

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, Z Handelsmann, C L McCarthy, and R L Hooper

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

1. **RESOLVED:** That apologies be received and accepted for the non-attendance of Councillor N Francis and the General Manager, Bruce Fitzpatrick.

(McMahon/Hooper)

QUESTIONS FROM THE PUBLIC

Sue Scaysbrook asked the following questions:

1. Why was a recent phone call with Council's Manager of Health & Building regarding concerns about long term campers at the Flat Rock Reserve blatantly misinterpreted and misrepresented in Council's Business Papers?

The Director of Development responded that he can only rely on the information provided by staff in the report and further clarification will be sought and provided to Mrs. Scaysbrook in writing.

2. Why did Mr. West who is obviously concerned with "adverse publicity" for Council as stated in his report see fit to publicly name me in his report effectively sideswiping my right to privacy which has now resulted in me receiving unwanted phone calls on this matter from newspaper and television media?

The Director of Engineering extended a public apology to Mrs. Scaysbrook for the inclusion of her name in Council's Business Papers.

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CONFIRMATION OF MINUTES

2. **RESOLVED:** that the Minutes of the duly convened Ordinary Meeting held on 17 March 2009 be taken as read and confirmed.

(Hooper/Doney)

Matters Arising From the Minutes

Nil

DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Councillor Doney declared an interest in Item M3 of the Staff Report. Councillor Doney is related to a member of the external committee named in the report.

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Tourism NSW Local Government Partnership Briefing – 16 March 2009
2. Carbon Trading Meeting – 16 March 2009
3. Council Meeting - 17 March 2009.
4. Debrief – Steam & Heritage Festival – 18 March 2009
5. Meeting with Golf Club Representative – 19 March 2009
6. Police Community Safety Precinct Meeting – 30 March 2009
7. Business Development Committee Meeting – 31 March 2009
8. Promotions Committee Meeting – 2 April 2009
9. Meeting with Wayne Cooper – 6 April 2009
10. Community Radio Station Meeting – 6 April 2009

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11. Meeting with Ian Whalan re Aged Care – 7 April 2009
12. Events Committee Meeting – 7 April 2009
13. Meeting with Carter Holt Harvey re Water – 9 April 2009
14. Telephone Conference with Legal Representatives re Investments

B. Representation

Council was represented at the following:

1. Seniors Function – Oberon RSL Club – 17 March 2009
2. Citizenship Ceremony – 17 March 2009
3. Burruga function for Seniors Week – 19 March 2009
4. Oberon Correctional Centre Graduation Ceremony – 20 March 2009
5. Auburn Councillor Visit – 21 & 22 March 2009
6. Award Presentation – St Josephs Central School – 23 March 2009
7. The Tablelands Way Official Opening – 28 March 2009
8. Award Presentation – Black Springs Public School – 6 April 2009
9. Various media interviews

C. Correspondence

Correspondence received included:

1. From LGSA re Local Water Utilities Inquiry Forum to be held on Wed 22 April 2009.
2. The Hon Anthony Albanese MP re Roads to Recovery funding allocation 2009 – 2014.
3. The Hon Kristina Keneally MP re NSW Government's stimulus package.
4. Local Government Superannuation Scheme re Contribution rates in respect of employees who receive a defined benefit. Advice that amortisation period will be over ten years.
5. Cessnock City Council support a resolution to stop purchasing Pacific Brands manufactured products and actively promote the purchase of Australian made items.
6. Mayor Irene Simms, Auburn Council letter of thanks.
7. Arts OutWest nomination and notice of AGM.

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8. The Hon Anthony Albanese MP re Walk Safely to School Day – 15 May 2009.
9. Shires Association of NSW Annual Conference, 1 – 3 June 2009.
10. Minutes of Community Safety Precinct Meeting held on 30 March 2009.
11. Request from Chizhou Municipal Foreign Affairs Office to visit Oberon
12. Request for representatives from Department of Health to visit Oberon to discuss Aged Care and inspect site.

