

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 16 August 2011
 5.30pm Council Chambers*

5.30pm	Opening of meeting
7.30pm - 8.00pm	Dinner

01	OPENING OF MEETING	3
02	PRAYER.....	3
03	RECORD OF ATTENDANCE	3
04	QUESTIONS FROM THE PUBLIC.....	4
05	CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S).....	4
	ORDINARY MEETING 19 JULY 2011	4
06	DECLARATIONS OF INTEREST.....	4
07	MAYORAL MINUTE AND REPORT	5
08	COUNCILLOR REPORTS	7
09	DELEGATES REPORTS.....	8
	09.01.01 SENIORS WELFARE COMMITTEE MINUTES	8
	09.01.02 EVENTS COMMITTEE MEETING MINUTES.....	8
	09.01.03 TRAFFIC ADVISORY LOCAL COMMITTEE MEETING.....	9
10	DIRECTOR OF DEVELOPMENT REPORTS.....	10
	10.01 REPORTS FOR INFORMATION.....	10
	10.01.01 MONTHLY UPDATE REPORT – DEVELOPMENT DEPARTMENT.....	10
	10.01.02 DIRECTOR OF DEVELOPMENT STATUS REPORT.....	10
	10.02 REPORTS FOR DECISION.....	11
	10.02.01 DEVELOPMENT APPLICATION: 10.2011.31.1.....	11
	10.03.01 GENERAL BUSINESS - DEVELOPMENT.....	11

Page 1 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 August 2011, commencing at 5.30pm.

General Manager

Mayor

11	DIRECTOR OF CORPORATE SERVICE REPORTS.....	12
11.01	REPORTS FOR INFORMATION.....	12
11.01.01	MONTHLY UPDATE REPORT – CORPORATE SERVICES DEPARTMENT.....	12
11.01.02	ELECTION OF MAYOR AND DEPUTY MAYOR.....	12
11.01.03	STATEMENT OF BANK BALANCES AND INVESTMENTS.....	13
11.01.04	DIRECTOR OF CORPORATE SERVICES STATUS REPORT.....	13
11.02	REPORTS FOR DECISION.....	14
11.02.01	QUARTERLY BUDGET REVIEW AS AT 30 JUNE 2011.....	14
11.02.02	REVIEW OF MANAGEMENT PLAN – QUARTER 4 2010/2011.....	14
11.02.03	REQUEST FOR REDUCTION IN RATES – FREEMASONS.....	14
11.02.04	NSW SENIORS WEEK GRANTS PROGRAM 2012.....	15
11.03.01	GENERAL BUSINESS – CORPORATE SERVICES.....	15
12	DIRECTOR OF ENGINEERING REPORTS.....	16
12.01	REPORTS FOR INFORMATION.....	16
12.01.01	MONTHLY UPDATE REPORT – ENGINEERING DEPARTMENT.....	16
12.01.02	DIRECTOR OF ENGINEERING STATUS REPORT.....	16
12.02	REPORTS FOR DECISION.....	17
12.02.01	CENTROC WATER UTILITIES ALLIANCE (CWUA).....	17
12.02.02	TODDS ROAD UPGRADE.....	17
12.02.03	REQUEST FOR ROAD NAMING.....	17
12.02.04	PROPOSED NAMING – LOWRY’S HILL, BLACK SPRINGS.....	18
12.03.01	GENERAL BUSINESS - ENGINEERING.....	18
13	GENERAL MANAGER REPORTS	19
13.01	REPORTS FOR INFORMATION.....	19
13.01.01	MONTHLY UPDATE REPORT – GENERAL MANAGER.....	19
13.01.02	GENERAL MANAGER STATUS REPORT.....	19
13.02	REPORTS FOR DECISION.....	20
13.03.01	GENERAL BUSINESS – GENERAL MANAGER.....	20
14	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	21
15	CLOSED SESSION REPORTS	23
15.01.01	WATER CONSUMPTION CHARGES REFUND – ACCOUNT 12361261.....	24
15.01.02	DRAFT LAND USE STRATEGY BRIEFING UPDATE.....	25
15.01.03	TASMAN ESTATE LAND OFFER.....	25
16	CLOSURE OF MEETING.....	25

