

137-139 Oberon Street  
PO Box 84  
Oberon NSW 2787

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



**OBERON COUNCIL**

*Confirmed Minutes  
Oberon Council Ordinary General Meeting  
Tuesday 20 December 2011  
5.30pm Council Chambers*

5.30pm	Opening of meeting
8.15pm - 8.45pm	Dinner

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General Manager

\_\_\_\_\_  
Mayor

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## 01 Opening of Meeting

File No: A1.2.1

The Mayor welcomed members and declared the meeting open at 5.30pm.

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## 02 Prayer

File No: A1.2.1

The Meeting was opened in prayer by Councillor Doney.

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## 03 Record of Attendance

File No: A1.2.1

Members      Cr Don Fitzpatrick, Mayor - Chair  
                 Cr John McMahon, Deputy Mayor  
                 Cr Ian Doney  
                 Cr Keith Sullivan  
                 Cr Neil Francis  
                 Cr Kerry Gibbons  
                 Cr Clive McCarthy  
                 Cr Bob O’Bernier

Officers        Leanne Mash, General Manager  
                 John Chapman, Director of Corporate Services  
                 Gary Wallace, Director of Development  
                 Aruna Wickramasinghe, Director of Engineering  
                 Peta Heffernan, Community and Customer Services Manager  
                 Sharon Swannell, Executive Assistant

Apologies      Nil

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## 04 Questions from the Public

File No: A1.2.1

Brad Collins asked the following question:

On December 6 it was reported that the Independent Pricing and Regulatory Tribunal has fixed a maximum rate of 3.6% for increasing Council rates for the year to June 2013, considering the rate of inflation is about 2.5%, by how much if any will Council be raising our rates?

The Mayor responded advising that for the 2011/12 financial year the rate increase was 2.8% in accordance with the maximum allowable.

The 2012/13 figure will be determined at the time of considering the budget for the year.

Councillor Sullivan advised that he has been asked by two members of the public if it would be possible to extend the submission period for the Land Use Strategy from 3 January 2012 to the end of January.

The Mayor advised that this will be considered along with new business of an urgent nature later in the meeting.

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## 05 Confirmation of Minutes of Previous Meeting(s)

File No: A1.2.1

Moved: McMahon  
Second: Doney

That the Minutes of the duly convened Ordinary Meeting held on 15 November 2011 be taken as read and confirmed.

Carried 01201211

Matters Arising from the Minutes

Nil

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## 06 Declarations of Interest

Page 5 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 20 December 2011, commencing at 5.30pm.

File No: A1.2.4

Pecuniary - Nil  
Conflicts - Nil  
Staff - The Director of Corporate Services John Chapman declared an interest in Item 16.01.02 of the Confidential Staff Report.

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Moved: Sullivan  
Second: McMahon

That item 10.02.04 and 10.02.01 be bought forward and dealt with at this point in time.

Carried 02201211

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**10.02.04 Development Application 10.2011.36.1**

File: PO2.21-25

Moved: Sullivan  
Second: Gibbons

That the applicant of Development Consent 10.2011.36.1 is advised the request for full reimbursement of section 94 contributions totalling \$6958.00 as required to be paid by condition 4 of Development consent 10.2011.36.1 not be accepted.

Amendment Moved: McMahon

That the applicant of Development Consent 10.2011.36.1 be refunded 50% of the section 94 contributions as required to be paid by condition 4 of Development consent 10.2011.36.1.

The amended motion lapsed for want of a seconder. The original motion stands.

Moved: Sullivan  
Second: Gibbons

That the applicant of Development Consent 10.2011.36.1 is advised the request for full reimbursement of section 94 contributions totalling \$6958.00 as required to be paid by condition 4 of Development consent 10.2011.36.1 not be accepted.

