

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

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



*Confirmed Minutes
Oberon Council Special Meeting
Tuesday 7 August 2012
4.30pm Council Chambers*

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01 Opening of Meeting

The Mayor welcomed members and declared the meeting open at 4.30pm.

02 Record of Attendance

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

03 Declarations of Interest

Pecuniary	-	Councillor McCarthy declared an interest in Item 05.01.02 of the Confidential Staff Report.
Conflicts	-	Nil
Staff	-	Nil

04 Reports

04.01.01 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

Council has considered reports at its 19 June 2012 and 17 July 2012 Ordinary Meetings in relation to additional information supplied as part of an amendment to the original Draft Land Use Strategy (LUS), specifically in relation to the O’Connell Urban Conservation Area (UCA). This report provides options as to how Council can progress the current draft document.

There were several questions asked by members of the public in relation to the item and these were responded to by the Mayor and Director of Development.

Moved: Sullivan
Second: O’Bernier

That Council endorse the amendment to the Draft Land Use Strategy, including the O’Connell Urban Conservation Area, and forward the document to the Department of Planning and Infrastructure for final endorsement.

Carried 01070812

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

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

05 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.

05.01.01 BLUE MOUNTAINS TOURISM BOARD MEETING – 19 July 2012

File No: Economic Development/Regional Tourism/BMLOT

Author: Sharon Swannell, Executive Assistant

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

05.01.02 TASMAN ESTATE LAND OFFER

File No: Council Properties/Land Development and Sales

Author: John Chapman

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: Doney
Second: McMahan

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 02070812

Council closed the meeting at 5.16 pm, the members of the public present left the meeting at this point in time.

05.01.01 BLUE MOUNTAINS TOURISM BOARD MEETING – 19 July 2012

File No: Economic Development/Regional Tourism/BMLOT

Author: Sharon Swannell, Executive Assistant

Summary

Councillor Sullivan has prepared a confidential memo outlining the matters which were discussed at the last Blue Mountains, Lithgow and Oberon Tourism Board Meeting.

A copy of the memo was provided for Councillors information and discussion.

Moved: Sullivan
Second: McCarthy

1. That Council facilitate a meeting of the three Council's directly associated with the Jenolan Caves, in conjunction with the State and Federal Members, Blue Mountains, Lithgow and Oberon Tourism, Oberon Plateau Tourism Association and if appropriate the National Parks and Wildlife Service plus any interested community members.
2. The purpose of the meeting be to discuss the operation of the Jenolan Caves and the development of a long term Strategic Action Plan to ensure the facilities future.

Carried 03070812

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Councillor McCarthy declared a conflict with Item 05.01.02. Councillor McCarthy left the meeting at 5.32pm.

05.01.02 TASMAN ESTATE LAND OFFER

File No: Council Properties/Land Development and Sales

Author: John Chapman

Summary

An offer has been received through Ray White Oberon to purchase Lot 11 in the Tasman Estate.

Moved: O’Bernier
Second: McMahon

That Ray White Emms Mooney be advised that Council is prepared to negotiate for the sale of Lot 11 in Stevenson Close in accordance with the staff recommendation.

Carried 04070812

Councillor McCarthy returned to the meeting at 5.35pm.

Open Council resumed at 5.36pm.

The Mayor advised that resolutions 03070812 and 04070812 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 5.38pm.

Confirmed this _____ day of _____ 2012.

General Manager

Mayor

General Manager

Mayor