01 Opening of Meeting

File No: A1.2.1

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

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 Ian Doney
Cr Don Fitzpatrick
Cr Neil Francis
Cr Kerry Gibbons
Cr Zsuzsanna Handelsmann
Cr Bob O'Bernier

Officers John Chapman, Director of Corporate Services
Gary Wallace, Director of Development
Ian Tucker, Acting Director of Engineering
Sharon Swannell, Executive Assistant

Apologies Cr John McMahon, Deputy Mayor
Cr Clive McCarthy
Leanne Mash, General Manager

Moved: O'Bernier
Second: Fitzpatrick

That apologies be received and accepted for the non-attendance of Councillor John McMahon, Councillor Clive McCarthy and the General Manager, Leanne Mash.

Carried 01160811

04 Questions from the Public

File No: A1.2.1

None received.

05 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 19 July 2011

File No: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

That the Minutes of the duly convened Ordinary Meeting held on 19 July 2011 be taken as read and confirmed.

Carried 02160811

Matters Arising from the Minutes

Nil

06 Declarations of Interest

File No: A1.2.4

Pecuniary	-	Councillor Gibbons declared an interest in item 12.02.02 of the Staff Report. Councillor Gibbons is engaged by a contractor undertaking the proposed works.
Conflicts	-	Nil
Staff	-	Nil

Councillor Handelsmann entered the meeting at 5.34pm.

Page 4 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 August 2011, commencing at 5.30pm.

07 Mayoral Minute and Report

File No: A1.2.3

A. Meetings

1. Ordinary Council Meeting – 19 July 2011
2. Meeting with Highland Pine Products and John Cobb MP – 29 July 2011
3. Seniors Welfare Committee Meeting – 1 August 2011

B. Representation

1. Oberon Golf Club Annual Presentation Dinner – 15 July 2011
2. Inner Wheel Annual Changeover Lunch – 16 July 2011
3. Interviews for Community and Customer Services Manager – 1 August 2011

C. Correspondence

1. Friends of Libraries Australia regarding professional staffing in the Oberon Library – 21 July 2011.
2. National Timber Council Taskforce Strategic Review – 28 July 2011
3. Central West Catchment Management Authority – invitation to attend the next Councillor and Executive Luncheon Seminar on Friday 9 September 2011
4. Australian Local Government Association regarding the Roads to Recovery Program
5. Paul Toole MP in reference to the Oberon LEP
6. Mayor of Orange, Cr John Davis requesting Council's contact the NSW Government to encourage their consideration of funding for NSW Rural Financial Counselling Service in upcoming State Budget.
7. The Hon Jillian Skinner MP regarding the review conducted of the Orange Aeromedical retrieval service.
8. NSW Department of Primary Industries seeking assistance to uncover female volunteers within NSW rural communities.
9. The Heart Foundation seeking support for the Annual Door Knock Appeal.

D. Other Matters

Notification of my intention to retire from the position of Mayor in September 2011.

Page 5 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 August 2011, commencing at 5.30pm.

General Manager

Mayor

Establishment of a Planning and Infrastructure Panel

File No: D52.1

Discussion was held regarding additional correspondence which has been received from the Hon Brad Hazzard, Minister for Planning and Infrastructure.

Moved: Sullivan
Second: O’Bernier

In regards to the letter from Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, concerning the establishment of a Planning and Infrastructure Panel that Council discuss the matter and consideration be given to nominating a representative to serve on the panel.

Carried 03160811

Funding for NSW Rural Financial Counselling Service

File No: A3.11

Discussion was held regarding correspondence from Mayor of Orange, Cr John Davis requesting Council’s contact the NSW Government to encourage their consideration of funding for NSW Rural Financial Counselling Service in upcoming State Budget.

Councillor Handelsmann Retirement

File No: A1.2.3

The Mayor acknowledged Councillor Handelsmann’s intention to retire from Council and advised that this will be the Councillors last Meeting. The Mayor thanked Councillor Handelsmann for her contribution during her time as a Councillor.

Keith Sullivan
Mayor

08 Councillor Reports

Rural Fire Service

File No: F90.1

Councillor Francis attended the last Rural Fire Service Management Meeting. Councillor Francis advised there was nothing significant to report from the meeting.