Carried 03201211

In accordance with Section 375A of *The Local Government Act 1993* the following votes are recorded for and against the motion:

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General Manager

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Mayor

Votes For: Councillors Francis, Sullivan, O’Bernier, Gibbons, McCarthy, Doney and Fitzpatrick  
Votes against: Councillor McMahon

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**10.02.01 Development Application 10.2011.1.1**

File: PR22.173

It was noted by the General Manager that there is a typographical error in the Development Assessment Report – 79C contained in attachment 10.02.01a of the staff report. The reference to the Asset Protection Zone contained within Condition 19 of the report states “A 20m Asset Protection Zone” and should state “A 45m Asset Protection Zone”.

Moved: Sullivan  
Second: O’Bernier

That Council resolve to vary A2.6 of its current DCP 2001 and determine the application in accordance with the recommendation outlined in the attached Section 79C report.

Carried 04201211

In accordance with Section 375A of *The Local Government Act 1993* the following votes are recorded for and against the motion:

Votes For: Councillors Francis, McMahon, Sullivan, O’Bernier, Gibbons, Doney and Fitzpatrick  
Votes against: Councillors McCarthy

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## 07 Mayoral Minute and Report

File No: A1.2.3

### A. Meetings

1. Confidential Planning Discussion – 8 November 2011
2. Works Committee Meeting – 8 December 2011
3. Ordinary Council Meeting – 15 November 2011
4. Oberon Business Association – 21 November 2011
5. CENTROC Board Meeting, Oberon – 25 November 2011
6. Several meetings with Oberon community members
7. Library Committee Meeting – 6 December 2011
8. Events Committee Meeting – 6 December 2011
9. Oberon Plateau Tourism Association – 12 December 2011
10. LUS Community Sessions – Oberon 12 December 2011

### B. Representation

1. Citizenship Ceremony – 15 November 2011
2. Oberon Business Awards – 18 November 2011 (attended by Deputy Mayor John McMahon)
3. Black Springs Public School Assembly – 5 December 2011 (attended by Councillor Gibbons)
4. Black Springs Public School Annual Presentation Evening – 8 December 2011 (attended by Councillor McCarthy)
5. Oberon High School Annual Presentation Evening – 8 December 2011
6. Oberon Public School Annual Presentation Evening – 12 December 2011 (attended by Deputy Mayor John McMahon)
7. St Josephs Catholic School Annual Presentation Day – 14 December 2011 (attended by Councillor Gibbons)
8. Burruga Public School Annual Presentation Evening – 14 December 2011 (attended by Councillor Francis)
9. O'Connell Public School Annual Presentation Evening – 14 December 2011 (attended by Councillor Doney)

### C. Correspondence

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General Manager

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Mayor



1. NSW Local Government Remuneration Tribunal advising that the Tribunal has commenced its review for the 2012 determination of fees payable to Councillors and Mayors to take effect from 1 July 2012.
2. Member for Bathurst, Paul Toole MP advising of funding secured for road works in the 2011/12 and 2012/13 financial years.
3. Australia Day Council regarding Australian Citizenship Affirmation on Australia Day 2012
4. Senator the Hon Don Farrell, Parliamentary Secretary for Sustainability and Urban Water in relation to the National Television and Computer Recycling Scheme
5. Local Government and Shires Association in relation to the draft constitution for One Association
6. Essential Energy in relation to changes to the regional management structure
7. Bathurst Harness Racing Club Ltd – invitation to attend the 2012 Race Meeting to be held on Wednesday 18 January 2012.
8. Invitation to enter the 2012 National Awards for Local Government
9. Wollongong City Council in relation to its concerns about the potential impacts of Coal Seam Gas activities
10. Cancer Council of NSW in relation to Clear the Air with legislation for smoke-free outdoor areas

The Mayor thanked Councillors for attending the Land Use Strategy community sessions and each of the School Presentation in the LGA.

**Clr Don Fitzpatrick**  
Mayor

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## 08 Councillor Reports

### Rural Fire Service

File No: F90.1

Councillor Francis provided a verbal report in relation to the RFS Special Meeting held three weeks ago. The meeting discussed the Fire Shed at Burruga. Money has been received for the construction of the foundations, however construction cannot commence until the Development Application is determined by Council. As soon as this is done the foundations can be laid and the final funds for the project will then be made available.

