

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.

APOLOGIES

Nil

QUESTIONS FROM THE PUBLIC

Mrs Jill Evans asked could the Mayor clarify two statements made by him in last week's edition of the Oberon Review.

1. You stated your concern that the cost of providing a co-located library/community centre appears to be possibly two to three times higher than other stand alone options or alternative means of providing required services. The main basis for considering co-location is that it reduces building and operating costs. What are the other options you speak of and what do you base your figures on?

The Mayor responded that the matter would be dealt with by Council and if Mrs. Evans had further concerns could she put them in writing to Council.

2. You ask for costs and comparisons against alternative locations, alternative solutions, equity in hierarchy of need and funding options. Council's Social and Community Plan emphasised the need for this type of facility, the Planning for the Future report recommended a Multi-purpose Community Centre co-located with the library and the working party investigated alternate sites and concluded the library was the site most suitable. Grants cannot be applied for until the Council settles on a site and a design concept. How is this not due process, and what more information can the community provide to Councillors to assist them to make a decision?

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The Mayor responded advising that Councillors had to follow a process when making decisions of this nature and that the matter would be considered soon. A date for discussion would be determined tonight.

Ms. Pamela Warren asked in relation to the proposed Community Centre, this issue is of major importance. The community has already voiced its approval of both site and plan, and now requests is it possible for all Councillors to now act on our behalf, commencing with a positive decision, without further delay.

The Mayor responded advising that a decision will be made in the near future following appropriate consideration of the matter.

Ms. Lyndle Hawkes addressed a question to the Mayor. The library lacks a staff room, kitchen, and a meeting room and exhibition space. What is your objection to the library sharing these facilities with a community centre which would reduce the cost of providing them separately to each facility?

The Mayor responded that a decision has not yet been taken by Council and the matter would be dealt with by Council in due course.

CONFIRMATION OF MINUTES

1. **RESOLVED:** that the Minutes of the duly convened Ordinary Meeting held on 17 February 2009 be taken as read and confirmed. (O’Bernier/Doney)
2. **RESOLVED:** that the Minutes of the duly convened Special Meeting held on 24 February 2009 be taken as read and confirmed. (Hooper/Doney)

Matters Arising From the Minutes

Item M4 Minute 30 – Heritage Committee Minutes should be amended to read: *The above matters be considered in conjunction with the Land Use Strategy and the new Local Environmental Plan.*

BUSINESS WITHOUT NOTICE:

3. **RESOLVED:** That the requirements of Councillors in respect to declaration of interest be clarified verbally by the General Manager at this point in time.

(O’Bernier/McCarthy)

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DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Nil

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Care Car Committee Meeting 13 February 2009.
2. Meeting with local builders 13 February 2009.
3. Council Meeting 17 February 2009.
4. Meeting with Aged Care Committee re Aged Care Survey 19 February 2009.
5. Special Council Meeting 24 February 2009.
6. Economic Development Unit Meeting 25 February 2009.
7. Centroc Board Meeting, Young 26 February 2009.
8. Water Reform Meeting, Lithgow 27 February 2009.
9. Sustainability Conference Sydney 6 March 2009.
10. Works Committee Meeting 9 March 2009.
11. LGSA Tourism Conference 10 – 12 March 2009.

B. Representation

Council was represented at the following:

1. Oberon Miss Show Girl Dinner 13 February 2009.
2. Community BBQ at the Common for Oberon & Villages Sumer Festival – 20 February 2009.
3. Official opening of the Oberon Show 21 February 2009.
4. Oberon High School Assembly 2 March 2009.

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C. Correspondence

Correspondence received included:

1. From Minister Phillip Costa MP regarding the \$85 million "Building the Country package.

4. **RESOLVED:** That a response be sent to a letter from the Local Government Superannuation Scheme expressing the opinion that the LGSS lost money by investing in the LGFS and that individual councils should not be penalised by the LGSS for poor investments and this matter be included in the submission to the Federal Government.

(Hooper/McCarthy)

5. **RESOLVED:** That the proposed Planning Template for new infrastructure development be discussed at a Special Meeting and that staff evaluate the template.

(McMahon/Hooper)

D. Other – Council Provision of Social Infrastructure

6. **RESOLVED:** That staff be asked to report on the following items in relation to the provision of social infrastructure for consideration at the first estimates meeting.