Upper Macquarie County Council

File No: E39.6

Councillor Francis advised that there was no Councillor delegate from Oberon in attendance at the last Upper Macquarie County Council Meeting.

Rural Crime in Burruga

File No: A3.1

Councillor Francis provided a verbal report regarding a meeting held on Thursday 11 August 2011 between the NSW Police Force and members of the Burruga Community. The meeting was well attended by approximately 60 residents from the Burruga Community as well as four officers from the Chifley Area Command. The Burruga Community is now pursuing the establishment of an eye-watch campaign in Burruga.

Oberon Business Association and Oberon Plateau Tourism Association

File No's: P73.4 and P73.5

Councillor Handelsmann advised that as she was resigning from Council new delegates will be required to be appointed to the Oberon Business Association and Oberon Plateau Tourism Association. Councillor Handelsmann advised that she had enjoyed serving as Council's delegate to these committees during her time on Council. Councillor Handelsmann attended the OPTA meeting held on Monday 15 August 2011. A report on the attendance at the Country and Regional Living Expo was provided at the OPTA meeting.

The Director of Corporate Services advised that as Council traditionally reviews its delegates to external committees at its September Ordinary Council Meeting this matter will be dealt with at that time.

09 Delegates Reports

09.01.01 Seniors Welfare Committee Minutes

File: C24.1

Moved: Gibbons
Second: Doney

That

1. The Minutes of the Seniors Welfare Committee Meeting held on 1 August 2011 be received and noted.
2. Investigation be undertaken into the establishment of a trust mechanism to capture donations made to facilitate the provision of aged care facilities and services in Oberon.

Carried 04160811

09.01.02 Events Committee Meeting Minutes

File No: A2.5

Moved: Fitzpatrick
Second: O'Bernier

That:

1. The Minutes of the Events Committee Meeting held on 2 August 2011 be received and noted
2. Mr David McMurray be invited to remain on the Events Committee as a community representative
3. Mr Jim Hawkes be appointed as the Highlands Steam and Vintage Fair delegate to the Events Committee

Carried 05160811

09.01.03 Traffic Advisory Local Committee Meeting

File No: A2.2

Moved: Handelsmann
Second: Francis

That:

1. The Minutes of the Traffic Advisory Local Committee Meeting held on 4 August 2011 be received and noted
2. The application for 25m B-Doubles access on Edith Road, from “Lochgary” to near Bastard Point Road, not be approved
3. The application for Higher Mass Limit access on Hazelgrove Road, from Albion Street to Oberon Abattoir, for eligible freight operators be approved.

Carried 06160811

10 Director of Development Reports

10.01 Reports for Information

File No: A1.2.1

Moved: O'Bernier
Second: Fitzpatrick

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 07160811

10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: O'Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 08160811

10.01.02 Director of Development Status Report

File: A1.2.1

Moved: O'Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 09160811

10.02 Reports for Decision

10.02.01 Development Application: 10.2011.31.1

File: PO38.83

Moved: Gibbons
Second: Francis

That delegation be granted to Councils General Manager to vary part C.5.5 "Building Height Plane" of Oberon's Development Control Plan 2001 by Council to allow the construction of a dual occupancy on Lot 8 in DP: 2364 Section D, 83 North Street, Oberon.

Carried 10160811

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, Doney, Gibbons, Handelsmann, Fitzpatrick and Sullivan
Votes against: Councillors O'Bernier

10.03.01 General Business – Development

File No: PR6.119 and DA10.2011.38.1

Councillor Doney requested an update regarding a Development Proposal for an Animal Boarding and Training Establishment located at Bosworth Falls Road.

The Application is currently on public exhibition. A report will be provided to Council for their consideration following the closing date for submissions and the planning assessment being completed.

11 Director of Corporate Service Reports

11.01 Reports for Information

File No: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

That the Director of Corporate Services reports for information as presented in Report 11.01.01 to 11.01.04 of the Business Papers be received and noted by Council.