GENERAL MANAGERS REPORT

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

Meetings

Meetings attended since my last report include:

Manex Meeting – 11 March 2009

Meeting with PPB, Sydney – 12 March 2009

Meeting with Aged Care Committee – 16 March 2009

Seniors Week Function – 17 March 2009

Citizenship Ceremony – 17 March 2009

Ordinary Meeting – 17 March 2009

Meeting with Wayne Cooper re TTW Official Opening – 18 March 2009

Meeting with representatives from Golf Club – 19 March 2009

Visit by Auburn Council – 21 & 22 March 2009

Central Tablelands Alliance Meeting – 27 March 2009

The Tablelands Way Official Opening – 28 March 2009

Business Development Committee – 31 March 2009

RTA Technical Sub-committee – 1 April 2009

Promotions Committee Meeting – 2 April 2009

Meeting with Mayor and OPTA & OBA reps – 6 April 2009

Meeting with OTC reps re Water Issues – 9 April 2009

FRWS Customer Council Meeting – 14 April 2009

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STAFF REPORT

ITEM A1 - DEVELOPMENT APPLICATION 120/09 FOR A PROPOSED TWO (2) LOT RESIDENTIAL SUBDIVISION AND MODIFICATION APPLICATION 125/07

Staff Report to the 21 April 2009 Ordinary Meeting

File No. PO15.121

3. **RESOLVED:** That the Common Seal of Oberon Council be affixed to the 88B Instrument for Mr and Mrs King in relation to Development Application 395/03/04 for a proposed two (2) lot subdivision.

(O’Bernier/Hooper)

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

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

Votes against: Nil

ITEM A2 - POLICY ON LAPSING OF DEVELOPMENT CONSENTS IN RESPECT TO PHYSICAL COMMENCEMENT

Staff Report to the 21 April 2009 Ordinary Meeting

File No. D52.1

4. **RESOLVED:** That public notice of amended Policy 3111 – Lapsing of Development Consents in respect to Physical Commencement, as presented in **Attachment A2b**, be given for 28 days.

(Fitzpatrick/Doney)

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

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

Votes against: Nil

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ITEM A3 - UPDATE ON PROGRESS OF NEW LOCAL ENVIRONMENTAL PLAN
Staff Report to the 21 April 2009 Ordinary Meeting
File No. D52.2.5

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

ITEM A4 - PUBLIC MEETING REGARDING PROGRESS OF NEW LOCAL ENVIRONMENTAL PLAN
Staff Report to the 21 April 2009 Ordinary Meeting
File No. A1.3.4

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

ITEM A5 - DEVELOPMENT APPLICATION 116/08 FOR A NINETEEN (19) LOT SUBDIVISION
Staff Report to the 21 April 2009 Ordinary Meeting
File No. PO58.16-28

7. **RESOLVED:** That the Common Seal of Oberon Council be affixed to the 88B Instrument for Oberon Council in relation to Development Application 116/08 and Modification Application 72/09 for a proposed 18 lot residential subdivision and 1 lot drainage reserve at Lots 1 and 2 in DP 1068573 and Lot 1 in DP 11126275, 16 – 28 Tasman Street, Oberon. (O'Bernier/McCarthy)

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

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

Votes against: Nil

ITEM A6 - COMPLAINTS CONCERNING CAMPERS AT FLAT ROCK RESERVE
Staff Report to the 21 April 2009 Ordinary Meeting
File No. E34.5

8. **RESOLVED:** Council make formal application to the NSW Department of Lands to be formally appointed as trust manager to manage the Flat Rock Reserve.

(Sullivan/Hooper)

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9. **RESOLVED:** Investigation in regards to the feasibility of similar action be taken in regards to the area at Burraga Dam.

(Sullivan/Hooper)

10. **RESOLVED:** Council staff be requested to identify other potential camping areas in the Oberon Local Government Area and develop a policy in relation to primitive camping grounds.

(Sullivan/O'Bernier)

ITEM B1 - GAS VEHICLE REPORT

Staff Report to the 21 April 2009 Ordinary Meeting

File No. E37.5.1

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

(O'Bernier/Fitzpatrick)

ITEM B2 - ARKSTONE ROAD

Staff Report to the 21 April 2009 Ordinary Meeting

File No. R40

12. **RESOLVED:** That an allocation of \$149,000 to gravel resheet and bitumen seal 2.2 km of Arkstone Road south of the Isabella River be referred to 2009/10 budget consideration.

