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OBERON COUNCIL

*Unconfirmed Minutes
Oberon Council Ordinary General Meeting
Tuesday 20 September 2011
5.30pm Council Chambers*

5.30pm	Opening of Ordinary 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 5.33pm.

02 Prayer

File No: A1.2.1

The Meeting was opened in prayer by Pastor Andy Godden.

03 Record of Attendance

File No: A1.2.1

Members Cr Keith Sullivan, Mayor - Chair
 Cr John McMahon, Deputy Mayor
 Cr Ian Doney
 Cr Don Fitzpatrick
 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
 Ian Tucker, Works Manager
 Sharon Swannell, Executive Assistant

Apologies Nil

04 Questions from the Public

File No: A1.2.1

None received.

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General Manager

Mayor

05 Confirmation of Minutes of Previous Meeting(s)

File No: A1.2.1

Moved: Doney
Second: Fitzpatrick

That the Minutes of the duly convened Ordinary Meeting held on 16 August 2011 be taken as read and confirmed.

Carried 01200911

Matters Arising from the Minutes

Nil

06 Declarations of Interest

File No: A1.2.4

Pecuniary	-	Nil
Conflicts	-	Nil
Staff	-	Nil

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General Manager

Mayor

07 Mayoral Minute and Report

File No: A1.2.3

A. Meetings

1. Meeting regarding future of Jenolan Caves – 15 August 2011
2. Ordinary Council Meeting – 16 August 2011
3. Interviews for Director of Engineering – 19 August 2011
4. Oberon Sports Complex Committee Meeting – 24 August 2011
5. CENTROC Board Meeting – Lithgow – 25 August 2011
6. Councillor Training – 29 August 2011
7. Meeting with Paul Toole MP – 1 September 2011
8. Central Tablelands Alliance Internal Audit Committee Meeting – 2 September 2011
9. Community Safety Precinct Committee Meeting – 5 September 2011
10. General Manager Performance Review – 6 September 2011
11. Meeting with State Forests – 13 September 2011

B. Representation

1. Community Donations Presentation – 6 September 2011
2. Oberon Public School Assembly (Attended by Deputy Mayor, John McMahon) – 9 September 2011
3. Oberon Junior Rugby League Presentation Day (Attended by Councillor Bob O’Bernier) – 11 September 2011

C. Correspondence

1. The Hon John Cobb MP regarding NBN and the Oberon Shire
2. Invitation to attend St Joseph’s Catholic School Opening Ceremony of the Trade Training Centre
3. Local Government and Shires Association of NSW regarding the 2012 Local Government Elections
4. Roads and Traffic Authority of NSW regarding Higher Mass Limits for freight vehicles on Council Roads
5. Invitation to attend Oberon Public School assembly and present Citizenship Certificates
6. Halogen Foundation regarding the National Young Leaders Days.
7. Department of Regional Australia, Regional Development and Local Government regarding the 2011 National Awards for Local Government

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General Manager

Mayor

Impact of the increase of an Ageing Population

File No: C22.4

Moved: Sullivan
Second: McMahon

That:

- The General Manager implement action to identify the future needs as a result of the increase in numbers of the elderly members in our community and develop a plan for the implementation of any possible infrastructure requirements to enable the required services to be provided.
- Further that possible sourcing of funds be identified with the view of making applications for funding at the earliest possible time.
- A review be undertaken of the reported Local Government toolkit with the view of providing a report to Council.

Carried 02200911

07.01.01 Election of Mayor and Deputy Mayor

File No: A7.1

The Mayor vacated the Chair and the General Manager assumed the role of returning officer in relation to the election of Mayor and Deputy Mayor.

ELECTION OF MAYOR

The General Manager advised that one nomination had been received for the position of Mayor, being Councillor Don Fitzpatrick, and subsequently declared the election of Councillor Fitzpatrick to the position of Mayor unopposed.

ELECTION OF DEPUTY MAYOR

The General Manager advised that one nomination had been received for the position of Deputy Mayor, being Councillor McMahon, and subsequently declared the election of Councillor McMahon to the position of Deputy Mayor unopposed.

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General Manager

Mayor

08 Councillor Reports

Rural Fire Service

File No: F90.1

Councillor Francis advised there has been no Rural Fire Service meeting held since the last Council Meeting.

