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*Unconfirmed Minutes
Oberon Council Ordinary Meeting
Tuesday 18 September 2012
Held in the Oberon Council Chambers*

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01 Opening of Meeting

File No: Governance/Meetings/Ordinary

As the former Mayor was unavailable, the former Deputy Mayor, Councillor John McMahon chaired the meeting until a Mayor is elected by the Councillors.

The former Deputy Mayor, John McMahon welcomed members and declared the meeting open at 5.32pm.

02 Acknowledgement of Country and Prayer

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri People, and respects the history and culture of the elders both past and present.

The Meeting was opened in prayer by Sister Maureen Schiemer.

03 Record of Attendance

File No: Governance/Meetings/Ordinary

| | |
|-----------|---|
| Members | Clr John McMahon (in the Chair) Clr Ian Doney (from 5.47pm) Clr Jill Evans Clr Neil Francis Clr Kerry Gibbons Clr Sam Lord Clr Clive McCarthy Clr John Morgan Clr Kathy Sajowitz |
| 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 |

04 Election Results and Mayoral Election

04.01.01 OBERON LGA ELECTION RESULT and MEETING SCHEDULE

File No: New Council – Protocol's & Induction

Author: Alan Cairney, General Manager

Summary

The Report Item provides details of the candidates Elected to Oberon Council, effective from 8 September 2012, and presents an opportunity for the Elected Council to determine a schedule with the dates and times for Council Meetings.

The new elected candidates are:

IAN DONEY, JILL EVANS, NEIL FRANCIS, KERRY GIBBONS, SAM LORD,
CLIVE MCCARTHY, JOHN MCMAHON, JOHN MORGAN, KATHY SAJOWITZ

Moved: McMahon
Second: Evans

That Council meet on the third Tuesday of each month for its Ordinary Council Meetings and other meetings in accordance with the schedule contained within the report and that the Code of Meeting Practice is amended as required.

Carried 01180912

04.01.02 ELECTION OF MAYOR AND DEPUTY MAYOR

File No: Governance/Elections/Local Government Elections

Author: Sharon Swannell, Executive Assistant

Summary

Section 290 of the Local Government Act 1993 requires that the Election of the Mayor and Deputy Mayor be held within three weeks of an Ordinary Council Election. The Election of Mayor and Deputy Mayor will take place at the start of the Ordinary Council Meeting on Tuesday 18 September 2012. A review of the delegates to committees and organisations will also take place.

Moved: McCarthy
Second: Gibbons

That if an election is required for the positions of Mayor and Deputy Mayor, then the election be held by ordinary ballot.

Carried 02180912

The former Deputy 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 John McMahon, and subsequently declared the election of Councillor McMahon to the position of Mayor unopposed.

ELECTION OF DEPUTY MAYOR

The Returning Officer advised that two nominations had been received for the position of Deputy Mayor, being Councillor Kerry Gibbons and Councillor Kathy Sajowitz.

The Returning Officer conducted the election by ordinary ballot and subsequently declared the election of Councillor Kerry Gibbons to the position of Deputy Mayor six votes to two.

05 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 21 August 2012

Moved: Francis
Second: Gibbons

That the Minutes of the Ordinary Meeting held on 21 August 2012 be taken as read and confirmed.

Carried 03180912

Matters Arising from the Minutes

Nil

Councillor Doney entered the meeting at 5.47pm.

06 Declarations of Interest

Governance/Councillors/Declarations of Interest

| | | |
|-----------|---|-----|
| Pecuniary | - | Nil |
| Conflicts | - | Nil |
| Staff | - | Nil |

07 Mayoral Minute and Report

07.01.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Sharon Swannell, Executive Assistant

Summary

This report summaries the main activity for the former Mayor, Councillor Don Fitzpatrick, since the 21 August 2012 Ordinary Council Meeting.

Councillor Fitzpatrick did not nominate as a candidate for the September 2012 Elections.