(McMahon/O'Bernier)

ITEM B3 - SYDNEY CATCHMENT AUTHORITY

Staff Report to the 21 April 2009 Ordinary Meeting

File No. E32.1

13. **RESOLVED:** That the information be received and noted. (Sullivan/McMahon)

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ITEM B4 - ROAD NAMING

Staff Report to the 21 April 2009 Ordinary Meeting

File No. E31.9

14. **RESOLVED:** That the new road 2.2 kilometers in length which runs west off Gingkin Road and which was created as part of a subdivision by Mr. J Kelleher and Vajazin Pty Ltd be known as Cranfield Road.

(McCarthy/Fitzpatrick)

ITEM B5 - ROAD NAMING – TASMAN STREET SUBDIVISION

Staff Report to the 21 April 2009 Ordinary Meeting

File No's. E31.9 & E38.8

15. **RESOLVED:** That the new road 126 metres in length which runs off Parkes Street be known as Stevenson Close.

(McCarthy/Handelsmann)

ITEM B6 - TELSTRA PAYPHONE REVIEW

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A3.1

16. **RESOLVED:** That Telstra be advised that Council objects to the removal of a payphone located outside the O'Connell Hotel due to the unreliability of the mobile network coverage in the O'Connell area and that the Bush Fire Shed and School Buses utilise this locality.

(Fitzpatrick/McMahon)

17. **RESOLVED:** That

1. A letter be written to the Minister for Communications advising of Council's concerns regarding mobile network coverage and Telstra's policy of removing public telephone boxes in the Oberon Local Government Area.
2. The minister be asked to request that the General Manager of Telstra, Bathurst Region meet with Council to discuss their concerns.
3. A copy of correspondence be forwarded to CENTROC.

(McMahon/Sullivan)

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ITEM B7 - PROPOSED STAFF REPLACEMENT – PART-TIME LIBRARY ASSISTANT

Staff Report to the 21 April 2009 Ordinary Meeting

File No. C19.1

18. **RESOLVED:** That the replacement of the part time Library Assistant be deferred to the estimates meeting.

(Hooper/Fitzpatrick)

ITEM B8 - EXTENSION OF PATHWAY

Staff Report to the 21 April 2009 Ordinary Meeting

File No's. PO16.65-71, R14 & E39.7

19. **RESOLVED:** That:

1. That an allocation of \$11,000 for footpath construction in Dart Street be referred for 2009/10 budget consideration.
2. That no action be taken in regards to sealing Gilholmes Road.

(McCarthy/Handelsmann)

ITEM B9 - JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A7.1

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

ITEM B10 - CUNYNGHAME OVAL TOILETS

Staff Report to the 21 April 2009 Ordinary Meeting

File No. E34.2

21. **RESOLVED:** That Council make application to the Minister for Local Government to convert Lot 34 DP 700974 and Lot 10 DP 245689, from community to operation land.

(O'Bernier/Fitzpatrick)

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ITEM B11 - BALD RIDGE ROAD

Staff Report to the 21 April 2009 Ordinary Meeting
File No. R223

22. **RESOLVED:** That Bald Ridge Road be subject to maintenance grading only, with no gravel resheeting and that signs to advise of hazards in wet weather be erected.

(Fitzpatrick/McCarthy)

23. **RESOLVED:** That an allocation \$10,000 for gravel resheeting on Bald Ridge Road be referred for consideration at the estimates meeting.

(McMahon/Hooper)

ITEM B12 - BLOOMHILL ROAD LOT 1 DP 829948

Staff Report to the 21 April 2009 Ordinary Meeting
File No's. E31.3 & PR9

24. **RESOLVED:** That:

1. Council acquire 2845 m² of land for the purpose of road widening from Mr & Mrs John & Judith Woolley (Part Lot 1 DP829948) per the provisions of the Roads Act 1993.
2. That the Common Seal of Council be applied to affect the transfer of this portion of land to Council.

