

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 Works Manager, Mr Ian Tucker; 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

APOLOGIES

1. **RESOLVED:** That apologies be received and accepted for the non attendance of the Director of Engineering, Mr Leigh Robins. (O’Bernier/Fitzpatrick)

QUESTIONS FROM THE PUBLIC

Mr. Ray McMahon requested that at the November 2008 Ordinary Meeting the General Manager made a statement in respect to possible contamination to the land at 59 – 61 Carrington Avenue, what evidence did he have to support the statement?

The General Manager replied that he did not recall making the statement. The Mayor advised that if Mr. McMahon required any further information in relation to the matter he should direct this to Council in writing.

Mrs Brenda Lyons asked are the Councillors aware that the Federal Government has announced an additional \$500 million to the previous \$300 million for the Regional and Local Infrastructure Program specifically for sports grounds, swimming pools, community centres and town halls?

All Councillors responded that they are aware of the funding.

Mrs. Lyons presented a survey of the Oberon community in respect to covering the pool and pledged \$1000 of her own money towards the enclosing and heating of the Oberon Swimming Pool.

The Mayor thanked Mrs Lyons for her contribution.

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CONFIRMATION OF MINUTES

2. **RESOLVED:** That the Minutes of the duly convened Ordinary Meeting held on 20 January 2009 be taken as read and confirmed. (Hooper/Francis)

3. **RESOLVED:** That the Minutes of the duly convened Special Meeting held on 5 February 2009 be taken as read and confirmed. (Doney/O’Bernier)

Matters Arising From the Minutes

Nil

DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Councillor McMahon declared an interest in Item A1 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 A1 of the staff report.

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Council Meeting 20 January 2009.
2. Meet with Wayne Cooper 21 January 2009.
3. Meeting with ratepayer 27 January 2009.
4. Site Inspection 29 January 2009.
5. Timber Heritage Walk Committee Meeting 2 February 2009.
6. Meet with Community Representatives regarding Community Radio 3 February 2009.

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7. Burruga P & C Meeting 3 February 2009.
8. Promotions Committee Meeting 5 February 2009.
9. Meeting with Friends of the Oberon Library 5 February 2009.
10. Special Council Meeting 5 February 2009.
11. "E" Division Meeting – Blayney 6 February 2009.

Attendance is anticipated at:

1. Care Car Committee Meeting 13 February 2009.

B. Representation

Council was represented at the following:

1. Dinner with Australia Day Ambassador 25 January 2009
2. Australia Day Celebrations 26 January 2009
3. Oberon Show Girl Competition Cocktail Evening 13 February 2009.
4. Various media interviews throughout the month.

C. Correspondence

Correspondence received included:

1. Letter from NSW Police Force regarding volunteers within Local Emergency Service organisation.
2. Invitation from Charles Sturt University to attend the Inaugural 20th Anniversary Event.
3. Minutes of the Inaugural Meeting of Oberon Branch of Can Assist held on 14 Dec 08.
4. Chifley Local Area Command regarding dates for the new Community Safety Precinct Committee.
 - 30 March 2009 – Bathurst
 - 29 June 2009 – Lithgow
 - 28 September 2009 - Oberon Council
 - 14 December 2009 – Blayney

All meetings to commence at 4.00 pm

5. Letter of thanks from Australia Day Ambassador Don & Helen Hazelwood

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6. The Hon Tony Kelly, Minister for Emergency Services regarding Oberon Council's request to amend the Rural Fires Regulation 2008.
 7. Local Government Procurement – LGP Contracts for Regional Council's.
 8. Invitation to attend the Oberon Show Girl Cocktail Evening.
 9. Invitation to attend the Highlands Steam and Vintage Fair Welcome Dinner.
 10. Local Government Weekly
 11. Invitation to participate in Creating Water Sensitive Cities Events across Australia.
 12. Greenpeace – Energy Revolution, A Sustainable Australia Energy Outlook Report.
4. **RESOLVED:** That Councillor O'Bernier be nominated to attend a meeting with the General Managers from the proposed Water Alliance, those being Mid-Western Regional, Bathurst, Lithgow City and Oberon Councils on Friday 27 February 2009 commencing at 10.00am in Lithgow.