Moved: McCarthy
Second: Francis

That Report Item 07.01.01 is received as information.

Carried 04180912

Questions from Public

Nil

08 Delegates to External Organisations and Council Committees

08.01.01 DELEGATES TO SECTION 355 AND COUNCIL COMMITTEES

File No: Governance/Meetings/Committees General

Author: Sharon Swannell, Executive Assistant

Summary

Council has a number of Section 355 Committees and other Council Committees.

Council's Management Manual for Section 355 Committees and Volunteers provides (Clause 5.1) that *"The term of office for Section 355 Committees will be the same term as the current Council..."*, it is considered appropriate, following the Local Government Election to review the membership of Section 355 and other Council Committees.

The Section 355 Committees are advisory in nature and submit a report to Council through the staff member nominated by the General Manager, to enable Council to consider recommendations from the Committee.

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Moved: Doney
 Second: Evans

That:

1. Council appoint its delegates and confirm the community representatives to Section 355 Committees.
2. Council make appointments to the Council Committees.
3. The Mayor and General Manager convene a meeting of the Steering Committee formed for the purpose of making arrangements to celebrate Oberon's 150th Anniversary.
4. A Working Party be formed to coordinate Australia Day celebrations for 2013.

Carried 05190812

1. Section 355 Committees

| Committee | Councillor Nominated |
|---|--|
| Cemetery Headstone Maintenance Committee | Councillor Sajowitz |
| Oberon Community Services Committee | Councillor Evans Councillor Sajowitz Councillor Doney |
| Community Transport Committee | Councillor McCarthy |
| Economic Development Committee | Councillor Lord Councillor Morgan |
| Oberon Events and Tourism Marketing Committee | Councillor Lord |
| Hazelgrove Public School Reserve Committee | Councillor McCarthy |
| Heritage Committee | Councillor Doney Councillor McCarthy |
| Oberon Sports Facilities Committee | Councillor Gibbons Councillor Evans Councillor Lord Councillor McCarthy |
| Seniors Welfare Committee | Councillor Morgan Councillor Sajowitz Councillor Evans |
| Timber Heritage Walk Committee | No Councillor currently nominated |

2. Council Committees

| | |
|---------------------------------------|---|
| Finance Committee | Whole Council |
| Land Committee | Councillor McCarthy Councillor McMahan |
| Oberon Business Development Committee | Whole Council |
| Performance Review Committee | Whole Council |
| Traffic Advisory Local Committee | Councillor McCarthy Councillor Evans (alternate delegate) Councillor Gibbons (alternate delegate) |
| Works Committee | Whole Council |

3. Community Committees

| | |
|-----------------------------------|---|
| Self Care Units Tenants Panel | Councillor McCarthy Councillor Lord (alternate delegate) Community Representatives: Dr Andrew Godden Ms Mary Behan Staff Representative Community Liaison Officer |
| Senior Citizens Liaison Committee | Councillor Morgan Councillor McMahan Councillor Gibbons |

08.01.02 DELEGATES TO EXTERNAL ORGANISATIONS

File No: Governance/Meetings

Author: Sharon Swannell, Executive Assistant

Summary

Following the election of the Mayor and Deputy Mayor, Council traditionally reviews the delegates to the various committees and external organisations.

In some cases the Mayor is automatically designated as a delegate representing Council.

Moved: Lord
Second: Francis

That Council appoint its delegates to external organisations for the ensuing twelve months.