(O'Bernier/Doney)

ITEM B13 - FAUGHA BALLAUGHA ROAD

Staff Report to the 21 April 2009 Ordinary Meeting
File No. E31.1

25. **RESOLVED:** That a 15 tonne load limit be placed on Faugha Ballaugha Road from the O'Connell Road to the entrance to Lowes Mount State Forest on Faugha Ballaugha Road.

(Fitzpatrick/Handelsmann)

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26. **RESOLVED:** That the widening of Faugha Ballaugha Road be referred to the estimates meeting for budget consideration.

(McCarthy/Hooper)

ITEM B14 - BURROUGHS CROSSING BRIDGE
Staff Report to the 21 April 2009 Ordinary Meeting
File No. E31.3

27. **RESOLVED:** That \$80,000 be referred for consideration in the 2009/10 budget for Burroughs Crossing bridge.

(McCarthy/O'Bernier)

ITEM B15 - ASSETS MANAGEMENT SYSTEM
Staff Report to the 21 April 2009 Ordinary Meeting
File No. E39.5

28. **RESOLVED:** That a demonstration of the Assets Management System be undertaken prior to the Council Meeting on 19 May 2009, commencing at 5.00pm.

(Sullivan/Fitzpatrick)

ITEM B16 - WATER SUPPLY
Staff Report to the 21 April 2009 Ordinary Meeting
File No. E33.2

29. **RESOLVED:** That an urgent meeting with the Minister for Water, Mr. Phillip Costa MP be requested through Member for Bathurst, Mr. Gerard Martin to pursue a more equitable distribution of water entitlement from the Oberon Dam.

(McCarthy/Fitzpatrick)

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ITEM M1 - BUSINESS DEVELOPMENT COMMITTEE MEETING MINUTES

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A2.18.1

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

ITEM M2 - OBERON PROMOTIONS COMMITTEE MEETING MINUTES

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A2.17

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

ITEM M3 - HERITAGE COMMITTEE MEETING MINUTES

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A2.22

32. **RESOLVED:** That staff investigate that the O’Connell buildings listed in Part 2 of Schedule 2 (Heritage Items) of the Oberon Local Environmental Plan 1998 are the buildings that constitute the existing O’Connell Urban Conservation Area.

(McCarthy/Hooper)

33. **RESOLVED:** Former Heritage Committee member Mr. Kevin Webb and Mrs. Lynn Webb be invited to accompany members on the proposed tour of sections of the Old Cox’s Road due to Mr. Webb’s previous valuable assistance and knowledge on issues concerning the Cox’s Road.

(McCarthy/O’Bernier)

Councillor Doney declared an interest in this item, Councillor Doney is related to a member of the Community Guardians of the O’Connell Anzac Memorial Avenue. Councillor Doney left the Chambers at 6.55 pm.

Moved and Seconded: That \$5000 be donated to the Community Guardians of the O’Connell Anzac Memorial Avenue to assist in the arborist remedial pruning and dead wooding of the trees funded from the Heritage fund.

(O’Bernier/Handelsmann)

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Amendment Moved and Seconded: That in accordance with the spirit of Council's policy \$1000 be donation to the Community Guardians of the O'Connell Anzac Memorial Avenue to assist in the arborist remedial pruning and dead wooding of the trees funded from the Heritage fund.

(McMahon/Fitzpatrick)

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

The motion was put and lost.

Councillor O'Bernier asked that his vote against the motion be recorded.

Councillor Doney returned to the chambers at 7.11 pm

It was noted that Item 7, Page 3 of the minutes of the Oberon Heritage Committee are incorrect. The minutes should be as follows: "*Mr. Iain McPherson advised that*"

ITEM M4 - LIBRARY COMMITTEE MEETING MINUTES

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A2.8

Moved and Seconded: That Council note that the Library Committee has scheduled a workshop, to be conducted on Tuesday April 28 2009 at 5.00pm, to review the Library Committee Charter and the Oberon Library Draft Strategic Plan.

(McCarthy/Sullivan)

The motion was put and lost.

Councillor Doney requested that his vote in favour of the motion be recorded.

34. RESOLVED: That the Library be considered to be an important part of the community's social infrastructure and that the previous deletions and amendments in regards to Council's Strategic Plan for the Oberon Library be made.