(McMahon/Sullivan)

GENERAL MANAGERS REPORT

Meetings

Meetings attended since my last report include:

1. Meeting with Bob Debus regarding Aged Care Report – 8 January 2009.
2. Discussions with Tony Martin re Investments – 9 January 2009.
3. Meetings with various parties regarding Leagues Club Grounds – 13 January 2009.
4. Meeting with Anne Tucker – Columbia Homes – 15 January 2009.
5. Review Program for Australia Day – 16 January 2009.
6. Meet with Ian Kingston re Leagues Club – 19 January 2009.
7. Meet with John Chapman & Leigh Robins, budget review – 20 January 2009.
8. Discussions with Tony Martin re Investments – 21 January 2009.
9. The Tablelands Way Project Management Committee Meeting – 22 January 2009.

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10. Dinner with Australia Day Ambassador and Award Recipients – 25 January 2009.
 11. Australia Day Celebrations – 26 January 2009.
 12. CTA Meeting Mudgee – 30 January 2009.
 13. Meet with Pat Bird – 2 February 2009.
 14. Meet with Rotary re Wishing Well at The Common – 3 February 2009.
 15. Library Committee Meeting – 3 February 2009.
 16. Meeting with Wayne Cooper & the Mayor regarding Festival – 4 February 2009.
 17. GMAC Orange – 5 February 2009.
 18. Meeting with Friends of the Oberon Library – 5 February 2009.
 19. Special Council Meeting – Forward Planning – 5 February 2009.
 20. “E” Division Conference Blayney – 6 February 2009.
 21. Meet with AusIndustry re Tablelands Way - 9 February 2009.
 22. Fish River Water Supply Meeting – 10 February 2009.
5. **RESOLVED:** That staff be asked to investigate the cost of installing microphones in the Council Chambers and purchasing.
- (O’Bernier/Doney)
6. **RESOLVED:** That a date be selected to carry out the General Managers Performance Review on a Tuesday at 5.30 pm to be determined in consultation with Christian Morris.
- (Doney/Fitzpatrick)
7. **RESOLVED:** That Police Superintendent Mr. Michael Goodwin and Deputy Inspector Mr. Lance McFawn be invited to address Council.

Superintendent Goodwin provided a summary of the Police Departments Community Safety Precinct Committee and outlined the reasons for replacing the former PACT committee with the new model.

Meetings of the CSPC will be held quarterly rotating to each area in the Chifley Area Command. The next meeting will be held in Bathurst on 30 March 2009 commencing at 4.00pm. Superintendent Goodwin also provided information regarding rostering at

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the Oberon Police Station.

8. **RESOLVED:** That Mr. Wayne Cooper be invited to provide a presentation to Council outlining the activities and promotion of the Summer Festival.

STAFF REPORT

Councillors McMahon & Doney declared an interest in this item.

ITEM A1 - LEGAL FEES

Staff Report to the 17 February 2009 Ordinary Meeting
File No. A6.2

9. **RESOLVED:** That the information be received and noted. (McCarthy/Sullivan)

Councillors McMahon and Doney were not required to leave the room as discussion did not take place in relation to the item.

ITEM A2- MODIFICATION APPLICATION 72/09 – 18 LOT RESIDENTIAL SUBDIVISION FOR OBERON COUNCIL

Staff Report to the 17 February 2009 Ordinary Meeting
File No. C16.1

10. **RESOLVED:** That Modification Application 72/09 for a proposed 18 Lot residential subdivision of Lots 1 and 2 in DP 1068573, and Lot 1 in DP 1126275, 16-28 Tasman Street, Oberon be approved subject to the modifications to the conditions of the original Development Application (DA 116/08) as proposed in the report prepared by Planning Ingenuity Pty Ltd – Consultant Town Planners, dated 20 January 2009.

(McCarthy/Handelsmann)

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, Hooper, McCarthy, Fitzpatrick,
Sullivan, O’Bernier, Handelsmann

Votes against: Nil

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ITEM A3 - DEVELOPMENT APPLICATION 23/09
Staff Report to the 17 February 2009 Ordinary Meeting
File No. PR22.173

11. RESOLVED: That

1. Development Application 23/09 to construct a dwelling on Site 3 on Lot 12 in DP 603429, 173 Titania Road, Oberon be refused until such time as the proponents can provide to Council the following:-
 - a) An independent noise assessment prepared by an approved Acoustic Consultant, identifying the appropriate noise contour in relation to proposed Site 3, and
 - b) Architectural plans of a proposed future dwelling showing noise attenuation construction methods.
 - c) Documentary evidence that all other outstanding issues as identified in Staff Report A3 to Council's 17 February 2009 Ordinary Meeting have been addressed by the proponents to the satisfaction of Development Department staff.
2. If the proponents resubmit a Development Application within 12 months of the date of refusal of Development Application 23/09, that all appropriate Development Application Fees be waived.

