

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

*Unconfirmed Minutes
Oberon Council Ordinary General Meeting
Tuesday 19 June 2012
5.30pm Council Chambers*

01	OPENING OF MEETING	3
02	PRAYER.....	3
03	RECORD OF ATTENDANCE.....	3
04	PRESENTATIONS	3
05	DECLARATIONS OF INTEREST.....	4
06	QUESTIONS FROM THE PUBLIC.....	4
12.01.01	AMENDMENT TO DRAFT LAND USE STRATEGY – FINAL DOCUMENT FOR ENDORSEMENT	5
07	CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)	8
08	MAYORAL MINUTE AND REPORT	8
08.01.01	MAYORAL MINUTE AND REPORT	8
09	COUNCILLOR REPORTS	9
10	INWARDS CORRESPONDENCE	11
10.01.01	INWARDS CORRESPONDENCE	11
11	REPORTS FOR INFORMATION.....	11
11.01.01	MONTHLY ACTIVITY REPORT – GENERAL MANAGER	11
11.01.02	STATUS REPORT – ACTIONING COUNCIL DECISIONS.....	12
11.01.03	CHANGES TO REPORTING STRUCTURES.....	12
11.01.04	MONTHLY ACTIVITY REPORT - TOURISM DEVELOPMENT OFFICER	13
11.01.05	MONTHLY ACTIVITY REPORT – COMMUNITY AND CUSTOMER SERVICES	13
11.01.06	MONTHLY ACTIVITY REPORT – CORPORATE SERVICES DEPARTMENT	14
11.01.07	STATEMENT OF BANK BALANCES AND INVESTMENTS – 31 MAY 2012.....	14
11.01.08	MONTHLY ACTIVITY REPORT – ENGINEERING DEPARTMENT	15
11.01.09	MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT.....	15
11.01.10	MEDIA.....	16

Page 1 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 19 June 2012.

General Manager

Mayor

12	REPORTS FOR DECISION	16
12.01.02	DEVELOPMENT CONTROL PLAN REVIEW – REVIEW OF ROAD WIDTHS FOR NEW DEVELOPMENT..	16
12.01.03	DEVELOPMENT APPLICATION 10.2012.17.1.....	17
12.01.05	BURRAGA CROWN ROADS.....	18
12.01.06	ROAD RESPONSE RISK MANAGEMENT POLICY	18
12.01.07	LOCAL GOVERNMENT REMUNERATION TRIBUNAL – COUNCILLOR FEES	19
12.01.08	DONATION REQUEST – OBERON WRITERS WORKSHOP	19
12.01.09	APPOINTMENT TO SECTION 355 COMMITTEES	20
13	COMMITTEE REPORTS.....	21
13.01.01	SENIORS WELFARE COMMITTEE.....	21
14	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	21
15	CLOSED SESSION REPORTS.....	22
15.01.01	WATER REFUND REQUEST – ACCOUNT 12368465	23
15.01.02	STAFF MATTER - CONFIDENTIAL	23
12.01.04	TENDER – SPRAYED BITUMINOUS SURFACING WORKS	23
15.01.01	WATER REFUND REQUEST – ACCOUNT 12368465	24
12.01.04	TENDER – SPRAYED BITUMINOUS SURFACING WORKS	25
15.01.02	STAFF MATTER - CONFIDENTIAL	25
16	CLOSURE OF MEETING	26

01 Opening of Meeting

File No: Governance/Meetings/Ordinary

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

02 Prayer

The Meeting was opened in prayer by Rev. Roger Dyer.

03 Record of Attendance

File No: Governance/Meetings/Ordinary

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 Alan Cairney, General Manager
 John Chapman, Director of Corporate Services
 Gary Wallace, Director of Development
 Aruna Wickramasinghe, Director of Engineering
 Sharon Swannell, Executive Assistant

Apologies Nil

It was noted that the Mayor welcomed members of the gallery present and in particular students from the Oberon High School Student Representative Council along with Principal David Scott.

04 Presentations

Superintendent Michael Robinson and Sergeant Shelly Jackson were invited to address Council. This item was held over until later in the meeting.