(Sullivan/Hooper)

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ITEM M5 - EVENTS COMMITTEE MEETING MINUTES

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A2.5

35. RESOLVED: That:

1. The Oberon Business Association and the Showground Trust be each invited to nominate a delegate for appointment to the Events Committee.
2. Relevant groups be invited to submit a list of issues related to the 2009 Oberon & Villages Summer Festival through the Director of Corporate Services for consideration by relevant Council committees and community groups.
3. A letter of appreciation be forwarded Bronwyn Harvey in recognition of her service to the community as a member of the Events Committee.

(McCarthy/Fitzpatrick)

PRECIS OF INFORMATION

ITEM P1 - FINAL RECONCILIATION OF COSTS – 2008 LOCAL GOVERNMENT ELECTION

Staff Report to the 21 April 2009 Ordinary Meeting

File No. A7.1

36. RESOLVED: That the information be received and noted. (O’Bernier/Sullivan)

ITEM P2 - TERRAZZO TAPESTRIES – THE OBERON COMMON

Staff Report to the 21 April 2009 Ordinary Meeting

File No. E34.9

37. RESOLVED: That the information be received and noted. (O’Bernier/Sullivan)

ITEM P3 - AUSTRALIAN UNITED TIMBERS – B-DOUBLE ACCESS

Staff Report to the 21 April 2009 Ordinary Meeting

File No. E31.1

38. RESOLVED: That the information be received and noted. (O’Bernier/Sullivan)

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ITEM P4 - REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – STRATEGIC PROJECTS

Staff Report to the 21 April 2009 Ordinary Meeting
File No. A5.1 & E34.9.1

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

ITEM P5 - REDISTRIBUTION OF FEDERAL ELECTORAL BOUNDARIES IN NSW

Staff Report to the 21 April 2009 Ordinary Meeting
File No. A7.1

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

ITEM P6 - ACCOUNTING AND ADMINISTRATION COMPUTER SOFTWARE

Staff Report to the 21 April 2009 Ordinary Meeting
File No. C18.3.3

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

ITEM P7 - SUPERANNUATION CONTRIBUTIONS INCREASES

Staff Report to the 21 April 2009 Ordinary Meeting
File No. C19.8.4

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

ITEM P8 - EMPLOYEES LONG SERVICE LEAVE RESERVE FUNDS

Staff Report to the 21 April 2009 Ordinary Meeting
File No’s C15.1, C15.2

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

ITEM P9 - OBERON ANIMAL POUND

Staff Report to the 21 April 2009 Ordinary Meeting
File No. D54.1

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

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ITEM P10 - STATEMENT OF BANK BALANCES AND INVESTMENTS
Staff Report to the 21 April 2009 Ordinary Meeting
File No. C17.1

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

NOTICES OF MOTION

Nil

INFORMATION BULLETIN

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

47. **RESOLVED:** That an invitation be extended to the Coordinator of the Roads and Traffic Authorities, Road Safety Officer to speak with Council at a mutually convenient time.

(Doney/Handelsmann)

REPORTS FROM DELEGATES

Councillor McMahon provided a verbal update regarding the meeting of the Upper Macquarie County Council held on Friday 3 April 2009.

48. **RESOLVED:** That a letter of congratulations be sent to The Friends of The Oberon Library as the organisers of the International Women’s Day function.

(Sullivan/Hooper)

Council rose for dinner at 8.25 pm.

Council resumed at 8.57 pm.

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BUSINESS WITHOUT NOTICE

49. **RESOLVED:** That Councillors Sullivan and Fitzpatrick and the General Manager be nominated to attend the 2009 Shires Conference and the LGMA Forum and that the Mayor be appointed as the voting delegate.

(McCarthy/Hooper)

50. **RESOLVED:** That the major capital projects including the community centre and other projects be reviewed at a date to be set following the estimates meeting.

(McMahon/O'Bernier)

51. **RESOLVED:** That a letter be written to the Minister for Planning requesting that a clause may be included in the new LEP allowing suitable small businesses that wish to be set up in a residential area and outside the commercial zone be subject to council approval as these would be considered not to be cottage industries.