Councillor McCarthy also attended the RFS Meeting. The Oberon treasurer, Amanda McGrath has the finances in order and is doing a terrific job. Commencing from the next financial year all projects must be completed within the financial year they commence in.

### Weeds Report

File No: E39.6

Councillor McMahon and Councillor Francis attended the Upper Macquarie County Council meeting held on Friday 16 December 2011. A total of 19 properties in Oberon area have been inspected and 9 notices issued during the period.

The aerial spraying program for serrated tussock continues and 16 properties in the Oberon area totalling 1,010 ha have been sprayed for serrated tussock. Four properties in the Oberon LGA have been issued with a notice of intent. The property owners have 30 days to respond to this notice.

The Aerial Spraying program has now sprayed 5,000 ha during 2011 and a total of 35,000 ha over the last 13 years for serrated tussock.

### Aged Care

File No: C22.4

Councillor Sullivan advised that he had an indication from the Federal Government that our Aged Care project will now be able to proceed. Anne Tucker from Columbia Homes has now advised that she has been in touch with the Chairman of the Board who has instructed the project to proceed.

Columbia Homes intend to meet with Council early in the New Year in relation to proceeding with the project. It is anticipated the project will take approximately 18 months to complete. When this occurs the current Hathaway Cottage will cease to be an Aged Care facility and can then return to its original purpose of a self-care facility.

Councillor O’Bernier thanked Councillor Sullivan for his hard work and dedication to seeing the project to completion.

## 09 Delegates Reports

### 09.01.01 Oberon Promotions Committee

File No: A2.17

Moved: O'Bernier  
Second: McCarthy

That

1. Ms Anna Watt be appointed as a delegate to the Oberon Promotions Committee as a representative of the Oberon Timber Complex.
2. Mr Andrew Bird be appointed as a delegate to the Oberon Promotions Committee as a representative of the Oberon Business Association.

Carried 05201211

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### 09.01.02 Minutes of the Local Emergency Management Committee Meeting

File No: A3.5.2

Moved: McMahon  
Second: Francis

That the minutes of the Local Emergency Management Committee Meeting held on Thursday 17 November 2011 be received for information.

Carried 06201211

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### 09.01.03 Traffic Advisory Local Committee Meeting

File No: A2.2

Moved: McMahon  
Second: Gibbons

That:

1. The application for 25m B-Double access on Cosgrove Road, for approx. 2.9km starting from the western end at Abercrombie Road, be approved subject to:
  - a) Each access to be named or numbered, and signposted.

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- b) The third access not be used for access from the forest onto Cosgrove Road, with this condition to be included in the gazette notice.
  - c) Signage to be erected on the third access to remind drivers it must not be used for access onto Cosgrove Road.
  - d) This approval to be subject to review after 12 months.
2. That the application for 25m B-Doubles on Wrens Nest Road and Nupiers Road not be approved.
  3. That a No Parking zone be established on the east side of O'Connell Road, between the entrances at No. 2430 and 2432.
  4. That a Stop sign be erected at the western end of Howards Lane at its intersection with Walker Lane.
  5. That a No Parking zone be established on the southern side of Carrington Avenue, commencing from Rupert Street and heading east for 20m.

Carried 07201211

Moved:       McCarthy  
Second:      McMahon

That investigation be undertaken by staff with regards to the northern side traffic island located in Balfour Street to remediate the existing island.

Carried 08201211

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#### **09.01.04   Library Committee Meeting Minutes**

File No: A2.8

Moved:       McMahon  
Second:      Doney

That the minutes of the Library Committee Meeting held on 6 December 2011 be received and noted.

Carried 09201211

Councillor Sullivan raised the current format of Council's Section 355 committees and suggested that a committee be formed encompassing all community service areas including the Library, CTC and Community Centre which are under the control of the Community and Customer Services Manager.

The General Manager advised that a report will be provided to the February meeting for consideration of the structure of all Section 355 committees.

The recommendation that Council call for expressions of interest in early 2012 for the vacancy on the Library Committee was held over pending the outcome of the February report regarding Section 355 Committees.