05 Declarations of Interest

Pecuniary	-	Councillor McCarthy declared an interest in the Industrial Section of Item 12.01.01. Councillor McCarthy owns land within the defined area.
Conflicts	-	Nil
Staff	-	Nil

06 Questions from the Public

Kathy Sajowitz stated that her question is a personal one and should not be attributed to any community groups that she is associated with.

Kathy asked that in light of the fact that it has been one year since the “Realignment” or Organisational Restructure was implemented by Council in May 2011, is Council satisfied with the realignment outcomes, and could they please advise her of the financial and community benefits achieved one year on?

The Mayor advised that the question will be taken on notice.

Bev Evans asked if Council could reinstate the six monthly kerbside pick up of large garbage items that existed years ago?

The Mayor advised that the question will be taken on notice.

Chris O'Neill asked a question in relation to the Draft Land Use Strategy (LUS) that will be considered by Council tonight.

Why is Council imposing the 4ha Minimum Lot Size (MLS) on his land when Titania Estate which is approximately 2ha is opposite his land and they have all been sold and developed? The market is calling for varying block sizes and he suggests a 1ha minimum and 2ha average for his land.

The Director of Development responded advising that the draft LUS is a document for the benefit of the whole LGA. The strategic objective of the Draft LUS related to 50 potential allotments in the 250ha area identified. 50ha was removed due to site constraints, therefore leaving 200ha to achieve the desired number of allotments. The concession was made to achieve this strategic outcome (being 50 allotments) rather than a 5ha average MLS, it was reduced to a 4ha MLS.

Moved: McCarthy
Second: McMahan

That item 12.01.01 be bought forward and dealt with at this point in time.

Carried 01190612

12.01.01 AMENDMENT TO DRAFT LAND USE STRATEGY – FINAL DOCUMENT FOR ENDORSEMENT

File No: Land Use and Planning/Land Management/Land Use Strategy

Author: Gary Wallace, Director of Development

Summary

Previously Council exhibited the Oberon Draft Land Use Study to the public and Government Authorities including the NSW Department of Planning and Infrastructure (DPI), formerly the NSW Department of Planning. As a result of the consultation process an amendment to the original draft has been developed for Council consideration and endorsement.

Moved: O’Bernier
Second: McMahan

That Council endorse the amendment to the Draft Land Use Strategy in relation to a statutory Minimum Lot Size (MLS) for the Rural Zone, in lieu of a Minimum Lot Size Study.

Carried 02190612

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, McMahan; Sullivan; O’Bernier; Gibbons; McCarthy; Doney and Fitzpatrick
Votes Against: Nil

Moved: Sullivan
Second: O’Bernier

That Council endorse amendments to the Draft Land Use Strategy in relation to Minimum Lot Size for the proposed Large Lot Residential zones with a further amendment of the proposed Titania Estate Extension – Investigation Area 4 to include a Minimum Lot Size of 2ha with an overall average of 4ha.

Carried 03190612

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

Votes For: Councillors Sullivan; O’Bernier; McCarthy; Doney and Fitzpatrick
Votes Against: Councillors Francis; McMahan and Gibbons

Presentation from Police

Council paused at 6.30pm to introduce the Police Chifley Area Commander, Superintendent Michael Robinson, Oberon’s new Sergeant Shelly Jackson and Senior Constable John Gallop.

Superintendent Robinson addressed Council and advised that Sgt Jackson had recently been transferred to Oberon from Penrith. Superintendent Robinson also advised that the Police have received approval to purchase a property in Oberon as a Sergeant’s residence and thanked Council for their assistance with this matter.

Discussion resumed at 6.42pm.

12.01.01 AMENDMENT TO DRAFT LAND USE STRATEGY – FINAL DOCUMENT FOR ENDORSEMENT

Moved: McCarthy
Second: Sullivan

That Council endorse amendments to the Draft Land Use Strategy with an amendment to the proposed Western Precinct Commercial Zone reducing the proposed commercial precinct and replacing the reduced area with an additional residential area.