(Sullivan/McMahon)

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, O'Bernier & McMahon

Votes against: Handelsmann

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ITEM B1 - O'CONNELL REST AREA

Staff Report to the 17 February 2008 Ordinary Meeting
File No. R253.2

Moved and Seconded:

That all bins be removed from the O'Connell Rest Area and appropriate signs installed, with similar measures to be taken at Flat Rock if necessary.

(O'Bernier/McCarthy)

The motion was put and lost.

ITEM B2 - WORKS COMMITTEE

Staff Report to the 17 February 2008 Ordinary Meeting
File No. A2.3

12. **RESOLVED:** That a Works Committee Meeting and inspection be arranged for Monday 9th March 2009 commencing at 9.00 am.

(Fitzpatrick/Sullivan)

ITEM B3 - POLICY REVIEWS

Staff Report to the 17 February 2008 Ordinary Meeting
File No. A1.2.7

13. **RESOLVED:**

1. That Policy Number 1111 – Annual Fees be adopted as presented in **Attachment B3a.**
2. That Policy Number 4401 – Water Restrictions be adopted as presented in **Attachment B3b.**

(Handelsmann/Hooper)

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ITEM B4 - 2009/14 MANAGEMENT PLAN

Staff Report to the 17 February 2009 Ordinary Meeting
File No. C15.4 and C15.5

14. **RESOLVED:** That the schedule outlined above be adopted for consideration of the 2009-2014 Management Plan.

(O’Bernier/McMahon)

ITEM B5 - HUME STREET TREE

Staff Report to the 17 February 2008 Ordinary Meeting
File No. E34.10

15. **RESOLVED:** That no action be taken to remove the eucalyptus tree in Hume Street behind 24 Bligh Street and that staff be requested to monitor the trees condition on an annual basis.

(McMahon/Handelsmann)

16. **RESOLVED:** That Item B6, B11 and B13 be brought forward and dealt with at this point in time.

(Doney/O’Bernier)

ITEM B6 - BURRAGA SCHOOL

Staff Report to the 17 February 2008 Ordinary Meeting
File No. A3.3 & PR238.44-66

17. **RESOLVED:** That a donation of \$200 be provided to the Burraga P & C Association to assist with facilitating the program to integrate pupils with other local schools.

(Doney/Fitzpatrick)

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ITEM B11 - VICTORIA FIRES

**Staff Report to the 17 February 2008 Ordinary Meeting
File No. A3.3**

18. **RESOLVED:** That a donation of \$1000 be provided to the Victorian Bush Fire Appeal.

(Doney/Fitzpatrick)

ITEM B13 - INDUSTRY LINKS PROGRAM

**Staff Report to the 17 February 2009 Ordinary Meeting
File No. A3.2**

19. **RESOLVED:** That a donation of \$500 be provided to the Industry Links Program.

(Doney/Fitzpatrick)

ITEM B7 - BOSWORTH FALLS ROAD

**Staff Report to the 17 February 2008 Ordinary Meeting
File No. R6**

20. **RESOLVED:** That the request to install a gate across Bosworth Falls Road be declined.

(Doney/Handelsmann)

ITEM B8 - QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2008

**Staff Report to the 17 February 2009 Ordinary Meeting
File No. C15.3**

21. **RESOLVED:** That the Quarter 2 Budget Review Statements for 2008/2009 be received and noted.

(Fitzpatrick/McMahon)

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ITEM B9 - REVIEW OF MANAGEMENT PLAN – QUARTER 2, 2008/09
Staff Report to the 17 February 2009 Ordinary Meeting
File No. C15.5

22. **RESOLVED:** That the Quarter 2 Management Plan review for 2008/2009 be received and noted.

(McMahon/O’Bernier)

ITEM B10 - 2008/09 ROADS CAPITAL WORKS
Staff Report to the 17 February 2008 Ordinary Meeting
File No. E31.1

23. **RESOLVED:** That the General Manager and staff propose prioritised actions for the period March 2009 to June 2012 as per the recommendation in Cash Assets outlined in Item B1 from the Forward Planning Meeting held on 5 February 2009.

(Fitzpatrick/Sullivan)

24. **RESOLVED:** That a report be provided to Council regarding the road works that will be completed by June 2009 and priorities assigned.