Carried 11160811

11.01.01 Monthly Update Report – Corporate Services Department

File: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 12160811

11.01.02 Election of Mayor and Deputy Mayor

File: A7.1

Moved: O’Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 13160811

11.01.03 Statement of Bank Balances and Investments

File: C17.1

Moved: O’Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 14160811

11.01.04 Director of Corporate Services Status Report

File: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 15160811

11.02 Reports for Decision

11.02.01 Quarterly Budget Review as at 30 June 2011

File: C15.3

Moved: Fitzpatrick
Second: Doney

That the Quarter 4 Budget Review Statements for 2010/2011 be received and noted subject to finalisation of the financial reports to 30 June 2011.

Carried 16160811

11.02.02 Review of Management Plan – Quarter 4 2010/2011

File: C15.5

Moved: Doney
Second: Fitzpatrick

That the Quarter 4 Management Plan review for 2010/2011 be received and noted.

Carried 17160811

11.02.03 Request For Reduction in Rates – Freemasons

File: PO40.70

Moved: O’Bernier
Second: Francis

That

1. An annual donation be made to the Freemasons equal to the difference between business rates and residential rates from 1 July 2011 on the Oberon Masonic Centre located at 70 Oberon Street, Oberon; and
2. Council’s Financial Assistance Policy be amended to include the annual donation.

Carried 18160811

11.02.04 NSW Seniors Week Grants Program 2012

File No: A5.3

Moved: O’Bernier
Second: Handelsmann

That an application be submitted for the 2012 Seniors Week Grant funding and the Seniors Welfare Committee be requested to comment on suitable events/projects that could be considered for Seniors Week 2012.

Carried 19160811

11.03.01 General Business – Corporate Services

Nil

12 Director of Engineering Reports

12.01 Reports for Information

File No: A1.2.1

Moved: Doney
Second: O’Bernier

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 20160811

12.01.01 Monthly Update Report – Engineering Department

File: A1.2.1

Moved: Doney
Second: O’Bernier

That the information be received and noted.

Carried 21160811

12.01.02 Director of Engineering Status Report

File: A1.2.1

Moved: Doney
Second: O’Bernier

That the information be received and noted.

Carried 22160811

12.02 Reports for Decision

12.02.01 Centroc Water Utilities Alliance (CWUA)

File No: E32.1 and E33.1

Moved: O’Bernier
Second: Francis

That the information be received and noted.

Carried 23160811

Councillor Gibbons declared an interest in item 12.02.02 of the staff report. Councillor Gibbons left the meeting at 6.04pm.

12.02.02 Todds Road Upgrade

File No: E31.1

Moved: Doney
Second: Francis

That the request to convert approximately 0.9km of Todds Road from crown road reserve to a dedicated road be supported subject to development consent and the road being upgraded to Council’s normal standard and all costs for construction and survey being borne by the applicant.

Carried 24160811

Councillor Gibbons returned to the meeting at 6.10pm.

12.02.03 Request for Road Naming

File: E31.9

Moved: O’Bernier
Second: Fitzpatrick

That an advertisement be placed in the Oberon Review advising that the road requires a name and request appropriate suggestions be forwarded to Council within the required 30 day timeframe.

Carried 25160811

12.02.04 Proposed Naming – Lowry's Hill, Black Springs

File: D51.1

Moved: Gibbons
Second: Francis

That Council support the application to name Lowry's Hill.

Carried 26160811

12.03.01 General Business – Engineering

The Common Development

File No: E34.9

Councillor Doney requested information regarding the ongoing development at the Common. What plans are in place for future development?

The Acting Director of Engineering advised that some tree planting is being carried out around the top pond at the Common. No further planning has been undertaken at this point in time.

Abercrombie Road

File No: R256.1

Councillor Gibbons asked about the section of Abercrombie Road which has been upgraded between 1698 and 1919 Abercrombie Road. Councillor Gibbons asked how long it would be before the final seal is applied to this section of road.

The Acting Director of Engineering advised that the work is top of the priority list for reseals this coming summer.

13 General Manager Reports

13.01 Reports for Information

File No: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

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 27160811

13.01.01 Monthly Update Report – General Manager

File: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 28160811

Moved: Handelsmann
Second: O’Bernier

That an ongoing report be included in the General Manager’s monthly report regarding the Internal Audit Committee recommendations.