Carried 04190612

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, McMahan; Sullivan; O’Bernier; Gibbons;
McCarthy; Doney and Fitzpatrick
Votes Against: Nil

Councillor McCarthy declared an interest in the proposed Industrial Land Provisions. Councillor McCarthy withdrew from discussion relating to this matter at 6.44pm.

Moved: McMahan
Second: Sullivan

That Council endorse amendments to the Draft Land Use Strategy in relation to proposed and future industrial land area.

Carried 05190612

Oberon Council - Agenda and Business Papers – Ordinary Meeting – 19 June 2012

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: Nil

Councillor McCarthy resumed his seat at 6.46pm.

Moved: Sullivan
Second: McMahon

That Mr David McKibbon who is a landholder in the O’Connell area be invited to address Council at this point in time.

Carried 06190612

Mr McKibbon tabled a letter in relation to the O’Connell Urban Conservation Area (UCA) outlining his concerns regarding his property being included in the UCA.

Moved: O’Bernier
Second: Doney

That Council endorse additional justification for the O’Connell Urban Conservation Area and that a Development Control Plan be prepared which will enable existing rights to be preserved.

The motion was put and lost.

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

Votes For: Councillors Sullivan; O’Bernier; McCarthy and Doney

Votes Against: Councillors Fitzpatrick; Francis; McMahon and Gibbons. The Mayor used his casting vote.

07 Confirmation of Minutes of Previous Meeting(s)

File No: Governance/Meetings/Ordinary

Ordinary Meeting 15 May 2012

Moved: McCarthy
Second: Francis

That the Minutes of the Ordinary Meeting held on 15 May 2012 be taken as read and confirmed.

Carried 07190612

Matters Arising from the Minutes

Nil

Special Meeting 22 May 2012

Moved: Sullivan
Second: McMahan

That the Minutes of the Special Meeting held on 22 May 2012 be taken as read and confirmed.

Carried 08190612

Matters Arising from the Minutes

Nil

08 Mayoral Minute and Report

08.01.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Cllr Don Fitzpatrick, Mayor

Summary

This report summaries the main activity for the Mayor since my last report.

Moved: Fitzpatrick
Second: McCarthy

That Report Item 08.01.01 is received as information.

Carried 09190612

Page 8 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 19 June 2012.

General Manager

Mayor

Moved: Sullivan
Second: Doney

That item 11.01.03 be considered in Closed Council under section 10A(2)(a) of the Local Government Act as the report contains personnel matters.

The motion was put and lost.

Moved: Sullivan
Second: Doney

That 12.01.04 be considered in Closed Council under section 10A(2)(d) of the Local Government Act as the report contains information that may be commercial in confidence.

Carried 10190612

09 Councillor Reports

Rural Fire Service

File No: Emergency Services/Meetings/NSW Rural Fire Service

Councillor Francis provided a verbal report in relation to the Rural Fire Service. All brigades are currently holding their Annual General Meetings and elections are being held for Group Captains.

Councillor McCarthy also advised that because members are required to be an authorised person to hold office it looks like the Mayfield Brigade may fold. This will continue if the onerous conditions enforced by the RFS keep being enforced.

Upper Macquarie County Council

File No: Environmental Management/Meetings/Upper Macquarie County Council

Councillor McMahon provided a verbal report in relation to the last meeting of the Upper Macquarie County Council. Councillor Francis and McMahon attended the meeting held on 15 June. There were no reports received from the Oberon Weed Inspector. The UMCC dealt with 85 reports and are looking to take further action with a number of landholders outside the Oberon LGA for failure to control weeds.

A new Chief Weeds Inspector has been appointed and some discussion was held in relation to matters where landholders have failed to respond to notices. The Pest Inspection Plan is currently on public exhibition.

The Mayor asked if there is data available in relation to the size of land holdings where fines have been issued for not complying with weed control.

Councillor McMahon undertook to follow up this matter.

Councillor McCarthy asked why the aerial spraying program for blackberries had been suspended earlier in the year.

Councillor McMahon advised that it was suspended due to issues with the equipment and wet weather conditions.

Seniors Welfare Committee

File No: Governance/Meetings/Seniors Welfare Committee

Councillor Sullivan provided a verbal report in relation to the last meeting of the Seniors Welfare Committee. The Committee has asked about progress on Aged Care matters and requested that Council find a way to keep the community advised about the process. There was also concern raised about the progress of the land sale for Aged Care.