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### **09.01.05 Events Committee Meeting Minutes**

File No: A2.5

Moved: McMahon  
Second: Sullivan

That:

1. The Minutes of the Events Committee Meeting held on 6 December 2011 be received and noted.
2. The resignation of Christine Parker from the Events Committee be accepted and a letter of thanks be forwarded to Christine for her service and contribution to the committee.

Carried 10201211

Councillor McCarthy advised that the RTA and Police have indicated they will not support the "Tractor Trek" which is proposed to be held as part of the 2012 Highland Steam and Vintage Fair.

**09.01.06 Seniors Welfare Committee Minutes**

File: A2.30 and C22.4

Moved: Sullivan  
Second: Gibbons

That

1. The Minutes of the Seniors Welfare Committee Meeting held on 12 December 2011 be received and noted.
2. Council Officers investigate with the hospital the issues surrounding the use of the bus and the insurance matters.
3. The Seniors Expo be scheduled for Seniors Week in 2012 and further that the Committee be advised of the structure of the event as plans are made.

Carried 11201211

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## 10 Director of Development Reports

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### 10.01 Reports for Information

Moved: Sullivan  
Second: Francis

That the Director of Development reports for information as presented in Report 10.01.01 to 10.01.02 of the Business Papers be received and noted by Council.

Carried 12201211

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### 10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: Sullivan  
Second: Francis

That the information be received and noted.

Carried 13201211

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### 10.01.02 Director of Development Status Report

File: A1.2.1

Moved: Sullivan  
Second: Francis

That the information be received and noted.

Carried 14201211

Councillor Gibbons advised that the Oberon Men's Shed has decided not to pursue the "Old Well" in the Common at this point.

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**10.02 Reports for Decision**

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**10.02.02 Memorandum Of Understanding – Bicentenary Crossing Commemorations**

File: D52.2

Moved: Sullivan  
Second: McCarthy

That the information be noted and Council resolve to sign the Memorandum of Understanding relating to the Blue Mountains 2013-2015 Bicentenary Crossing Commemorations Alliance.

Carried 15201211

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**10.02.03 Support Request – Wollongong City Council**

File: D52.2

Moved: McMahon  
Second: Doney

That Council expresses its concerns that the short term and long term environmental impacts of coal seam gas activities are not well understood at either a state wide or regional level and further that Council supports Wollongong City Council request for deferment of CSG mining in the Sydney and Illawarra Water Supply Catchment.

Carried 16201211

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**10.03.01 General Business – Development**

Councillor Doney asked about the Land Use Strategy. With the conservation area proposed for O'Connell there is the old National Trust 800m and the new proposed conservation zone contained in the Draft Land Use Strategy document. The statement accompanying the map doesn't suggest a defined conservation zone, it states that maybe we should define one in the future.

The Director of Development responded advising that of the two different areas identified, the old National Trust 800m area contains a large portion of land located in the adjoining Local Government Area. The proposed Conservation Area is designed to deal with the heritage and visual amenity of O'Connell.

Councillor Sullivan commented that he understood that the conservation area was to be controlled via a Development Control Plan in the future.

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## 11 Director of Corporate Service Reports

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### 11.01 Reports for Information

File No: A1.2.1

Moved: O’Bernier  
Second: Sullivan

That the Director of Corporate Services reports for information as presented in Report 11.01.01 to 11.01.06 of the Business Papers be received and noted by Council.

Carried 17201211

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### 11.01.01 Monthly Update Report – Corporate Services Department

File: A1.2.1

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 18201211

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### 11.01.02 Statement of Bank Balances and Investments

File: C17.1

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 19201211

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**11.01.03 Lease of Land for Rural Fire Service Brigade**

Files: F90.6

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 20201211

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**11.01.04 Annual Financial Reports – Employees Leave Liability**

File: C15.2

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 21201211

It was noted that while action to date has resulted in a reduction of leave liability Councillors requested a formalised plan for continuing to reduce the leave liability into the future.