Carried 29160811

13.01.02 General Manager Status Report

File: A1.2.1

Moved: O’Bernier
Second: Fitzpatrick

That the information be received and noted.

Carried 30160811

13.02 Reports for Decision

Nil

13.03.01 General Business – General Manager

Nil

Unconfirmed

14 New Business of an Urgent Nature Admitted by Council

Oberon Tennis Centre Expansion

File No: E34.9.2

Councillor Gibbons asked if a name had been selected for the new Tennis Centre.

The Mayor advised that it is proposed to name the centre The Oberon Indoor Sports and Tennis Centre. The existing committee will be expanded to include other sports and will be run as an indoor sports committee.

Tree in Hume Street

File No: E34.10

Councillor Gibbons raised the matter of a tree in Hume Street which overhangs the adjoining property. The Councillor had carried out an inspection of the tree and tabled photographs. The tree is located on the road reserve in Hume Street. A large limb overhangs a resident's yard by at least 15 metres. The litter from the tree is cluttering the gutters of the adjoining house. Council has previously considered reports regarding this tree.

The Acting Director of Engineering responded advising that the tree has been inspected and reports prepared by arborists on several occasions. On the first occasion the arborist reported that the tree was sound and healthy and recommended the removal of some dead wood. During the most recent inspection the arborists opinion was unchanged. In the arborists opinion the removal of the large branches could impact on the overall health of the tree.

Moved: Gibbons
Second: O'Bernier

That the identified branches overhanging the adjoining property from the Hume Street tree be removed.

Carried 31160811

Campbells River Road

File No: R45, R244 and R40

Councillor Francis raised an issue regarding the surface of Campbells River Road breaking up. Councillor Francis advised that trucks are crossing the centre lines to avoid the damaged sections of road. Areas of the Burruga Road and Arkstone Road are also damaged.

The Acting Director of Engineering advised that Heavy Patching is required on these sections of road and this will be scheduled as soon as the weather is favourable for this type of work to be completed. Warning signs have been erected in the area.

Trucks using Oberon Street

File No: R253.1.1

Councillor Handelsmann asked if there is any way that trucks can be forced to use the Albion Street Bypass.

The Mayor advised that the Main Street is a State Road, maintained by the RTA and trucks are entitled to utilise the road.

Lowes Mount Road

File No: R23

Councillor Gibbons asked if it was possible to erect speed advisory signs on the sharp curves on Lowes Mount Road.

The Acting Director of Engineering advised that Council will install advisory signs on these curves.

15 Closed Session Reports

15.01.01 Water Consumption Charges Refund – Account 12361261

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
-

15.01.02 Draft Land Use Strategy Briefing 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 Tasman Estate Land Offer

File No: E38.8

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.
-

Moved: O’Bernier
Second: Fitzpatrick

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 32160811

Council closed the meeting at 6.57pm, members of the public present at this point in time left the meeting.

Moved: O’Bernier
Second: Doney

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

Carried 33160811

Open Council resumed at 7.24pm.

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 Water Consumption Charges Refund – Account 12361261

File No: C16.1

Moved: Fitzpatrick
Second: Handelsmann

That a reduction of \$405.60 be approved in accordance with Council’s Policy 2201, given the extenuating circumstances of water and waste water Account 12361261.

Carried 34160811

15.01.02 Draft Land Use Strategy Briefing Update

File: D52.2.5

Moved: O’Bernier
Second: Handelsmann

That the information be received and noted.

Carried 35160811

15.01.03 Tasman Estate Land Offer

File No: E38.8

Moved: Fitzpatrick
Second: Doney

That the offer for sale of Lot 8 in Tasman Estate be accepted, subject to the inclusion of a clause stating “Completion subject to Development Application approval within six months from exchange of contracts, sale being contingent on Development Application approval of Lot 8”.

Carried 36160811

Council expressed concern regarding correspondence received by the General Manager.

Council extended a vote of support for the General Manager in relation to the implementation of the internal organisation realignment.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 20 September 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 7.25pm.

General Manager

Mayor

Page 25 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 16 August 2011, commencing at 5.30pm.

General Manager

Mayor