(McCarthy/Hooper)

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

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

Votes against: Councillor Handelsmann

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 - TASMAN ESTATE SUBDIVISION

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 C2 - APPLICATION FOR REFUND OF MODIFICATION APPLICATION FEES 121/09

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)

ITEM C3 - DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE NO. 96/08 – ADDITIONS TO DWELLING

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.

ITEM C4 - PROPOSED ABLUTION FACILITY AT THE JENOLAN CARAVAN PARK

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

ITEM C5 - 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

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ITEM C6 - INVESTMENTS

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

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

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

52. 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/McMahon)

Council closed the meeting at 9.24 pm. There were no members of the public present at this time.

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

(Hooper/O'Bernier)

Open Council resumed at 10.00 pm.

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

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 April 2009, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

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ITEM C1 - TASMAN ESTATE SUBDIVISION

**Confidential Staff Report to the 21 April 2009 Ordinary Meeting
File No. E38.8**

54. **RESOLVED:** That the reserve prices for the Tasman Estate Subdivision be as detailed in the confidential report approved by Council and the reserve price remain in place following the auction.

(Hooper/O’Bernier)

ITEM C2 - APPLICATION FOR REFUND OF MODIFICATION APPLICATION FEES 121/09

**Confidential Staff Report to the April, 2009 Ordinary Meeting
File No. PO59.41**

55. **RESOLVED:** That Council refuse the request by the applicant of Modification Application 121/09 for the refund of application fees totalling \$500.00 paid on 30/3/09 for unauthorised additions at Lot 22 in DP: 809145, 41 On-Avon Avenue, Oberon.

(O’Bernier/McMahon)

ITEM C3 - DEVELOPMENT APPLICATION AND CONSTRUCTION CERTIFICATE NO. 96/08 – ADDITIONS TO DWELLING

**Confidential Staff Report to the 21 April 2009 Ordinary Meeting
File No. PO 11.12**

56. **RESOLVED:** That:

1. An infringement penalty notice be issued to the owners of the property at Lot 44, Section C, DP 2364 for the alleged offence of “development not carried out in accordance with consent” in respect to building work that he did or caused to be done at Lot 44, Section C, DP 2364, No 12 Carrington Avenue, Oberon between Friday 12 December 2008 and Friday 6 March 2009 which was not in accordance with the Development Consent issued by the Council on Thursday 7 February 2008.
2. That Council report the alleged unauthorised and unlicensed drainage work to the NSW Office of Fair Trading.

(O’Bernier/Hooper)

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General Manager

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ITEM C4 - PROPOSED ABLUTION FACILITY AT THE JENOLAN CARAVAN PARK
Confidential Staff Report to the 21 April 2009 Ordinary Meeting
File No. PO14.7

57. RESOLVED: That:

1. The tender from Russell Bailey in the amount of \$288,250.00 (incl. GST) for the construction of a new ablution facility at the Jenolan Caravan Park be accepted.
2. Additional funding of \$110,922 be voted for the proposed works, to be funded from the Economic Development Reserve (\$57,548) and the Recreation Facilities Reserve (\$53,374).

(McMahon/Doney)

ITEM C5 - BLACK SPRINGS AND BURRAGA TRANSFER STATION OPERATION
Confidential Staff Report to the 21 April 2009 Ordinary Meeting
File No's. E35.1 & A6.1

58. RESOLVED: That the quotation received from Oberon Trash Pak for the collection and transportation of waste for the operation of the Black Springs and Burruga transfer stations be accepted.

(Fitzpatrick/Handelsmann)

ITEM C6 - INVESTMENTS
Confidential Staff Report to the 21 April 2009 Ordinary Meeting
File No. C17.2.2

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

GENERAL BUSINESS

60. RESOLVED: That the Mayor be authorised to attend the Centroc Summit at the Mount on 22 May 2009 or an alternate delegate be appointed.

(Hooper/Doney)

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General Manager

Mayor

OBERON COUNCIL

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This concluded the business and the meeting rose at 10.03 pm.

Confirmed this _____ day of _____ 2009.

General Manager.

Mayor.

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General Manager

Mayor