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**11.01.05 NSW Local Government Reform Framework Funding Grant**

File: C15.7

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 22201211

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**11.01.06 Corporate Services Status Report**

File: A1.2.1

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 23201211

Councillor McCarthy asked that it be formalised that Delegations of Authority are to be awarded to a person acting in a role for the duration they are filling that role.

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**11.02 Reports for Decision**

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**11.02.01 Request for Sponsorship – 2012 Oberon Community Race Meeting**

Files: A3.3, P72.1

Moved: McCarthy  
Second: McMahan

That the invitation to purchase a sponsorship package for the 2012 Oberon Community Race Meeting be declined.

The motion was put and lost.

New motion foreshadowed:

Moved: Doney  
Second: O’Bernier

That a donation of \$550 be provided to the Bathurst Harness Racing Club for the 2012 Oberon Community Race Meeting.

Carried 24201211

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

It was noted that a request be forwarded to the Bathurst Harness Racing Club asking them to apply to be considered under the 2012/13 annual donations funding round.

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**11.02.02 Request for wavering of Development Application Fees – Oberon Golf Club Extension**

Files: A3.3, P72.1

Councillor Sullivan left the meeting at 7.17pm.

Moved: O’Bernier  
Second: McMahon

That the request from the Oberon Golf Club to have the Development Application fee waived be deferred to the quarterly budget review.

Councillor Sullivan returned to the meeting at 7.18pm.

Discussion was held in relation to the Golf Club proposal. Councillor Sullivan advised that Information of a confidential nature is required to be discussed prior to putting the motion.

Moved: Sullivan  
Second: Doney

That the motion be deferred and discussed in Confidential as information which is of a commercial nature is required to be discussed before considering the motion.

Carried 25201211

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**11.03.01 General Business – Corporate Services**

Nil

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## 12 Director of Engineering Reports

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### 12.01 Reports for Information

File No: A1.2.1

Moved: McMahon  
Second: McCarthy

That the Director of Engineering reports for information as presented in Report 12.01.01 to 12.01.02 of the Business Papers be received and noted by Council.

Carried 26201211

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### 12.01.01 Monthly Update Report – Engineering Department

File: A1.2.1

Moved: McMahon  
Second: McCarthy

That the information be received and noted.

Carried 27201211

Councillor Gibbons asked for the location of the heavy patching works that had been carried out on Shooters Hill Road.

The Director of Engineering took the question on notice.

Councillor Doney asked about the timeline for the licencing of the Oberon Waste Depot.

The Director of Engineering advised that consultants are working towards preparation of the plans and environmental assessment required for the Development Application. Groundwater monitoring bores have been installed It is anticipated that a DA will be ready to be submitted by April 2012.

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**12.01.02 Director of Engineering Status Report**

File: A1.2.1

Moved: McMahon  
Second: McCarthy

That the information be received and noted.

Carried 28201211

**Abercrombie Road**

File No: R256.1

Councillor McCarthy asked if discussion had commenced with Mr Brian and Mr Ross to enable road widening along the next section of works on Abercrombie Road as per the minutes of the Works Committee Meeting held on 8 November 2011.

The Director of Engineering advised that the application has been submitted to the RTA but has not been approved at this stage.

Councillor Gibbons asked if there will be enough room for busses to pull over at John Brien's gate. As the road has been widened there should be enough room at both the current entrance and the old entrance. Both entrances will be reinstated as part of the current works, however the sight distances would need to be re-assessed once the works are complete if the old entry way is to be used.

Councillor McCarthy advised he is still concerned about the drainage on the section of works currently being planned in the Black Springs village. Councillor McCarthy requested staff to consider kerb and guttering at both entrances into the forestry park along one side of the road when preparing the design and budget.

The Director of Engineering advised that kerb and guttering would require underground piping and will be quite expensive. The Design Engineer is currently working on the design and has been asked to consider one way cross fall to the eastern shoulder to reduce surface run off towards the houses.

Councillor McCarthy asked about the Heavy Patching works adjacent to Falls Hill. Why was the Stablex Machine not used on this section of work?

Councillor McMahon commented that this section of work has broken up very badly this week and will require grading and compacting prior to sealing.

