

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: council@oberon.nsw.gov.au



UNCONFIRMED MINUTES

Oberon Council Extraordinary Meeting
Wednesday 13 April 2016

Commencing at 5.00pm
at the Oberon Council Chambers

Agenda Items

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1. OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 5.15pm.

2. ACKNOWLEDGEMENT OF COUNTRY & PRAYER

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

3. RECORD OF ATTENDANCE

Members	Mayor Kathy Sajowitz (in the Chair) Deputy Mayor Kerry Gibbons Clr Jill Evans Clr Neil Francis Clr Sam Lord Clr Clive McCarthy Clr John Morgan
Staff	Gary Wallace, Acting General Manager Chris Schumacher, Works and Engineering Director Sharon Swannell, Executive Coordinator
Apologies	Clr Ian Doney
Moved:	Evans
Second:	McCarthy

That apologies be received and accepted for the non-attendance of Clr Ian Doney and Finance and Community Services Director, Lynette Safranek.

Carried 01 130416

4. DECLARATIONS OF INTEREST

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Non-Pecuniary Significant	-	Nil
Non-Pecuniary Less than Significant	-	Nil

5. REPORTS FOR DECISION

05.01 POTENTIAL LEGAL ACTION

File No: Governance/Reporting/Boundaries Commission Review
Author: Gary Wallace, Acting General Manager

Summary

This report seeks to identify Council's position in relation to possible action as a result of a resolution from Walcha Council with respect to the current NSW State Government reform processes.

Moved: Lord
Second: McCarthy

That Oberon Council join with the Walcha Council action and:

1. Commence legal action in the Land & Environment Court against the State Government (Minister for Local Government) as the Minister has failed to comply with Section 218F of the Local Government Act, 1993.
2. Appoint a solicitor to ensure filing of documents and due process is observed.
3. Appoint Acting General Manager, Gary Wallace to sit on a Steering Committee of similarly affected rural councils, supporting Walcha Council being the lead party in the proposed action in the nature of a people's writ or class action.
4. Ensure the documents are filed by Friday the 22 April 2016 to ensure there is no procedural problem so far as the Court is concerned and to catch up with the Woollahra Writ.
5. Commence a Public Relations campaign that is coordinated with a view for demonstrating at the time the Writ is filed, that Woollahra is not alone in this issue, and that Oberon and other councils support its stand.
6. Increase the allocation within the previously resolved Community Fund by an additional \$15,000 to support this action.
7. Advise Barrister Peter King to proceed with preparation of Court documents in liaison with appointed Coordinators and local Solicitor.
8. The Mayor and the General Manager be authorised to affix the Common Seal to any necessary documentation as part of the legal action with the affixing of the Seal to be attested to by the Mayor and the General Manager.

Carried 02 130416

6. CLOSED SESSION REPORTS

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

Nil

7. CLOSURE OF MEETING

The Mayor declared the meeting closed at 5.32pm.