(O’Bernier/Sullivan)

ITEM B12 - WASTEWATER (SEWERAGE) PRICING
Staff Report to the 17 February 2009 Ordinary Meeting
File No. E33.1

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

(McMahon/Fitzpatrick)

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ITEM B14 - UNDERSTANDING SUSTAINABILITY FOR COUNCILLORS

Staff Report to the 17 February 2009 Ordinary Meeting

File No. A1.3.3

26. **RESOLVED:** That a letter be written to the LGSA requesting tailored training for Councillors to be conducted on suitable weekends in Oberon.

(Doney/Sullivan)

27. **RESOLVED:** That The Mayor and Councillor Handelsmann be nominated to attend the Sustainability for Councillors training to be held on 6 March 2009.

(Doney/Hooper)

ITEM B15 - COUNCILLOR INFORMATION SEMINARS

Staff Report to the 17 February 2009 Ordinary Meeting

File No. A1.3.3

28. **RESOLVED:** That a letter be written to the Department of Local Government in respect to Councillor Information Seminar advising more suitable locations and times are required to enable Councillors who wish to attend and also that the courses conducted by LGSA be accredited.

(Sullivan/McCarthy)

29. **RESOLVED:** That Items M4 & M6 be bought forward and dealt with at this point in time.

(Doney/Handelsmann)

ITEM M4 - HERITAGE COMMITTEE MEETING MINUTES

Staff Report to the 17 February 2009 Ordinary Meeting

File No. A2.22

Moved and Seconded: That:

1. In relation to the establishment of geographical boundaries for the Urban Conservation Area at O'Connell:

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- a) staff investigate the effect of the difference between a radius of 800 metres and 900 metres,
- b) five groups of buildings be included, and
- c) property boundaries and buildings of influence be identified.

(Doney/Handelsmann)

The motion was put and lost.

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

Votes for: Councillors Doney and Handelsmann
Votes against: Councillors Francis, McMahan, Hooper, McCarthy, Fitzpatrick, Sullivan and O’Bernier

- 30. RESOLVED:** The above matters be referred to the planning consultant and be considered as part of the Land Use Strategy and new Local Environmental Plan.

(Sullivan/McMahon)

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

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

- 31. RESOLVED:** A formal letter be forwarded to John and Marilyn Baxter in appreciation of their hospitality in hosting the meeting of the Heritage Committee held on 2 February 2009.

(Hooper/Doney)

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ITEM M6 - LIBRARY COMMITTEE MEETING MINUTES
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A2.8

32. RESOLVED: That:

1. The Director of Corporate Services' report on the "Review of Oberon Library Operations" be adopted.
2. Upon the incorporation of The Friends of Oberon Library, Council release the funds held in trust on behalf of the Friends.
3. The Library Committee be retained as provided in the 2008/2009 Management Plan, and
4. Ms Jill Evans be appointed to the Library Committee.

(Handelsmann/O'Bernier)

ITEM B16 - WATER REFORMS IN NSW
Staff Report to the 17 February 2009 Ordinary Meeting
File No. E32.1

33. RESOLVED: That no action be taken in relation to this item. (O'Bernier/Hooper)

ITEM B17 - ENTERPRISE RISK MANAGEMENT PROGRAM
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A1.1.2

34. RESOLVED: That a Special meeting be held on Tuesday 24th February 2009 commencing at 5.30 pm to receive a presentation from Echelon Australia Pty Ltd in relation to their proposal to conduct a diagnostic review.

(Hooper/Handelsmann)

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ITEM M1 - TRAFFIC ADVISORY LOCAL COMMITTEE MEETING MINUTES
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A2.2

35. RESOLVED: That

1. Large T-Junction warning signs be erected on the Butterfactory Lane approach to Edith Road as well as at both ends of Titania Road.
2. The following roads be approved for use by 19 metre B-Doubles exceeding 50 tonnes gross mass:
 - Isabella Rd, from Blue Rd to Abercrombie Rd
 - Abercrombie Rd, from Isabella Rd to O'Connell Rd
 - Mt Werong Rd, from Banshea Rd to Shooters Hill Rd
 - Shooters Hill Rd, from Mt Werong Rd to Butterfactory Lane
 - Butterfactory Lane, from Shooters Hill Rd to Edith Rd
 - Edith Rd, from Butterfactory Lane to Titania Rd
 - Titania Rd, from Edith Rd to Duckmaloi Rd
3. Abercrombie Rd, from O'Connell Rd to Paling Yards (No 7056) be approved for use by 25 metre B-Doubles.
4. The following roads be approved for use by 25 metre B-Doubles:
 - Albion St, from Endeavour St to Duckmaloi Rd
 - Titania Rd, from Duckmaloi Rd to Edith Rd
 - Edith Rd, from Titania Rd to "Lochgarry" (No 1233)

(McMahon/Handelsmann)

Moved and Seconded: That the cul-de-sac in O'Connell Rd south of Carrington Avenue be installed for a trial period.