1. Obtain details of all possible grants and the contribution required by Council to be successful.
2. Assess the available funding by Council from existing and future finances.
3. The feasibility of loans and possible contribution required of the community.
4. The feasibility of scaling down the projects to make them more affordable. For example, Council should ensure that the library can be expanded as required without being held up awaiting a grant for the total MPCC project. Perhaps this could be done by amending the plans so that it can be developed in stages.
5. Alternative options for providing these facilities.

(Hooper/McMahon)

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7. **RESOLVED:** That staff be requested to evaluate possible infrastructure required in the other village areas and invite the general public to make submissions prior to the estimates meeting.

(Hooper/Doney)

8. **RESOLVED:** That consideration be given to alternative methods of providing the services that are currently provided via the strategic alliance.

(Hooper/Sullivan)

GENERAL MANAGERS REPORT

The General Manager's activities for the month of February 2009 are as follows:

Meetings

Meetings attended since my last report include:

1. Meeting with Aged Care Committee representatives regarding Aged Care Survey and Seniors Week – 11 February 2009.
2. Care Car Committee Meeting – 13 February 2009.
3. Meeting with local builders – 13 February 2009.
4. Meeting with staff regarding Regional and Local Community Infrastructure Grant Application – 17 February 2009.
5. Ordinary Council Meeting – 17 February 2009.
6. The Tablelands Way Project Management Committee Meeting – Oberon 19 February 2009.
7. Meeting with Aged Care Committee representatives regarding further arrangements for Seniors Week – 19 February 2009.
8. Special Council Meeting – presentation from Echelon & Sue McGregor 24 February 2009.
9. Meeting with Bird Legal – 25 February 2009.
10. Centroc Board Meeting – Young – 26 February 2009.
11. Water Reform Meeting – Lithgow – 27 February 2009.

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12. Discussions with Architect Stephen Johansson regarding revised site plan for Multi-Purpose Sports Centre and cover over Oberon Pool – 2 March 2009.
13. Workshop, John King re Tourism – 4 March 2009.
14. Meeting with real estate agent regarding Tasman Street Auction – 5 March 2009.
15. Meeting in Sydney regarding The Tablelands Way – 6 March 2009.
16. Works Committee Meeting – 9 March 2009.

STAFF REPORT

ITEM A1 - STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

Staff Report to the 17 March 2009 Ordinary Meeting
File No. D52.1

9. **RESOLVED:** That staff make an application to the Minister for Planning for the following local exclusions to the Complying Development section of the Codes SEPP:
 - i.) All properties located within the 750 metre “buffer” of the Oberon Timber Complex (OTC).
 - ii.) All properties located within the 500 metre “buffer” distance from extractive industry (as defined in the Standard LEP).
 - iii.) All properties located within the 500 metre “buffer” distance from the Oberon Sanitary Landfill Depot.
 - iv.) All properties located within the 400 metre “buffer” distance from the Oberon Sewerage Treatment Plant.

(Doney/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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- 10. RESOLVED:** That a letter be written to the Department of Planning advising that the smaller sizes for exempt developments are not workable in rural areas and further consultation with rural councils is required.

(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, McMahon, Doney, Hooper, McCarthy, Fitzpatrick, Sullivan and O’Bernier

Votes against: Councillor Handelsmann

ITEM A2 - DRAFT LAND USE ISSUES PAPER (VERSION 4)

Staff Report to the 17 March 2009 Ordinary Meeting

File No. D52.2.5

- 11. RESOLVED:** That the “Review of Public Comments Draft Land Use Issues Paper” document be received and noted and to require amendment by Council prior to exhibition.

(Hooper/Sullivan)

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

- 12. RESOLVED:** That the consultant be asked to provide an explanation to Council for the delays in delivering the Issues Paper. (McCarthy/O’Bernier)

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

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

Votes against: Councillor Doney & Handelsmann

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13. **RESOLVED:** That a revised Version 4 of the Land Use Issues Paper be re-exhibited with the Land Use Strategy concurrently when endorsed by Council.