**12.02 Reports for Decision**

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**12.02.01 Application for Closure and Purchase of Dedicated Road – Carlwood Road**

File: E31.9

This report was withdrawn by staff prior to consideration.

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**12.02.02 Murrays Lane Sealing**

File No: R48

Moved: O’Bernier  
Second: Sullivan

That an allocation of \$20,000.00 to prepare a 200m section of Murrays Lane for sealing be referred to the 2012/13 budget considerations.

Carried 29201211

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**12.03.01 General Business – Engineering**

Nil.

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## 13 Community and Customer Services Manager Reports

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### 13.01 Reports for Information

Moved: Sullivan  
Second: Doney

That the Community and Customer Services Manager reports for information as presented in Report 13.01.01 to 13.01.02 of the Business Papers be received and noted by Council.

Carried 30201211

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#### 13.01.01 Monthly Update Report – Community and Customer Services Manager

File: A1.2.1

Moved: Sullivan  
Second: Doney

That the information be received and noted.

Carried 31201211

Councillor Gibbons asked what arrangements are made for schools who were unable to attend the pool due to inclement weather. Were they charged for the use?

The Community and Customer Services Manager will investigate. The General Manager advised that at least one school had make up lessons.

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#### 13.01.02 Community and Customer Services Manager Status Report

File: A1.2.1

Moved: Sullivan  
Second: Doney

That the information be received and noted.

Carried 32201211

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**13.02 Reports for Decision**

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**13.02.01 Country Arts Support Program (CASP)**

File No: A5.3

Moved: Doney  
Second: McMahon

That an application be made to the CASP to assist in the development of arts and cultural activity within the Oberon Community.

Carried 33201211

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**13.02.02 Your Community Heritage Grant**

File No: A5.3

Moved: O’Bernier  
Second: Sullivan

That an application be made to the Your Community Heritage Grant to assist in the digitisation of the Alan Brown Collection.

Carried 34201211

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**13.02.03 National Awards for Local Government**

File No: A1.1

Moved: McCarthy  
Second: Gibbons

That an application be made to the Australian Government to nominate for the Active Arts Award, for the Heritage Walls project at the Common.

Carried 35201211

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**13.03.01 General Business – Community and Customer Services Manager**

Nil

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## 14 General Manager Reports

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### 14.01 Reports for Information

File No: A1.2.1

Moved: Sullivan  
Second: McCarthy

That the General Manager reports for information as presented in Report 14.01.01 to 14.01.02 of the Business Papers be received and noted by Council.

Carried 36201211

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### 14.01.01 Monthly Update Report – General Manager

File No: A1.2.1

Moved: Sullivan  
Second: McCarthy

That the information be received and noted.

Carried 37201211

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### 14.01.02 General Manager Status Report

File No: A1.2.1

Moved: Sullivan  
Second: McCarthy

That the information be received and noted.

Carried 38201211

Councillor Sullivan asked about the drainage issue at the Oberon Indoor Sports and Tennis Complex.

The General Manager advised that staff have been asked to further investigate the problem to establish if there is a problem with the design or construction.

Councillor McCarthy asked staff to investigate lowering the drain along the rear of the building as originally requested.

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General Manager

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Mayor

**14.02 Reports for Decision**

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**14.02.01 Upcoming Meetings**

File: A1.2.1

Moved: O’Bernier  
Second: Sullivan

That:

1. The Mayor and interested Councillors be nominated to attend the E Division Conference to be held in Forbes on Friday 17 February 2011.
2. Council consider any motions that may be submitted to the E Division Conference.

Carried 39201211

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**14.02.02 Section 355 Committee Management Manual Review and Volunteer Policy**

File: A2.1

Moved: McMahon  
Second: Sullivan

That the revised Management Manual for Section 355 Committee’s and Volunteers be adopted.

Carried 40201211

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**14.02.03 Jenolan Caves**

File: A3.1

Moved: McCarthy  
Second: Doney

That Council declare its support for the ongoing public ownership of the Jenolan Caves to the NSW State Government and Federal Government by calling on both tiers of Government to commence discussions to develop a joint public funding model for the ongoing viable operation of Jenolan Caves given its overwhelming significant cultural, heritage, tourism and environmental attributes.