The motion was put and lost.

- 36. RESOLVED:** That the proposed alterations to the intersections of Curtis St/Dudley St and Curtis St/Raleigh St be referred to the budget estimates for 2009/10.

(McMahon/Handelsmann)

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37. **RESOLVED:** That Council reconsider whether it should rejoin the Road Safety Officer program and that Councillor Handelsmann be asked to provide a presentation to Council.

(McMahon/Handelsmann)

38. **RESOLVED:** That Council again write to the RTA requesting an on-site inspection at The Mount, with a view to developing a strategy to improve it.

(McMahon/Handelsmann)

Council rose for dinner at 8.54 pm.

The meeting resumed at 9.23 pm.

ITEM M2 - PROMOTIONS COMMITTEE MEETING MINUTES

Staff Report to the 17 February 2009 Ordinary Meeting

File No. A2.17

39. **RESOLVED:** That it be noted that the first draft of the Oberon Tourism Strategy 2009-2014 has been prepared and the process of consultation is in progress.

(O'Bernier/Sullivan)

ITEM M3 - EVENTS COMMITTEE MEETING MINUTES

Staff Report to the 17 February 2009 Ordinary Meeting

File No. A2.5

40. **RESOLVED:** That it be noted that the Events Committee endorses the creative work done for the Oberon and Villages Summer Festival.

(O'Bernier/Sullivan)

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ITEM M5 - TIMBER HERITAGE WALK COMMITTEE MEETING MINUTES
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A2.27

41. **RESOLVED:** That:

- a) Staff be authorised to carry out a site assessment of the site proposed for the Timber Heritage Walk Interpretive Centre, which would include things such as levels, drainage characteristics and other features, together with a possible indication of site costs as and when convenient.
- b) Staff investigate a possible alternative location for the Interpretive Centre, such as at the top end of the site, due to the environmental constraints.
- c) Site information / site analysis be collected and a concept plan be prepared which will form the basis of a grant application to undertake research and inventory works.
- d) The Grants Officer be asked to evaluate funding opportunities for research information into the history of the Timber Industry in Oberon.

(Hooper/Sullivan)

PRECIS OF INFORMATION

42. **RESOLVED:** That items P1 – P12 be received and noted. (O’Bernier/Doney)

ITEM P1 - EFFLUENT RE-USE
Staff Report to the 17 February 2008 Ordinary Meeting
File No. E33.7

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

ITEM P2 - OBERON SWIMMING POOL
Staff Report to the 17 February 2009 Ordinary Meeting
File No. D55.3.1

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

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45. **RESOLVED:** That Sue McGregor be requested to attend the Special Council Meeting on 24 February 2009 to present the concept plans for a Multi-purpose Community Centre.

(Doney/O’Bernier)

ITEM P3 - COMMUNITY RADIO STATION PROPOSAL
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A3.1

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

ITEM P4 - ELECTORAL COMMISSION NSW
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A7.1

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

ITEM P5 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM
Staff Report to the 17 February 2009 Ordinary Meeting
File No. E34.9.1

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

ITEM P6 - AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT STEERING COMMITTEE
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A1.4.1

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

ITEM P7 - AUSTRALIA DAY CELEBRATION
Staff Report to the 17 February 2009 Ordinary Meeting
File No. P72.3

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

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51. **RESOLVED:** That a letter be written to staff involved in organising the Australia Day Celebrations thanking them for their work.

(McCarthy/Fitzpatrick)

ITEM P8 - SPECIAL COUNCIL OF AUSTRALIAN GOVERNMENTS MEETING
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A1.1

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

ITEM P9 - OBERON LIBRARY
Staff Report to the 17 February 2009 Ordinary Meeting
File No. C20.1

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

54. **RESOLVED:** That a report be provided to Council on the usage of computers in the Library and the CTC.