(Hooper/McCarthy)

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

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

Votes against: Councillor Doney & Handelsmann

ITEM A3 - COMBINED DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE FEES

Staff Report to the 17 March 2009 Ordinary Meeting

File No. D55.6

14. **RESOLVED:** That the following fee structure be adopted for Combined Development and Construction Certificate Applications in the 2009/2010 Management Plan:

(a) For works up to a value of \$5,000:	
▪ Development Application fee	\$ 50
▪ Construction Certificate fee	\$100
▪ Compliance Certificates (Inspections)	\$100
Total	\$250
(b) For works having a value of between \$5,001 to \$12,000:	
▪ Development Application fee	\$100
▪ Construction Certificate fee	\$100
▪ Compliance Certificates (Inspections)	\$200
Total	\$400

(McMahon/McCarthy)

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 and O’Bernier

Votes against: Councillor Handelsmann

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ITEM A4 - DEVELOPMENT CONTROL PLAN 2001 – PART P CUNYNGHAME PARK ESTATE 2

Staff Report to the 17 March 2009 Ordinary Meeting

File No.

15. **RESOLVED:** That Development Control Plan 2001 – Part P – Cunynghame Park Estate 2 be adopted by Council in the format presented in **Attachment A4**.

(Doney/Fitzpatrick)

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

ITEM B1 - POLICY REVIEWS

Staff Report to the 17 March 2008 Ordinary Meeting

File No. A1.2.7

16. **RESOLVED:** That:

1. Policy Number 2118 – Smoke Free Workplace be adopted as presented in **Attachment B1a**.

2. Policy Number 2119 – Drugs and Alcohol be adopted as presented in **Attachment B1b**.

(O’Bernier/Doney)

ITEM B2 - NOMINATION FOR APPOINTMENT TO THE EVENTS COMMITTEE – JOHN BROTCHE

Staff Report to the March 17 2009 Ordinary Meeting

File A2.5

17. **RESOLVED:** That Mr John Brotschie be appointed to the Event Committee.

(McCarthy/Handelsmann)

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ITEM B3 - AMENDMENT TO FEES AND CHARGES SCHEDULE – SWIMMING LESSONS

Staff Report to the March 17 2009 Ordinary Meeting

File D55.3.1

18. **RESOLVED:** That the following fees be adopted and charged for the 2008/09 financial year:

Swimming Lessons

- 10 day 30 minute shared Private Lesson
\$205.00
- 10 day 30 minute shared Private Lesson, with season pass
\$155.00
- 10 day Squad/Lifeguarding/Water Safety Program (min of 6)
 - 1 hr duration, with season pass

First Child	\$65.00
Second Child	\$58.00
Third Child	\$48.00

(O’Bernier/Handelsmann)

ITEM B4 - POLICY REVIEWS

Staff Report to the March 17 2009 Ordinary Meeting

File A1.2.7

19. **RESOLVED:** That Council adopt draft Policy 2209 Financial Assistance as advertised.

(O’Bernier/Doney)

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20. **RESOLVED:** That Item B5 & B7 of the staff report be dealt with concurrently at this point in time.

(Sullivan/O’Bernier)

ITEM B5 - FORMER EVANS SHIRE BUSHFIRE TRUST MONIES
Staff Report to the 17 March 2009 Ordinary Meeting
File No. F90.1

ITEM B7 - BUSH FIRE SHED FUNDING
Staff Report to the 17 March 2009 Ordinary Meeting
File No. F90.6

Moved and Seconded: That Council evaluates the means of providing funding for the Back Creek Fire Brigade including the transfer of the \$970.63 held in trust from Evans Shire Council Bushfire Donations and Insurance Contributions.

(Sullivan/O’Bernier)

Amendment Moved and Seconded: That the funds be held in trust for the Burruga Fire Brigade and that the Back Creek Fire Brigade be advised that no additional funds for shed extensions are available. (Hooper/Fitzpatrick)

The amendment was put and won, the amendment became the motion.

21. **RESOLVED:** That the funds be held in trust for the Burruga Fire Brigade and that the Back Creek Fire Brigade be advised that no additional funds for shed extensions are available.

(Hooper/Fitzpatrick)

ITEM B6 - COUNCIL CHAMBERS AUDIO EQUIPMENT
Staff Report to the 17 March 2009 Ordinary Meeting
File No. D55.2

22. **RESOLVED:** That the quotation of \$3,960 for the supply and installation of 12 wired microphones, amplifier and speakers for the Council Chambers be accepted including the addition of a microphone for the public.