Carried 41201211

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**14.03.01 General Business – General Manager**

Nil

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## **15 New Business of an Urgent Nature Admitted by Council**

### **Overgrown Vegetation**

File No: D51.1

Councillor O’Bernier asked staff to investigate overgrown vegetation on vacant land in Balfour Street. The grass is once again over fence line and staff are asked to pursue this matter.

### **Policing**

File No: A3.1

Councillor O’Bernier advised that since Sunday 18 December there has been no Police officer available in Oberon. A resident has made several phone calls to Bathurst Police and has been advised that the Police were not available. Why isn’t there a Police Office available in Oberon at this time of year? Council has previously been addressed by the Commander of the Chifley Zone and has been advised that Oberon would not be left without a Police Officer.

A letter will be forwarded to the Commander of the Chifley Zone outlining the Council’s concerns regarding the lack of police presence in Oberon during this period.

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General Manager

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Mayor

### **Black Springs Telephone Issues**

File No: A3.4

Councillor Gibbons advised that the battery back up for the telephone exchange at Black Springs has a very low life and only lasts for approximately half an hour. The area has had quite a few power outages. Mobile phone coverage is very unreliable in the area.

Councillor Sullivan suggested that the Black Springs Progress Association could progress the matter with the Member for Bathurst, Paul Toole.

Staff are requested to forward a letter to Telstra with a copy to the Communications Ombudsman and the State Member in relation to the matter.

### **Dog Kennel Facility**

File No: PR6.119

Councillor McMahon asked about a development for a Dog Kennel business by a resident on Bosworth Falls Road. Councillor McMahon asked what is the status of this development?

The Director of Development advised that Council is in the process of seeking legal advice in relation to the application. The application is currently ongoing.

### **Edith Road Land**

File No: E38.7

Councillor Gibbons asked if the five blocks on Edith Road could be put up for sale? This may provide developers an opportunity to purchase the land.

Councillor Sullivan declared an interest in this matter and left the meeting at 8.24pm.

The Director of Development advised that an application is currently being developed and will be provided to the February 2012 Meeting.

Councillor Sullivan returned to the meeting at 8.25pm.

**Black Springs and Burruga Tips**

File No: E35.1

Councillor Francis advised that he had received correspondence from Burruga and Black Springs residents requesting one free day per year at the Black Springs and Burruga tips.

Council has received correspondence in relation to this matter and a report will be provided to the February 2012 Ordinary Meeting.

**Extension of the Land Use Strategy Exhibition Period**

File No: D52.2.4

The General Manager advised that staff have attended Open Sessions in Oberon, Black Springs, Burruga and O'Connell.

At each meeting comments were made to staff that an extension of the period of exhibition should be made.

Moved: Sullivan  
Second: Doney

That the period of exhibition for the Draft Land Use Strategy be extended to 3 February 2012 and further that a meeting be convened to discuss the LUS submissions thereafter within an approximate timeframe of 10 - 15 working days.

Carried 42201211

Council rose for dinner at 8.43pm.

Council resumed at 9.24pm.

## 16 Closed Session Reports

### 16.01.01 Replacement of Excavator and Disposal of Grader

File No: E37.3

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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### 16.01.02 Staff Matters

File: C19.1

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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### 16.01.03 Tourism Matters

File: P73.1

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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**16.01.04 Investments – IMF Funding of Legal Action LGFS**

File Nos: A6.2, C17.2.2

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

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**16.01.05 Investments – Legal Action LGFS**

File Nos: A6.2, C17.2.2

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

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**16.01.06 Water Consumption Charges – Account 12376062**

File Nos: C16.1, PO47.73-99

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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**16.01.07 Legal Matters**

Files: C20.1

This item is classified CONFIDENTIAL under section 10A (2)(a) and (g) 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)

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

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**11.02.02 Request for wavering of Development Application Fees – Oberon Golf Club Extension**

File No's: A3.3, P72.1

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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Moved: Sullivan  
Second: O'Bernier

That:

1. Council resolve into closed Council to consider business identified, together with any late confidential 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*.