Weeds Report

File No: E39.6

Councillor McMahon provided a verbal report regarding the last meeting of the Upper Macquarie County Council held on Friday 2 September 2011. The UMCC has been conducting an aerial weed spraying program targeting serrated tussock over the last ten years. The program has sprayed over 4,000 ha of serrated tussock. This is a very worthwhile project and will continue in the future.

09 Delegates Reports

09.01.01 Minutes of the Local Emergency Management Committee Meeting

File No: A3.5.2

Moved: Sullivan
Second: McMahon

That the minutes of the Local Emergency Management Committee Meeting held on Thursday 18 August 2011 be received for information.

Carried 03200911

09.01.02 Traffic Committee Delegate

File No: A2.2

Moved: McMahon
Second: Sullivan

That Councillor Gibbons be appointed as Council's alternative delegate to the Traffic Advisory Local Committee.

Carried 04200911

09.01.03 Minutes of the Oberon Sports Complex Committee

File No: A2.29

Moved: Sullivan
Second: Gibbons

That:

1. The Minutes of the Oberon Sports Complex Committee Meeting held on Wednesday 24 August 2011 be received for information.
2. The Oberon Tennis Association Inc. be invited to nominate a representative to join the Oberon Sports Complex Committee

Carried 05200911

10 Director of Development Reports

10.01 Reports for Information

File No: A1.2.1

Moved: McMahon
Second: McCarthy

That the Director of Development reports for information as presented in Report 10.01.01 to 10.01.03 of the Business Papers be received and noted by Council.

Carried 06200911

10.01.01 Monthly Update Report – Development Department

File No: A1.2.1

Moved: McMahon
Second: McCarthy

That the information be received and noted.

Carried 07200911

10.01.02 Roads and Traffic Authority Referral System – Albion Street

File: D52.1

Moved: McCarthy
Second: Gibbons

That the information be received and noted.

Carried 08200911

10.01.03 Development Department Status Report

File: A1.2.1

Moved: McMahon
Second: McCarthy

That the information be received and noted.

Carried 09200911

10.02 Reports for Decision

10.02.01 Council Seal to Section 88B Instrument

File No: PR186.147

Moved: McCarthy
Second: Sullivan

That the Common Seal of the Oberon Council be affixed to the Section 88B Instrument for Development Application 163/06 for a 4 Lot Subdivision for Mr F A Brien, Lots P 97, 98 and 168 in DP 757068 and Lots 1 and 2 in DP 11697 and Lot 1 in DP 325130 and Lot 3 in DP 237137 and Part Lot 2 in DP 104023 at 147 O'Connell Road Oberon.

Carried 10200911

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, McCarthy, Doney and Fitzpatrick
Votes against: Nil

Councillor McCarthy asked if the access to this subdivision has been approved as there had previously been issues raised in relation to the turning requirements for large vehicles.

The Director of Development advised that this matter will be addressed as part of the approval process.

10.02.02 Council Seal to Section 88B Instrument

File No: PR186.147

Moved: McCarthy
Second: Francis

That the Common Seal of the Oberon Council be affixed to the Section 88B Instrument for Development Application 163/06 for a 2 lot subdivision for Mr K Karthigeyan, lot 21 in DP 785503 80 Wilsons Drive Titania Oberon.

Carried 11200911

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, McCarthy, Doney and Fitzpatrick
Votes against: Nil

10.02.03 Council Seal to Section 88B Instrument

File No: PR186.147

Moved: McCarthy
Second: Sullivan

That the Common Seal of the Oberon Council be affixed to the Section 88B Instrument for Development Application 10.2010.78.1 for a 2 lot subdivision for the purpose of Agriculture of Lot 1 in DP 1144982 in the name of Shona Margaret Campbell, Kevin Campbell and Alwyn Campbell Brown of 1589 Edith Road Oberon.

Carried 12200911

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, McCarthy, Doney and Fitzpatrick
Votes against: Nil

10.02.04 Development Application: 10.2011.40.1

File: PR227.293

Moved: Sullivan
Second: McCarthy

That Council approve the Buffer Management Plan submitted with DA 10.2011.40.1 and delegation be granted to Councils General Manager to approve DA 10.2011.40.1 for a proposed Transported Dwelling with a boundary setback of 40m at 90° from the Eastern and Southern boundaries on Lot 158 in DP 753047, 293 Howes Road Mount David.