(O’Bernier/Handelsmann)

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ITEM B8 - PLANT REPLACEMENT

Staff Report to the 17 March 2009 Ordinary Meeting

File No. E37.3

23. **RESOLVED:** That plant replacement not be deferred for a 12 month period.

(Hooper/McCarthy)

Councillors Sullivan, Fitzpatrick & Handelsmann asked that their vote against the motion be recorded.

24. **RESOLVED:** That Councillor's reasons for voting for or against a motion not be recorded.

(Hooper/McMahon)

25. **RESOLVED:** That items B10 & P1 be moved forward and dealt with at this point in time.

(Handelsmann/Doney)

ITEM B10 - NSW POLICE DEPARTMENTS COMMUNITY SAFETY PRECINCT COMMITTEE

Staff Report to the 17 March 2009 Ordinary Meeting

File No. A3.5.1

26. **RESOLVED:** No action be taken in relation to this item.

(O'Bernier/Hooper)

ITEM P1 - COMPUTER USAGE – OBERON LIBRARY AND COMMUNITY TECHNOLOGY CENTRE

Staff Report to the 17 March 2009 Ordinary Meeting

File No's. A3.9, C20.1

27. **RESOLVED:** That the information be received and noted. (Hooper/Sullivan)

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Council rose for dinner at 8.45 pm.

The meeting resumed at 9.15 pm.

ITEM B9 - B-DOUBLE ACCESS ARKSTONE ROAD
Staff Report to the 17 March 2009 Ordinary Meeting
File No. R40

Moved and Seconded: That Mr. Francis be advised that Council's Works Committee have inspected Arkstone Road and consider the B-Double route is suitable for ongoing usage.

(McCarthy/Handelsmann)

Amendment Moved and Seconded: That Council contact the RTA and provide details of the allegations of vehicles using routes that have not been approved for B-Doubles and the operation in a dangerous manner on approved and un-approved routes and request that they address the issue urgently.

(Sullivan/Francis)

The amendment was put and won, the amendment became the motion.

- 28. RESOLVED:** That Council contact the Roads and Traffic Authority and provide details of the allegations of vehicles using routes that have not been approved for B-Doubles and the operation in a dangerous manner on approved and un-approved routes and request that they address the issue urgently.

(Sullivan/Francis)

ITEM B11 - INQUIRY INTO THE IMPACT OF THE GLOBAL FINANCIAL CRISIS ON REGIONAL AUSTRALIA
Staff Report to the 17 March 2009 Ordinary Meeting
File No. A4.1

- 29. RESOLVED:** That staff prepare a submission taking into account the comments of the Council.

(Sullivan/Doney)

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ITEM B12 - GUESTS AT COUNCIL MEETINGS

Staff Report to the 17 March 2009 Ordinary Meeting

File No. A1.2.1

30. **RESOLVED:** That no action be taken in relation to this item and that invitations be left to Mayor's discretion.

(Hooper/Fitzpatrick)

ITEM B13 - VISIT BY AUBURN COUNCILLORS

Staff Report to the 17 March 2009 Ordinary Meeting

File No. A3.1.2

31. **RESOLVED:** That Councillors advise the Executive Assistant of their availability to participate in the tour of the local area and dinner with Councillors and Staff from Auburn Council on Saturday 21st March 2009.

(Sullivan/O'Bernier)

ITEM B14 - MEETING WITH OPTA

Staff Report to the 17 March 2009 Ordinary Meeting

File No. P73.5

32. **RESOLVED:** That a meeting be held between Council and representatives from OPTA regarding tourism activities in Oberon at 4.30 pm on 21 April 2009 prior to the Ordinary Council Meeting.

(O'Bernier/McCarthy)

ITEM M1 - CARE CAR COMMITTEE MEETING MINUTES

Staff Report to the 17 March 2009 Ordinary Meeting

File No. 2.28

33. **RESOLVED:** That:

1. The Co-ordination of the Care Car be carried out by Lisa Nash of Oberon Council and the Oberon Medical Centre staff will organise the booking for the Care Car as Volunteer Booking Officers.

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2. The following be included in the Information and Procedures Manual:

“Cancellation Policy

To maximise the availability of the Care Car a minimum of 24 hours must be given for cancelling the Care Car booking, failure to do this will incur a fee of \$10.00 per trip.”