The Committee are also seeking progress in relation to developing a trust fund to capture funds that may be bequeathed to Aged Care. The General Manager advised that he has made several attempts to contact the executor of the estate and will continue to pursue this matter.

Council rose for dinner at 8.25pm.

Council resumed at 8.56pm.

Moved: Sullivan
Second: Doney

That the consideration of the O'Connell Urban Conservation Area be re-considered at Council's Ordinary Meeting to be held on 17 July 2012 and that the Director of Development provide a report regarding the current constraints contained within the current legislative environment.

Carried 11190612

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

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

10 Inwards Correspondence

10.01.01 INWARDS CORRESPONDENCE

File No: Governance/Meetings/Ordinary

Author: Sharon Swannell, Executive Assistant

Summary

The Report Item provides a summary of incoming correspondence for the period 1 May 2012 to 31 May 2012. These items have been referred to various staff for actioning.

Moved: Doney
Second: O’Bernier

That report item 10.01.01 is received as information.

Carried 12190612

11 Reports for Information

11.01.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The Report Item summaries the main activity for the General Manager for the month of May 2012 and includes issues such as Staff Matters, Workplace Health & Safety, Economic Development & Tourism, Council Committees, Regional Matters and Meetings Schedule.

Moved: O’Bernier
Second: McCarthy

That report item 11.01.01 is received as information.

Carried 13190612

11.01.02 STATUS REPORT – ACTIONING COUNCIL DECISIONS

File No: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The Report Item provides details of the status in actioning Council decisions, and includes all decisions with reference to the actual Resolution Number as shown in the Minutes for each Council Meeting.

Moved: Doney
Second: Francis

That report item 11.01.02 is received as information.

Carried 14190612

11.01.03 CHANGES TO REPORTING STRUCTURES

File No: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Councillor Sullivan left the meeting at 9.40pm.

Summary

The Report Item provides details of a change in the reporting structure for Council Meetings and Council's Executive Management Team (EMT).

Moved: McMahon
Second: McCarthy

That report item 11.01.03 is received as information.

Carried 15190612

Councillor Sullivan returned to the meeting at 9.52pm.

11.01.04 MONTHLY ACTIVITY REPORT - TOURISM DEVELOPMENT OFFICER

File No: Economic Development/Tourism Development

Author: Jennifer Youman, Tourism Development Officer

Summary

The report summaries the main activity for the Tourism Development Officer for the month of May 2012 and relevant Tourism Information activities.

Moved: McCarthy
Second: Doney

That report item 11.01.04 is received as information.

Carried 16190612

11.01.05 MONTHLY ACTIVITY REPORT – COMMUNITY AND CUSTOMER SERVICES

File: Governance/Meetings/Ordinary

Author: Peta Heffernan, Community Services Manager

Summary

The following items are presented for Councillors information and are reflective of the period 01 May 2012 to 31 May 2012.

Moved: McCarthy
Second: Gibbons

That report item 11.01.05 is received as information.

Carried 17190612

**11.01.06 MONTHLY ACTIVITY REPORT – CORPORATE SERVICES
DEPARTMENT**

File: Financial Management/Financial Reporting/Periodic Reports

Author: John Chapman, Director of Corporate Services

Summary

The following items are presented for Councillors information and are reflective of the period May 1 to May 31 2012.

Moved: McCarthy
Second: O’Bernier

That Report Item 11.01.06 is received as information.

Carried 18190612

**11.01.07 STATEMENT OF BANK BALANCES AND INVESTMENTS – 31 MAY
2012**

File: Financial Management/Investments/Register

Author: John Chapman

Summary

The statement of Bank Balances and Investments as at 31 May 2012, together with a graphical summary for the period from May 2007 FOLLOW for Council’s information.

Moved: O’Bernier
Second: Doney

That report item 11.01.07 is received as information.