Carried 13200911

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, McCarthy, Doney and Fitzpatrick
Votes against: Nil

10.02.05 Development Control Plan Review – Total Aggregate Floor Area

File No: D52.2.2

Moved: Sullivan
Second: McMahon

1. That the submission for the aggregate floor area of outbuildings be extended to 180m² be noted.
2. That Council proceed to modifying the DCP 2001 to allow for the variation of the aggregate floor area to increase from 100m² to 150m².
3. That Council delete K7.1.12 which is a double up of another clause within DCP 2001.

Carried 14200911

10.02.06 Local Planning Panel Establishment – Standard Instrument Local Environmental Plan

File: D52.1

Moved: Sullivan
Second: McMahon

That Council endorse the request that the LGSA and the NSW Department of Infrastructure and Planning consider the Oberon Council Director of Development as an alternate expert when the Local Planning Panel is required to sit in regional areas.

Carried 15200911

10.03.01 General Business – Development

Exempt and Complying Development

File No: D52.4.1

Councillor McCarthy highlighted a concern in relation to the restrictions applied under the State Environmental Planning Policy (SEPP), particularly in relation to shed size and signage size. The requirements for Development Approval for insignificant signs under a certain size have been reduced.

Moved: McCarthy
Second: McMahon

That a review be undertaken of the exempt and complying development code and that a report be bought to a future meeting of Council and further that this matter be pursued with our State Member.

Carried 16200911

11 Director of Corporate Service Reports

11.01 Reports for Information

Moved: McMahon
Second: Sullivan

That the Director of Corporate Services reports for information as presented in Report 11.01.01 to 11.01.03 of the Business Papers be received and noted by Council.

Carried 17200911

11.01.01 Monthly Update Report – Corporate Services Department

File: A1.2.1

Moved: McMahon
Second: Sullivan

That the information be received and noted.

Carried 18200911

11.01.02 Statement of Bank Balances and Investments

File: C17.1

Moved: McMahon
Second: Sullivan

That the information be received and noted.

Carried 19200911

Councillor Sullivan noted that interest payments are not being received for the Zircon/Coolongatta investments and asked where legal proceedings are up to in relation to this matter

The Director of Corporate Services responded advising that the matter was heard in February/March of this year and a decision is yet to be handed down.

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General Manager

Mayor

11.01.03 Director of Corporate Services Status Report

File: A1.2.1

Moved: McMahon
Second: Sullivan

That the information be received and noted.

Carried 20200911

Carbon Tax

File No: C17.3.5

Councillor McMahon asked if the consideration has been given into the impact of the Carbon Tax on Council's finances.

The Director of Corporate Services responded advising that at this stage there has been very little information provided by the LGSA and other parties in relation to this matter. Investigation can be undertaken into this.

Moved: McMahon
Second: Francis

That staff be requested approach LGSA and enquire as to when they will be in a position to provide Council with a report regarding the likely impact of the Carbon Tax on Council's operating funds.

Carried 21200911

11.02 Reports for Decision

11.02.01 Delegates to External Organisations

File No: A2.1

Moved: McCarthy
Second: Sullivan

That delegates to committees and external organisations be appointed as follows:

- Arts OutWest
 - Fran Charge
- Ben Chifley Catchment Management Steering Committee
 - Councillor McCarthy
- Blue Mountains, Lithgow and Oberon Tourism Association
 - General Manager
 - Councillor Sullivan (alternate delegate)
- Catchment Management Committees (Lachlan, Macquarie and Sydney Water Catchment Management Authorities)
 - No Councillor delegate currently appointed
 - Director of Development
- Central Tablelands Strategic Alliance Internal Audit Committee
 - Councillor Fitzpatrick
- CENTROC
 - Mayor
 - General Manager
- Hawkesbury/Nepean Catchment Management Authority
 - No delegate currently appointed
- Joint Regional Planning Panel
 - Councillor Doney
 - Councillor McCarthy
 - Councillor McMahon (alternate delegate)
- Lachlan Regional Transport Committee Incorporated
 - No delegate currently appointed