3. The following be included in the Information and Procedures manual:

“2. Where assessment for the criteria for the booking of the Care Car is questioned, the booking will be referred to the Co-ordinator for consideration.”

4. The Information and Procedures Manual be amended to read on page 3 No. 5:

“The Care Car Booking Officer contacts the client to confirm the booking, requests payment prior to the trip and writes the booking into the Care Car Booking Diary.”

5. Council review the current Car Care vehicle with a view to a more suitable and reliable vehicle upon renewal.

6. That the Care Car Committee's charter be amended by deleting:

“To undertake the ongoing management of the Care Car.”

To be replaced with:

- “a. To assess and introduce policies in relation to the Care Car.
b. To report and recommend to Council all policy matters affecting the Care Car.
c. To advise Council on matters affecting future Care Car activities disbursements.”*

(Sullivan/Francis)

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ITEM M2 - WORKS COMMITTEE MEETING MINUTES Staff Report to the 17 March 2009 Ordinary Meeting File No. 2.28

34. RESOLVED: That:

1. The priority of local roadwork's for 2008/09 be:
 1. Purdon's Lane
 2. Junction Road
 3. Beaconsfield Road
 4. Gingkin Road
2. An allocation for heavy patching be considered for local roads.
3. Future construction of a unisex toilet be considered for the Burraga Park.

(McMahon/O'Bernier)

PRECIS OF INFORMATION

35. RESOLVED: That items P2 to P5 be received and noted. (Hooper/Sullivan)

ITEM P2 - COUNCIL MEETINGS Staff Report to the 17 March 2009 Ordinary Meeting File No. A2.1

36. RESOLVED: That the information be received and noted. (Hooper/Sullivan)

ITEM P3 - OBERON ANIMAL POUND Staff Report to the 17 March 2009 Ordinary Meeting File No. D54.1

37. RESOLVED: That the information be received and noted. (Hooper/Sullivan)

ITEM P4 - STATEMENT OF BANK BALANCES AND INVESTMENTS Staff Report to the 17 March 2009 Ordinary Meeting File No. C17.1

38. RESOLVED: That the information be received and noted. (Hooper/Sullivan)

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ITEM P5 - COMMUNITY CENTRE TRUST MONIES **Staff Report to the 17 March 2009 Ordinary Meeting** **File No. C21.1**

39. **RESOLVED:** That the information be received and noted. (Hooper/Sullivan)

40. **RESOLVED:** That Mr. McKibbin be asked to address council in relation to the Heritage Committee.

(McMahon/Hooper)

NOTICES OF MOTION

Nil

REPORTS FROM DELEGATES

Nil

INFORMATION BULLETIN

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

(Fitzpatrick/O'Bernier)

SUPPLEMENTARY STAFF REPORT

Nil

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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.*

ITEM C1 - BUILDING PROFESSIONAL BOARD

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)

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ITEM C2 - BLACK SPRINGS AND BURRAGA TRANSFER STATION OPERATION

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

- (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

ITEM C3 - COMMERCIAL LEASE FOR WALKING AND RIDING TRACK AS PART OF THE RAIL CORRIDOR BETWEEN OBERON AND HAZELGROVE

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

- (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

ITEM C4 - 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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ITEM C5 - SECURITY ARRANGEMENTS AT COUNCIL'S PUBLIC BUILDINGS

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

- (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

ITEM C6 - EFFLUENT REUSE

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

- (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

CONFIDENTIAL SUPPLEMENTARY STAFF REPORT

ITEM CS1 - OBERON RUGBY LEAGUE FOOTBALL CLUB SALE TO OBERON COUNCIL 16 LOWES MOUNT ROAD, OBERON

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.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 March 2009, commencing at 5.30pm.

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ITEM CS2 - WHALAN STREET

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.

42. **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*.

(McMahon/O'Bernier)

Council closed the meeting at 10.42 pm. Members of the public present left the chambers at this time.

43. **RESOLVED:** That Council move out of closed council and into open council.

(O'Bernier/Fitzpatrick)

Open Council resumed at 11.22 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 C1 - BUILDING PROFESSIONAL BOARD

Confidential Staff Report to the 17 March 2009 Ordinary Meeting

File No. D52.1

44. **RESOLVED:** That Council endorse the submission prepared by the Director of Development to the Building Professionals Board listing its concerns with the proposed scheme to accredit Council Building Surveyors and recommending as an alternative, the appointment of Councils as the Accredited Body.