Carried 05190812

- Arts OutWest
 - Fran Charge, Oberon Arts Council
- Ben Chifley Catchment Management Steering Committee
 - Councillor Francis
- Bicentennial Crossing Alliance
 - Mayor
- Blue Mountains, Lithgow and Oberon Tourism Association (BMLOT)
 - General Manager
 - Councillor Lord (alternate delegate)
- Central Tablelands Strategic Alliance Internal Audit Committee
 - Mayor, General Manager and Director of Corporate Services
- CENTROC
 - Mayor and General Manager
- Conduct Committee
 - Pat Bird – Solicitor
 - General Manager
- Chifley Zone – Community Safety Precinct Committee
 - Mayor and General Manager
- Hawkesbury/Nepean Catchment Management Authority
 - No delegate currently appointed
- Joint Regional Planning Panel
 - Councillor Doney
 - Councillor McCarthy
 - Councillor McMahon (alternate delegate)
- Lachlan Catchment Management Committee
 - No delegate currently appointed
- Lachlan Regional Transport Committee Incorporated
 - No delegate currently appointed
- Macquarie Catchment Management Committee
 - No delegate currently appointed

- Oberon Arts Council (OAC)
 - Mayor and General Manager
- Oberon Business Association (OBA)
 - Mayor and General Manager
- Oberon Correctional Centre Community Consultative Committee
 - Councillor Gibbons
 - Councillor Evans
- Oberon Liquor Accord
 - No delegate currently appointed

Note: The Oberon Liquor Accord is not currently active.
- Oberon Plateau Tourism Association (OPTA)
 - Councillor Lord
- Rural Fire Service Chifley Zone Liaison Committee
 - Councillors McCarthy and Francis (also to represent Council on Brigade Captains' Meetings)
 - Director of Engineering and Finance Manager
- Sydney Water Catchment Management Authority
 - No delegate currently appointed
 - Director of Development
- Union Fenosa Pre Development Application Community Consultative Committee
 - Councillor Morgan
 - Councillor Gibbons
 - Councillor Francis
 - Councillor Sajowitz
 - Director of Development
- Upper Macquarie County Council
 - Councillor McMahon
 - Councillor Francis

09 Councillor/Delegates Reports

09.01.01 ARTS OUTWEST and OBERON ARTS COUNCIL

File No: Community Relations/Community Consultation/Community Meetings

Author: Alan Cairney, General Manager

Summary

The Report Item provides details of information received from Council's delegate to Arts OutWest plus the Minutes and other details of activities of the Oberon Arts Council.

Moved: McCarthy
Second: Gibbons

That report item 09.01.01 is received as information.

Carried 06180912

09.01.02 OBERON BUSINESS ASSOCIATION

File No: Community Relations/Community Consultation/Oberon Business Association

Author: Sharon Swannell, Executive Assistant

Summary

The Oberon Business Association has forwarded a copy of their minutes of their meeting held on 1 August 2012. A copy of the minutes of the meeting is provided for Council's information.

Moved: Doney
Second: Francis

That report item 09.01.02 is received as information.

Carried 07180912

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 August 2012 to 31 August 2012. A copy of correspondence received will be available to be viewed at the Ordinary Council Meeting. If Councillors have any questions regarding correspondence items please address them with the relevant Director.

Moved: McCarthy
Second: Gibbons

That report item 10.01.01 is received as information.

Carried 08180912

11 Reports for Information

11.01.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER AUGUST 2012

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 August and includes issues such as Staff Matters, Workplace Health & Safety, Council Committees, Regional Matters and Meetings Schedule.

Moved: Morgan

Second: Evans

That report item 11.01.01 is received as information.

Carried 09180912

11.01.02 MONTHLY ACTIVITY REPORT - TOURISM SERVICES & VISITOR INFORMATION CENTRE ACTIVITY

File No: Economic Development/Tourism Development

Author: Alan Cairney, General Manager

Summary

The report is a summary of Tourism and Visitor Information Centre activities for 1 August to 31 August 2012.

Moved: Gibbons

Second: Francis

That report item 11.01.02 is received as information.

Carried 10180912

11.01.03 MONTHLY ACTIVITY REPORT – COMMUNITY SERVICES

File: Governance/Meetings/Ordinary

Author: Kathy Beesley, Community Services Liaison Officer, Joanne Barton, Human Resources Officer and Alan Cairney, General Manager

Summary

The report is a summary of Community Services activity for August 2012.