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General Manager

Mayor

- Oberon Arts Council
 - No delegate currently appointed
- Oberon Business Association
 - Councillor McMahon
- Oberon Liquor Accord
 - Councillor Sullivan
- Oberon Plateau Tourism Association
 - Councillor McMahon (attendance when requested)
- Rural Fire Service Chifley Zone Liaison Committee
 - Councillors McCarthy and Francis (also to represent Council on Brigade Captains' Meetings)
 - Officers being the Director of Engineering and the Finance Manager
- Upper Macquarie County Council
 - Councillors McMahon and Francis

Carried 22200911

11.02.03 Councillor Casual Vacancy

File No: A1.3.2

Moved: Sullivan
Second: O'Bernier

That Council make application under Section 294 of the Local Government Act to the Minister for an order dispensing with the requirement to hold a by-election to fill the casual vacancy resulting from Councillor Handelsmann's resignation.

Carried 23200911

11.02.02 Potential Reduction in Number of Councillors

File No: A1.3.2

Moved: O'Bernier
Second: McMahon

That no action be taken to reduce the number of Councillors at the 2012 Council Elections.

Carried 24200911

11.02.04 Power of Attorney – General Manager

File: A6.2

Moved: O’Bernier
Second: McCarthy

That Council appoint the General Manager as Power of Attorney to sign on Council’s behalf documents listed on the attached draft and to which the Common Seal of Council is required to be affixed following a specific resolution of Council on such matters.

Carried 25200911

11.02.05 Policy Reviews

File: A1.2.7

Moved: Doney
Second: McCarthy

1. That the following policies remain unchanged:
 - a) Policy 4205 Reward Scheme for Malicious Damage to Property
 - b) Policy 4207 Waste Management (Garbage) Acceptance of Materials
 - c) Policy 5105 Temporary Road and Street Closures for Events
2. That the following policies be adopted with minor changes:
 - d) Policy 4206 Clean Up Campaign

Carried 26200911

11.02.06 Internal Reporting Policy

File: A1.2.7

Moved: Sullivan
Second: Gibbons

That the draft public interest disclosures policy and procedures as presented be adopted.

Carried 27200911

**11.02.07 Swimming Pool Fees and Charges – Hire Of Lifeguards/
Instructors**

Files: C15.5, D55.3.1

Moved: McCarthy
Second: McMahan

That Council advertise its intention to amend the 2011-2012 Schedule of Fees and Charges to include a charge of \$35.00 per hour (including GST) for the hire of lifeguards/instructors when required and which are not included as part of the group booking hire rate at Oberon Swimming Pool.

Carried 28200911

11.03.01 General Business – Corporate Services

Councillor Sullivan asked if groups attending activities such as Aqua Aerobics would be subject to a pool hire fee.

The General Manager advised that this would be subject to a separate fee.

12 Director of Engineering Reports

12.01 Reports for Information

File No: A1.2.1

Moved: McCarthy
Second: Sullivan

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 29200911

12.01.01 Monthly Update Report – Engineering Department

File: A1.2.1

Moved: McCarthy
Second: Sullivan

That the information be received and noted.

Carried 30200911

12.01.02 Director of Engineering Status Report

File No: A1.2.1

Moved: McCarthy
Second: Sullivan

That the information be received and noted.

Carried 31200911

O’Connell Avenue

File No: R253.2.9

Councillor Doney asked when work would commence on the road through the O’Connell Avenue.

The Works Manager responded that work was due to commence on Monday 26 September 2011.

Mount David Road

File No: R245

Councillor McCarthy asked about the damage that has been sustained on Mount David Road. The road surface has deteriorated along the full length of Mt David Rd, both north and south of Tralee Road. It is believed that log haulage mainly occurred south of Tralee Rd. Councillor McCarthy asked if the additional truck movements moving gravel across this road has contributed to its deterioration.

The Works Manager advised that there was already substantial damage on the road prior to Council commencing gravel carting in this location, but that gravel haulage is likely to have contributed to further damage. The Works Manager advised that a report will be provided to Council on the condition of Mount David Road.

Abercrombie Road

File No: R256.1

Councillor McMahon asked about the section of Abercrombie Road adjacent to Falls Hill that is currently being reconstructed. This is the second time this section of road has been reconstructed in the last six months. Councillor McMahon asked to why the previous work failed after such a short time and will the problem be fixed now.