Carried 19190612

11.01.08 MONTHLY ACTIVITY REPORT – ENGINEERING DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Aruna Wickramasinghe, Director of Engineering and Ian Tucker, Works Manager

Summary

The following information is presented for Councillor's information and is reflective of the period 1 May 2012 to 31 May 2012.

Moved: O'Bernier
Second: Sullivan

That report item 11.01.08 is received as information.

Carried 20190612

Moved: Sullivan
Second: O'Bernier

That the Director of Engineering be requested to investigate issues raised in relation to the works carried out at the O'Connell Avenue and Beaconsfield Road intersection and implement actions to rectify the issues.

Carried 21190612

11.01.09 MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Gary Wallace, Director of Development

Summary

The following items are presented for Councillor's information and are reflective of the period 1 May 2012 to 31 May 2012.

Moved: Doney
Second: Sullivan

That report item 11.01.09 is received as information.

Carried 22190612

11.01.10 MEDIA

File No: Information Management/Information and Communications/Media Releases

Author: Sharon Swannell, Executive Assistant

Summary

The Report Item provides a list of Media Releases issued during the month of May 2012, a list of the dates where the Mayor's column (From the Mayor's Desk) has been published and a sample of Media Articles where Council is mentioned.

Moved: O'Bernier
Second: McCarthy

That report item 11.01.10 is received as information.

Carried 23190612

12 Reports for Decision

Item 12.01.01 was considered earlier in the meeting.

12.01.02 DEVELOPMENT CONTROL PLAN REVIEW – REVIEW OF ROAD WIDTHS FOR NEW DEVELOPMENT

File No: Land Use and Planning/Planning/Development Control Plans

Author: Gary Wallace, Director of Development

Summary

Council is in receipt of correspondence from Councillor Kerry Gibbons seeking Officers potential to seek a review of the current Development Control Plan 2001 relating to current requirements for road widths within subdivisions.

Councillor Gibbons has provided information relating to the considered onerous widths required for subdivisions within the Oberon LGA.

Moved: O'Bernier
Second: McCarthy

That delegation be given to the Director of Development to proceed with advertising of the amendment to Development Control Plan 2001 relating to Clause JB11.2, specifically to Table B11.2 relating to revised pavement design.

Amendment Moved: Gibbons
Second: McMahon

That delegation be given to the Director of Development to proceed with advertising an amendment to the Development Control Plan 2011 relating to Clause JB11.2, to revise the pavement design table following amendment of the pavement width requirement for a local road serving 1 or 2 lots to 4 metres wide and appropriately signposted.

The amendment was put and lost

The original motion stands.

Moved: O’Bernier
Second: McCarthy

That delegation be given to the Director of Development to proceed with advertising of the amendment to Development Control Plan 2001 relating to Clause JB11.2, specifically to Table B11.2 relating to revised pavement design.

Carried 24190612

12.01.03 DEVELOPMENT APPLICATION 10.2012.17.1

File No: PR185-12

Author: Jaclyn Burns, Senior Development Control Officer

Summary

Council is in receipt of Development Application 10.2012.17.1 for a proposed additional dwelling for Mr D Gilbert at Lot 83 in DP 1103098, 12 Bracken Glen Lane, Oberon within the Rural 1(a) zone. The proposed dwelling is to be located within 40m from the southern boundary of the adjoining allotment. Part B14.12.9 of Oberon’s Development Control Plan (DCP) 2001 requires a minimum 50m boundary setback for development adjoining class 4 and 5 non-prime crop and pasture land; however the DCP allows, in exceptional circumstances, a reduced setback if a buffer management plan is submitted and approved by Council, in accordance with the DCP.

The applicant has an existing tree buffer that was installed as required by the construction of the initial dwelling that can be utilised in the determination of this application.

Moved: McCarthy
Second: O’Bernier

That delegation is granted to Councils Director of Development to vary clause B14.12.9 of Development Control Plan 2001 to enable the determination of Development Application 10.2012.17.1 for the construction of a proposed additional dwelling with a southern boundary setback of 40m at Lot 83 in DP 1103098, 12 Bracken Glen Lane, Oberon.

Carried 25190612

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

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

Votes Against: Nil

Item 12.01.04 was referred to the Closed Council session of the meeting as the report contains information that may be commercial in confidence.

