Local Government advising the name of Councillors who attended the in-house training provided by Gerry Holmes and that the information from the seminar was provided to all other Councillors and also provide details of other training courses conducted by Gerry Holmes which have been attended previously by Councillors.

(Hooper/McCarthy)

ITEM S2 - LOCAL WATER INQUIRY

Supplementary Staff Report to the 20 January 2009 Ordinary Meeting
File No. E32.1

36. **RESOLVED:** That the information be received and noted. (O'Bernier/McMahon)

PRECIS OF INFORMATION

37. **RESOLVED:** That item P1 to P7 be received and noted. (McCarthy/Hooper)

ITEM P1 - EMPLOYEES' LONG SERVICE LEAVE LIABILITY

Staff Report to the 20 January 2009 Ordinary Meeting
File No. C19.8.1

38. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)
39. **RESOLVED:** That advice be sought from Council's Auditors regarding the recommended Long Service Leave Provision and a further report be provided to Council following receipt of the advice.

(Fitzpatrick/Sullivan)

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ITEM P2 - LEGAL COSTS

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A6.2

40. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

ITEM P3 - BIOBANKING HANDBOOK FOR LOCAL GOVERNMENT

Staff Report to the 20 January 2009 Ordinary Meeting

File No. D51.1

41. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

ITEM P4 - AMALGAMATION OF RURAL LANDS PROTECTION BOARD AUTHORITIES

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A1.1.1

42. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

ITEM P5 - CONDUCT AT COUNCIL MEETING

Staff Report to the 20 January 2009 Ordinary Meeting

File No. A1.2.1

43. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

ITEM P6 - OBERON ANIMAL POUND

Staff Report to the 20 January 2009 Ordinary Meeting

File No. D54.1

44. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

ITEM P7 - STATEMENT OF BANK BALANCES AND INVESTMENTS

Staff Report to the 20 January 2009 Ordinary Meeting

File No. C17.1

45. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

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NOTICES OF MOTION

Nil

INFORMATION BULLETIN

46. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

REPORTS FROM DELEGATES

Nil

BUSINESS WITHOUT NOTICE

Nil

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.*

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CS1. OBERON RUGBY LEAGUE FOOTBALL CLUB

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

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

This matter is classified confidential because it contains information about the purchase of a 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.

ITEM C1 - TENDER FOR WASTE OIL COLLECTION AND REMOVAL

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

(c) 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 C2 - PAYMENTS TO COOPS INTERESTS PTY LTD (WAYNE COOPER)

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

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

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ITEM C3 - SLOGGETTS ROAD DISPUTE

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.

ITEM C4 - TASMAN STREET DEVELOPMENT

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

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

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.

ITEM C5 - 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.

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LAND FOR AGED CARE FACILITY

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

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

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.

47. 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 10.25 pm. There were no members of the public present at this time.

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

(O'Bernier/Hooper)

Open Council resumed at 11.50 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.

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ITEM CS1 - OBERON RUGBY LEAGUE FOOTBALL CLUB
Confidential Supplementary Staff Report to the 20 January 2009 Ordinary Meeting
File No's. PO36.16

49. RESOLVED: That:

- a) The existing informal arrangement between Gibbs Logging and the Junior Rugby League Club in relation to supply of water from the bore on the property owned by Gibbs Logging continue without the need for a formalised registered easement.
- b) That the existing arrangement between the Licensed Rugby Leagues Club and the Junior Rugby Leagues Club remain as is and the canteen facilities be included in the proposed lease arrangement with the new Sporting & Recreation Facility including sporting groups other than Rugby Leagues.
- c) An electrical contractor be engaged to provide advice concerning the separation of electrical services to the various users on the site.
- d) The dressing sheds attached to the existing licensed premises be included within the leased area proposed for the licensed premises and that the maintenance of these facilities be undertaken following a negotiated arrangement between the licensed club and other proposed users.

(McCarthy/Hooper)

ITEM C1 - TENDER FOR WASTE OIL COLLECTION AND REMOVAL
Confidential Staff Report to the 20 January 2009 Ordinary Meeting
File No. E35.4

50. RESOLVED: That in relation to the report Tender T024/2009 – Northern Inland Regional Waste and NetWaste Regional Tender for Collection and Disposal of Used Motor Oil:

1. Reject all tenders as non-conforming; and
 2. Authorise the General Manager to negotiate and execute a contract with Transpacific Industries Group based on their Non-conforming tender.
- (Fitzpatrick/McCarthy)

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ITEM C2 - PAYMENTS TO COOPS INTERESTS PTY LTD (WAYNE COOPER)

Confidential Staff Report to the January 20 2009 Ordinary Meeting

File No. P71.1 and P72.1

51. **RESOLVED:** That the information be received and noted.
(Fitzpatrick/Handelsmann)

ITEM C3 - SLOGGETTS ROAD DISPUTE

Confidential Staff Report to the January 20 2009 Ordinary Meeting

File No. R16, C25.6 and PR16.59

52. **RESOLVED:** That:

1. The action taken be endorsed, and
2. Action be commenced under the Just Acquisition (Just Terms Compensation) Act 1991 to acquire the land for the improvement of the intersection of Sloggetts Road and Abercrombie Road, Oberon.

(McCarthy/Hooper)

ITEM C4 - TASMAN STREET DEVELOPMENT

Confidential Staff Report to the January 20 2009 Ordinary Meeting

File No. E38.8

53. **RESOLVED:** That:

1. The Tasman Street development lots be auctioned by March 2009 with the lower prices submitted being the reserve price.
2. The Development Control Plan for the Cunynghame Estate be extended to include this area pending the review of all Development Control Plans.
3. Quotations be obtained from local agents for marketing and auction of the land.

(Hooper/McMahon)

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ITEM C5 - INVESTMENTS

Confidential Staff Report to the 20 January 2009 Ordinary Meeting
File No. C17.2.2

54. **RESOLVED:** That the information be received and noted. (McCarthy/Hooper)

LAND FOR AGED CARE FACILITY

55. **RESOLVED:** That the General Manager be authorised to enter into discussions with Cunynghame's regarding a staged purchase of the land for the Aged Care Facility and provide a report to the February 2009 Meeting.

(Hooper/Sullivan)

56. **RESOLVED:** That staff be asked to prepare a report on a survey of aged care needs to be carried out in conjunction with a function for seniors during Senior's Week in March 2009 and the Aged Care Committee be invited to participate.

(Hooper/Sullivan)

This concluded the business and the meeting rose at 11.52 pm.

Confirmed this _____ day of _____ 2009.

General Manager.

Mayor.

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General Manager

Mayor