Carried 43201211

*Council closed the meeting at 9.25pm, there were no members of the public present at this point in time.*

Moved: Doney  
Second: O'Bernier

That Council move out of closed Council and into open Council.

Carried 44201211

*Open Council resumed at 11.11pm.*

The following resolutions made by 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.

**16.01.01 Replacement of Excavator and Disposal of Grader**

File No: E37.3

Moved: O’Bernier  
Second: McMahon

That Council note the information on the report and approve the commencement of the tender process to purchase a new excavator and to dispose of an excavator (Plant 8) and a grader (Plant 3).

Carried 45201211

It was noted that staff are requested to include cost benefit analysis discussion on the agenda for the Finance Committee Meeting.

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**16.01.02 Staff Matters**

File: C19.1

Staff present left the meeting at 9.45pm.

Moved: Sullivan  
Second: McMahon

That Council appoint an Interim General Manager to the role of General Manager for Oberon Council commencing late January 2012 and extending through to the commencement of the new appointee. That delegation be given to the Mayor and General Manager to progress this interim appointment.

Carried 46201211

Staff returned to the meeting at 9.51pm.

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**16.01.03 Tourism Matters**

File: P73.1

Moved: Sullivan  
Second: McMahon

That Council write to Blue Mountains Lithgow and Oberon Tourism requesting recognition by way of resolution by the Board to allow for alternate voting representation from Oberon Council.

Further that Blue Mountains Lithgow and Oberon Tourism be asked to prepare a Service Level Agreement document in support of funding requests for 2012-13 and present such to Council for consideration on or before the March 1 2012.

Carried 47201211

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**16.01.04 Investments – IMF Funding of Legal Action LGFS**

File Nos: A6.2, C17.2.2

Moved: Doney  
Second: McMahon

That Council accede to the request to vary the agreement with IMF (Australia) by agreeing to a further 3% fee in addition to that agreed in July 2010 (i.e. increased to 39%).

Carried 48201211

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**16.01.05 Investments – Legal Action LGFS**

File Nos: A6.2, C17.2.2

Moved: Doney  
Second: Gibbons

That Council give authority to Piper Alderman to negotiate a settlement no less favourable than those set out in their letter dated 30 November 2011.

Carried 49201211

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**16.01.06 Water Consumption Charges – Account 12376062**

File Nos: C16.1, PO47.73-99

Councillor Sullivan left the meeting at 10.20pm.  
Councillor Sullivan returned to the meeting at 10.26pm.

Moved: McMahon  
Second: McCarthy

That:

1. A reduction of 50% of the outstanding water charges be approved in accordance with Council's previous practice for pursuant to Policy 2201, given the extenuating circumstances of water charges for Account 12367875.
2. The user be requested to undertake regular meter readings to monitor water consumption and further that a management plan to address this situation be provided to Council.
3. That no further financial relief regarding future water supply charges will be provided by Council.

Carried 50201211

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**16.01.07 Legal Matters**

Files: C20.1

Moved: McCarthy  
Second: McMahon

That Council reconfirm their support for staff and the duties they undertake for Council and express their grave concern for the ongoing negativity by a small number of community members directed towards individual staff members who are carrying out their duties on behalf of Council, under the direction of Council and by resolution of the Council.

Carried 51201211

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**11.02.02 Request for wavering of Development Application Fees – Oberon Golf Club Extension**

Files: A3.3, P72.1

Moved: McMahon  
Second Doney

That:

1. Council defer considering the Golf Club's request to undertake works in kind for the development until such times as a costing can be provided for Council consideration at the next quarterly budget review.
2. Council request further information from the Golf Club to enable Council to consider the matter further.

Carried 52201211

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## 17 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 21 February 2011, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

This concluded the business of the meeting, the meeting rose at 11.12pm.

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General Manager

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Mayor

\_\_\_\_\_  
General Manager

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Mayor