12.01.05 BURRAGA CROWN ROADS

File No: Roads/Road Closures/Permanent Assistant

Author: Matilda Dwyer , Engineering Administration

Summary

An application needs to be made to the Land and Property Management Authority to transfer the crown roads within the village of Burraga to Council to comply with the Roads Act 1993. They are currently listed as crown roads.

Moved: Sullivan
Second: Francis

That Council make an application to the Land and Property Management Authority to transfer the Crown roads within the Burraga village to Oberon Council’s control.

Carried 26190612

12.01.06 ROAD RESPONSE RISK MANAGEMENT POLICY

File No: Governance/Policies/Council Adopted Policies

Author: Aruna Wickramasinghe, Director of Engineering

Summary

The Road Response Risk Management Policy has been tabled to be adopted as a Council Policy.

Moved: Doney
Second: Sullivan

Council note the contents and adopt the Road Response Risk Management Policy from 1 July 2012.

Carried 27190612

12.01.07 LOCAL GOVERNMENT REMUNERATION TRIBUNAL – COUNCILLOR FEES

File No: Governance/Councillors/Allowances and Expenses

Author: John Chapman, Director of Corporate Services

Summary

Advice has been received from the Local Government and Shires Association that the Local Government Remuneration Tribunal has determined the annual fees for Councillors for the 2012/2013 financial year.

The Tribunal sets a minimum and maximum fee, and Council may determine the fee anywhere within the range.

Moved: Sullivan
Second: Doney

That the annual fee for Councillors and the Mayor for 2012/2013 be set in accordance with the maximum allowable as set by the Local Government Remuneration Tribunal.

Carried 28190612

12.01.08 DONATION REQUEST – OBERON WRITERS WORKSHOP

File No: Community Relations/Donations/Requests

Author: Amanda McGrath, Finance Manager

Summary

Correspondence has been received from the Oberon Writers Workshop requesting a donation towards the Oberon Young Writers Competition.

Moved: Doney
Second: Gibbons

That:

1. A donation of \$150 be provided to the Oberon Writers Workshop from the 2011/2012 Financial Assistance Budget.
2. An additional \$150 provision be made to the Financial Assistance budget at the Quarter 4 budget review.

Carried 29190612

12.01.09 Appointment to Section 355 Committees

File No: Governance/Meetings/Section 355 Committees

Author: Peta Heffernan, Community Services Manager AND Alan Cairney, General Manager

Summary

This report item provides Council with updates regarding the nominations to the following Section 355 Committees:

- The nominations from the Community to represent the Pool Users by appointment to the Sports Facilities Committee
- The nominations to represent the community by appointment to the Oberon Events and Tourism Marketing Committee
- The nominations to represent the community by appointment to the Economic Development Committee
- The nominations to represent the community by appointment to the Community Services Committee.

Moved: O’Bernier
Second: Doney

That

1. Kylee McGrath and Suzanne Webb be appointed to serve on the Section 355 Sports Facilities Committee.
2. Council accept nominations of Andrew Bird, David Craig, Tim Charge, John Philp, and Charles Degotardi to the Oberon Events and Tourism Marketing Committee.
3. Council advertise further for Expressions of Interest from community members to serve on the Oberon Events and Tourism Marketing Committee.
4. Councillors identify potential people and approach them to participate to serve on the Oberon Economic Development Committee and report back to the July Ordinary Council Meeting.
5. Council advertise, if required, following the September Local Government Elections for Expressions of Interest from community members and other nominated positions to serve on the Oberon Community Services Committee and the nominee be advised.

Carried 30190612

13 Committee Reports

13.01.01 SENIORS WELFARE COMMITTEE

File: Governance/Meetings/Seniors Welfare Committee

Author: Kathy Beesley, Community Liaison Officer

Summary

Minutes of the Seniors Welfare Committee Meeting held on 12 June 2012 FOLLOW for Council's information.

Moved: Sullivan
Second: Gibbons

That The Minutes of the Seniors Welfare Committee Meeting held on 12 June 2012 be received and noted.