(Hooper/Doney)

ITEM P10 - COUNCIL MEETINGS
Staff Report to the 17 February 2009 Ordinary Meeting
File No. A2.1

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

ITEM P11 - OBERON ANIMAL POUND
Staff Report to the 17 February 2009 Ordinary Meeting
File No. D54.1

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

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ITEM P12 - STATEMENT OF BANK BALANCES AND INVESTMENTS
Staff Report to the 17 February 2009 Ordinary Meeting
File No. C17.1

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

NOTICES OF MOTION

Nil

INFORMATION BULLETIN

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

(O’Bernier/Fitzpatrick)

SUPPLEMENTARY STAFF REPORT

ITEM S1 - NSW HOUSING CODE
Supplementary Staff Report to the 17 February 2009 Ordinary Meeting
File No. D52.1

59. **RESOLVED:**

1. That a flyer to residents within the local government area be prepared and distributed by staff outlining the changes to Council’s Exempt Development Policy as a result of the new State Environmental Planning Policy concerning the Exempt and Complying Development Housing Code and that the changes be advertised in the Oberon Review.
2. Further that Council write to the Department of Planning pointing out that the new Exempt Development Section of the Housing Code creates a dis-service to the Oberon residents.

(McCarthy/Hooper)

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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.*

C1 - 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.

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C2 - 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.

C3 - 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.

C4 - PROPOSED ACQUISITION OF OBERON RUGBY LEAGUES GROUNDS AND LICENSED PREMISES

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.

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60. 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 10.15 pm. There were no members of the public present at this time.

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

(O'Bernier/McMahon)

Open Council resumed at 10.54 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.

ITEM C1 - LAND FOR AGED CARE FACILITY

Confidential Staff Report to the 17 February 2009 Ordinary Meeting

File No. C22.4

- 62. RESOLVED:** That an option to purchase the land from N & G Cunynghame on the corner of Albion Street and Tarana Road for the proposed development of a nursing home facility be authorised on the basis of a 20% deposit being paid in advance and the residue of the funds being payable upon the completion of a three lot subdivision being registered within 12 months of entering into the contract for sale.

(McCarthy/O'Bernier)

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ITEM C2 - TASMAN STREET DEVELOPMENT

Confidential Staff Report to the 17 February 2009 Ordinary Meeting

File No. E38.8

63. **RESOLVED:** That Oberon First National be engaged to market and auction the lots in the Tasman Street development.

(Handelsmann/McMahon)

ITEM C3 - INVESTMENTS

Confidential Staff Report to the 17 February 2009 Ordinary Meeting

File No. C17.2.2

64. **RESOLVED:** In respect to the actions taken concerning the investment with LGFS the Council's Solicitors be instructed to prepare a Draft Statement of Claim to be forwarded to Deacon's Solicitors, acting on behalf of LGFS, to afford them the opportunity to negotiate a settlement of this matter prior to filing the claim in the court.

(Sullivan/McMahon)

65. **RESOLVED:** In respect to the investments with Lehman Brothers the Council's Solicitors be instructed to finalise Council's Statement of Claim and lodge the formal Proof of Debt with the administrators, PBB, so as to give the Council voting power at the next creditors meeting.

(Hooper/Handelsmann)

66. **RESOLVED:** That no action be taken to be represented in the U.S. regarding legal proceedings between Lehman Brothers and Zircon Finance Ltd on the understanding that if the Zircon defence is successful the benefit will (or should) flow directly through to Oberon Council.

(O'Bernier/Handelsmann)

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ITEM C4 - PROPOSED ACQUISITION OF OBERON RUGBY LEAGUES GROUNDS AND LICENSED PREMISES

Staff Report to the 11 November 2008 Ordinary Meeting

File No. PO36.16

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

GENERAL BUSINESS

68. **RESOLVED:** That a report be provided to the next Council meeting regarding funding for the Back Creek Fire Shed Training facilities.

(Hooper/McCarthy)

69. **RESOLVED:** That staff provide a report to Council regarding the toilet facilities in the park at Burruga or an alternative site.

(McCarthy/Hooper)

70. **RESOLVED:** That at an appropriate time the Rural Fire Service be requested to carry out a controlled burn at the Water Treatment Plant Reserve.
(McMahon/Fitzpatrick)

This concluded the business and the meeting rose at 11.15 pm.

Confirmed this _____ day of _____ 2009.

General Manager.

Mayor.

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General Manager

Mayor