The Works Manager advised that the work which was carried out on this section of road during winter was a short term fix as the conditions at the time were not ideal. However it was essential to do some urgent repairs at that time as there were some pavement failures which were potentially hazardous. It is intended to rip the primer seal, add more gravel, leave to settle for a period of time and then another primer seal will be applied.

Final Seal on Abercrombie Road Works

File No: R256.1

Councillor Gibbons asked about the section of Abercrombie Road, near Willow Springs Road) which has been reconstructed. Councillor Gibbons commented that the primer seal has been in place for approximately three years now and sections of this road have been damaged. When will the final seal be applied to the three sections of work that have been completed?

The Works Manager advised that the final seal will be applied during the summer sealing program.

Oberon Golf Club Water Reuse Project

File No: PO47.107

Councillor Doney asked about the status of the Golf Club Water Reuse Project.

The Works Manager advised that the physical works have not commenced as yet. The route has been determined and agreement reached with the property owner.

Campbells River Road

File No: R45

Councillor Francis asked a question in relation to Campbells River Road. Further past the work that has been carried out there are sections of the edge that have broken up. Will this be repaired?

The Works Manager replied that he has not inspected this area as yet, but has had discussions with the Overseer. The Works Manager undertook to inspect this section of road.

Edith Road Bridge

File No: R191

Councillor Gibbons asked a question in relation to the Edith Road Bridge. Councillor Gibbons asked what is the minimum required width for a bridge on a State Road.

The Works Manager advised that Edith Road is a regional road, not a state road and the question was taken on notice.

Councillor McCarthy also requested that the Edith Road Bridge be included on the agenda for the next Works Committee Meeting.

The General Manager advised that agenda items will be called for the next Works Committee Meeting.

12.02 Reports for Decision

12.02.01 Central NSW Councils (Centroc) Compliance and Cost savings program – Bitumen Emulsion Contract

File: E37.1, E39.1

Moved: Doney
Second: McMahon

That Council participate in the Central NSW Councils regional bitumen emulsion contract.

Carried 32200911

12.02.02 Roads to Recovery Program

File No: E30.2

Moved: Sullivan
Second: McCarthy

That Oberon Council calls on the Federal Government to:

- Recognise the successful delivery of the Roads to Recovery Program by Local Government since 2000
- Continue the Roads to Recovery Program on a permanent basis to assist Local Government meet its responsibilities of providing access for its communities
- Continue the Roads to Recovery Program with the current administrative arrangements; and
- Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually

Carried 33200911

12.03.01 General Business – Engineering

Nil

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General Manager

Mayor

13 General Manager Reports

13.01 Reports for Information

File No: A1.2.1

Moved: McCarthy
Second: Sullivan

That the General 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 34200911

13.01.01 Monthly Update Report – General Manager

File: A1.2.1

Moved: McCarthy
Second: Sullivan

That the information be received and noted.

Carried 35200911

13.01.02 Status Report

File: A1.2.1

Moved: McCarthy
Second: Sullivan

That the information be received and noted.

Carried 36200911

13.02 Reports for Decision

13.02.01 Internal Audit Committee

File: C15.1

Moved: Sullivan
Second: O’Bernier

That the internal audit report and unconfirmed minutes from the internal audit committee be noted and received for information.

Carried 37200911

13.02.02 Upcoming Meetings

File: A1.2.1

Moved: O’Bernier
Second: McCarthy

That:

1. No Councillor attends the 2011 LGA Conference in Shoalhaven
2. No Councillor attends the 2011 National Local Roads and Transport Congress in Mount Gambier

Carried 38200911

13.02.03 Regional Tourism

File: P73.1

Moved: McMahon
Second: Francis

That Council receive the report for information.

Carried 39200911

13.03.01 General Business – General Manager

Media Coverage at Council Meetings

File No: A3.1

Councillor Doney asked if we are aware of what level of press representation we may have at Council Meetings in the future as the current journalist from the Oberon Review, Julia Kurtz has resigned from the position.

The General Manager advised that Julia Kurtz finishes in the role on 12 October 2011.

Julia Kurtz then advised that she will accompany the new journalist to the October 2011 Council meeting.