Carried 31190612

14 New Business of an Urgent Nature Admitted by Council

GST Legislation

File No: Financial Management/Tax/GST

Councillor McMahon requested a comment from the Director of Corporate Services in relation to an article included in the Local Government Weekly on 1 June 2012 regarding the treatment of council taxes (i.e. rates), charges and fees under the new GST regime. What are they proposing?

The Director of Corporate Services advised that each Council was required to apply for a private ruling under the GST legislation which effectively maintained the GST. A joint application was submitted by the LGSA for all Councils and items which were previously exempt remain so for Oberon Council.

Access to Cemetery

File No: Public Health/Cemeteries/Private Cemeteries

Councillor Francis advised that at the last Burruga District Community Association Meeting a letter was tabled from a person doing their family tree providing a list of names of persons they believed were interned in the Burruga Cemetery. Members of the BDCA have checked and found that the people listed were not interned in the Burruga Cemetery. They would like to access the old Back Burruga Cemetery however the owner has refused entry for BDCA members to access this cemetery to review the internments. Councillor Francis asked if there is a right of way to access the private cemetery.

Staff will ascertain options to view the records and or access the cemetery.

Page 21 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 19 June 2012.

Abercrombie Road

File No: Engineering/Roads/R256.1

Councillor Gibbons advised that at the Black Springs presentation of the Community Strategic Plan he received a report regarding the Abercrombie Road at Running Stream.

The Director of Engineering has recently visited the site and reviewed this section of road.

15 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.

15.01.01 WATER REFUND REQUEST – ACCOUNT 12368465

File No: PO40-108

Author: Amanda McGrath, Finance Manager

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

- (b) The personal hardship of any resident or ratepayer.

15.01.02 STAFF MATTER - CONFIDENTIAL

File No: Governance/

Author: Alan Cairney, General Manager

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)

12.01.04 TENDER – SPRAYED BITUMINOUS SURFACING WORKS

File No: Corporate Management/Tendering/Roads and Bridges

Author: Ian Tucker, Works Manager

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

Moved: Fitzpatrick
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 32190612

Council closed the meeting at 11.17pm, there were no members of the public present at this point in time.

15.01.01 WATER REFUND REQUEST – ACCOUNT 12368465

File No: PO40-108

Author: Amanda McGrath, Finance Manager

Moved: O’Bernier
Second: Doney

That a reduction of \$471.04 (\$220.80 Water Charges and \$250.24 Sewer Charges) be approved in accordance with Council’s Policy 2201, given the extenuating circumstances of water account 12368465.

Amendment Moved: McCarthy
Second: Sullivan

That a reduction of \$250.24 Sewer Charges be approved in accordance with Council’s Policy 2201, given the extenuating circumstances of water account 12368465.

Carried 33190612 - the amendment now becomes the motion.

Moved: McCarthy
Second: Sullivan

That a reduction of \$250.24 Sewer Charges be approved in accordance with Council’s Policy 2201, given the extenuating circumstances of water account 12368465.

Carried 34190612

Moved: O’Bernier
Second: Sullivan

That a notice be included with the next Water Rates Notice advising residents to check water metres to monitor for leakages.

Carried 35190612

12.01.04 TENDER – SPRAYED BITUMINOUS SURFACING WORKS

File No: Corporate Management/Tendering/Roads and Bridges

Author: Ian Tucker, Works Manager

Moved: McCarthy
Second: Gibbons

That Contact No. T2012/2 for Sprayed Bituminous Surfacing Works in the Oberon Council Area, from 1 July 2012 to 30 June 2015, be awarded to Fulton Hogan P/L.

Carried 36190612

15.01.02 STAFF MATTER - CONFIDENTIAL

File No: Governance/

Author: Alan Cairney, General Manager

Council Staff, with the exception of the General Manager left the meeting at 11.31pm.

Open Council resumed at 11.57pm.

The Mayor advised that resolutions 33190612, 34190612, 35190612 and 36190612 were made by Council while the meeting was closed to the public. There were no members of the public present.

This concluded the business of the meeting. The meeting closed at 11.58pm.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 17 July 2012 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

Confirmed this _____ day of _____ 2012.

General Manager

Mayor

General Manager

Mayor