(Doney/Fitzpatrick)

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

ITEM C2 - BLACK SPRINGS AND BURRAGA TRANSFER STATION OPERATION

Confidential Staff Report to the 17 March 2009 Ordinary Meeting

File No. E35.1, A6.1

45. **RESOLVED:** That staff be asked to further clarify the quotes obtained and report back to Council.

(Fitzpatrick/O'Bernier)

ITEM C3 - COMMERCIAL LEASE FOR WALKING AND RIDING TRACK AS PART OF THE RAIL CORRIDOR BETWEEN OBERON AND HAZELGROVE

Confidential Staff Report to the 17 March 2009 Ordinary Meeting

File No. A2.16.1

46. **RESOLVED:** That Clause 7 of the proposed Lease Agreement between the Rail Infrastructure Corporation and the Oberon Council remain within the lease agreement except for the first sentence in the last paragraph, which has already been agreed to by the Rail Infrastructure Corporation.

(Handelsmann/Doney)

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ITEM C4 - INVESTMENTS

**Confidential Staff Report to the 17 March 2009 Ordinary Meeting
File No. C17.2.2**

47. **RESOLVED:** That in respect to Council's claim with LGFS, if after 14 days an appropriate response has not been received instruction be provided to Council's solicitors to lodge a claim in the courts.

(Handelsmann/Sullivan)

ITEM C5 - SECURITY ARRANGEMENTS AT COUNCIL'S PUBLIC BUILDINGS

**Confidential Staff Report to the 17 March 2009 Ordinary Meeting
File No. C19.10**

48. **RESOLVED:** That the quotation from Mitchell's Security Network, totalling \$17,120.00 plus GST, for the upgrade and installation of security facilities be accepted, the cost to be funded as follows:

1. Visitor Information Centre Operating Budget: \$2,980.00
2. Swimming Pool Reserve Funds: \$8,070.00
3. Office Equipment Reserve: \$6,070.00

(Fitzpatrick/O'Bernier)

ITEM C6 - EFFLUENT REUSE

**Confidential Staff Report to the 17 March 2009 Ordinary Meeting
File No. E33.7**

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

(O'Bernier/Fitzpatrick)

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ITEM CS1 - OBERON RUGBY LEAGUE FOOTBALL CLUB SALE TO OBERON COUNCIL 16 LOWES MOUNT ROAD, OBERON
Confidential Supplementary Staff Report to the 17 March 2009 Ordinary Meeting
File No's. PO36.16

50. RESOLVED: That:

- a) The request for a ten year lease of the licensed club premises with eight ten year options be declined.
- b) A counter offer to provide a ten year lease for the licensed premises at a peppercorn rental be made and at the expiry of that ten year period negotiations be entered into between the representatives of the licensed premises and the Council of the day under terms and conditions mutually agreed upon at that time.
- c) The carpark and any adjoining land owned by the Council to be used by the licensed club in conjunction with the licensed premises shall be made available to the club on a licensed basis.
- d) If the licensed club wishes to conduct alternative events such as car rally presentation days and exhibitions then such activities be booked in a timely manner for the use of the playing fields for such purposes subject to clashes with other sporting activities which may be already booked.
- e) The change rooms are to be included in the lease to the licensed club on the understanding that the licensed club would secure the facilities outside its normal operating hours and that such facilities would be made available to other users of the site on a coordinated basis if requested.

(Hooper/O'Bernier)

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ITEM CS2 - WHALAN STREET

Confidential Supplementary Staff Report to the 17 March 2009 Ordinary Meeting
File No. E38.8

51. **RESOLVED:** That no action be taken in relation to this item at this time.

(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, Doney, Hooper, McCarthy, Fitzpatrick, Sullivan & Handelsmann

Votes against: Councillors McMahan & O'Bernier

BUSINESS WITHOUT NOTICE

Councillor Francis provided a verbal report regarding the "Back to Burruga" weekend which will be held on Anzac weekend and extended an invitation for all Councillors to attend.

This concluded the business and the meeting rose at 11.36 pm.

Confirmed this _____ day of _____ 2009.

General Manager.

Mayor.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 March 2009, commencing at 5.30pm.

General Manager

Mayor