Council expressed their preference for the Oberon Review to continue to attend the Council meetings. Council extended their thanks to Julia Kurtz for her efforts and attendance at Council meetings during her time as journalist at the Oberon Review.

14 New Business of an Urgent Nature Admitted by Council

Councillor O’Bernier objected to the matter regarding the Transport Issues over the Blue Mountains being discussed in Closed Council and asked that in future consideration be given to the non-confidential part of the discussion being held in Open Council.

The General Manager re-stated the reason for this matter being discussed in Closed Council.

15 Closed Session Reports

15.01.01 Central NSW Councils (Centroc) Compliance and Cost savings program – Road Signs Contract

File: E37.2, E39.1

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.

15.01.02 Land Use Strategy – September Update

File: D52.2.5

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

15.01.03 Purchase of Truck and Trailer

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.

15.01.04 Water Consumption Charges Refund – Account 12367875

File No: C16.1

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

15.01.05 Fish River Water Supply Scheme

File: E32.2

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
-

15.01.06 Transport Issues

File: E31.1 and PO36.124

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

15.01.07 Product Development Funding

File No: 72.1

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: Sullivan
Second: McCarthy

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 40200911

Council closed the meeting at 7.33pm, members of the public present at this point in time left the meeting.

Page 31 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 20 September 2011, commencing at 5.30pm.

General Manager

Mayor

Moved: O’Bernier
Second: Sullivan

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

Carried 41200911

Open Council resumed at 8.54pm.

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.

15.01.01 Central NSW Councils (Centroc) Compliance and Cost savings program – Road Signs Contract

File: E37.2, E39.1

Moved: McMahon
Second: Gibbons

That Artcraft and Road Management Solutions be selected as the two preferred providers for Council’s road signs procurement for the contract period of 24 month.

Carried 42200911

15.01.02 Land Use Strategy – September Update

File: D52.2.5

Moved: Sullivan
Second: Francis

That the information be received and noted.

Carried 43200911

15.01.03 Purchase of Truck and Trailer

File No: E37.3

Moved: Sullivan
Second: McCarthy

That the purchase of the truck and trailer be deferred until such time as the new Director of Engineering has an opportunity to review the matter and provide a further report to the October Council Meeting.

Carried 44200911

Councillor McMahon requested that his vote against the motion be recorded.

15.01.04 Water Consumption Charges Refund – Account 12367875

File No: C16.1

Moved: McCarthy
Second: Francis

That a reduction of \$121.68 be approved in accordance with Council's Policy 2201, given the extenuating circumstances of water Account 12367875.

Carried 45200911

15.01.05 Fish River Water Supply Scheme

File: E32.2

Moved: Sullivan
Second: McMahon

That Council write and request an urgent meeting with the NSW Office of Water to address the following matters:

- a) The broader issue of interpretation and adherence to the final recommendations for the Fish River Water Supply Scheme as handed down in March 2011 by the Minister.
- b) At this point in time Council understands the difficulty faced by Sydney Catchment Authority and offers in principle support for the proposed amendments to the carryover rules to be applied to Sydney Catchment Authority on a trial basis.
- c) That Council sees no justification for the application of the proposed carryover rules to Delta Electricity at this point in time as Council's understanding is that if the recommendations forming part of the Minister's decision were correctly applied it would result in Delta Electricity having no available carryover based on the figures supplied to Council.

Carried 46200911

15.01.06 Transport Issues

File: E31.1 and PO36.124

Moved: Sullivan
Second: McCarthy

That Council support Borg's submission to the RTA in relation to 25 metre Self Steering Combination Vehicle access over the Blue Mountains on condition that Borg meets all safety requirements as set by the RTA.

This support is also conditional on there being no increase in the GVM (Gross Vehicle Mass) from what is currently approved for the 19m General Access Vehicles (or as instructed by the RTA) and that the one third reduction in current daily truck movements is achieved.

Carried 47200911

15.01.07 Product Development Funding

File No: 72.1

Moved: O’Bernier
Second: Sullivan

That Council submits a proposal to BMLOT for consideration under the Regional Tourism Product Development Funding Program to fund the development of preferred destination based tourism application project inclusive of the travelling billboard concept.

Carried 48200911

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 18 October 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 8.55pm.

General Manager

Mayor

General Manager

Mayor