Moved: Francis
Second: Doney

That report item 11.01.03 is received as information.

Carried 11180912

It was noted that Council request a report outlining the active memberships at the Library. The General Manager undertook to provide this information to the October Council Meeting.

11.01.04 COMMUNITY TRANSPORT – NEW VEHICLE LAUNCH

File No: Community Service/Community Transport

Author: Kathy Beesley, Community Liaison Officer

Summary

Council unveiled a new Community Transport Vehicle on Wednesday 29 August at the Robert Hooper Community Centre. The launch included a demonstration of the new Kia Carnival's automatic wheelchair assessable ramp.

Moved: McCarthy
Second: Evans

That Report Item 11.01.04 is received as information.

Carried 12180912

11.01.05 MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Gary Wallace, Director of Development

Summary

A summary of the major work carried out in the Development Department for the period 1 August 2012 to 31 August 2012.

Moved: McCarthy
Second: Doney

That report item 11.01.05 is received as information.

Carried 13180912

11.01.06 GREEN PAPER RELEASE – NSW PLANNING REFORM PAPER

File No: Governance/Meetings/Ordinary

Author: Gary Wallace, Director of Development

Summary

To advise Council of the release of a Green Paper by the NSW Government in relation to proposed reform of the NSW planning system.

Moved: Doney

Second: Evans

That Council note the report on the Green Paper in respect of the proposed new planning system for NSW.

Carried 14180912

11.01.07 MONTHLY ACTIVITY REPORT – ENGINEERING DEPARTMENT

File: Governance/Meetings/Ordinary

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

Summary

Information is presented for Councillor's information and is reflective of the period 1 August 2012 to 31 August 2012.

Moved: McCarthy

Second: Morgan

That report item 11.01.07 is received as information.

Carried 15180912

Arkstone Road

File No: Roads/R40

Councillor Francis advised that the area of Arkstone Road where traffic has been reduced to one lane is becoming quite boggy. Councillor Francis requested the barriers be moved to address the problem.

The Director of Engineering will inspect the road.

Mayfield Road
File No: Roads/R12

Councillor Gibbons advised that Mayfield Road adjacent to the Wisemans Creek Bridge has quite bad potholes and asked if there is any opportunity to address this as part of Council's Flood restorations.

The Director of Engineering advised that the Flood Restoration Funds have been committed; however this road will be inspected.

11.01.08 MONTHLY ACTIVITY REPORT – CORPORATE SERVICES DEPARTMENT

File: Financial Management/Financial Reporting/Periodic Reports

Author: John Chapman, Director of Corporate Services

Summary

This is a summary of activity of the Corporate Services Department for August 2012.

Moved: McCarthy
Second: Francis

That report item 11.01.08 is received as information.

Carried 16180912

11.01.09 STATEMENT OF BANK BALANCES AND INVESTMENTS 31 AUGUST 2012

File: Financial Management/Investments/Register

Author: John Chapman, Director of Corporate Services

Summary

The statement of Bank Balances and Investments as at 31 August 2012, together with a graphical summary for the period from August 2007 is presented for Council's information.

Moved: Gibbons
Second: Morgan

That report item 11.01.09 is received as information.

Carried 17180912

11.01.10 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: McCarthy
Second: Francis

That report item 11.01.10 is received as information.

Carried 18180912

Moved: McCarthy
Second: Gibbons

That the RMS be invited to address Council at 4.30pm on 16 October 2012 prior to the commencement of the Ordinary Council Meeting to discuss the intersection of Great Western Highway and Jenolan Caves Road.

Carried 19180912

11.01.11 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 August 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: McCarthy
Second: Gibbons

That report item 11.01.11 is received as information.

Carried 20180912

12 Reports for Decision

12.01.01 DEVELOPMENT APPLICATION: 10.2012.43.1 – VARIATION TO DCP 2001

File No: PO16.18

Author: Mark Dicker – Manager Health & Building

Summary

Council is in receipt of a Development Application 10.2012.43.1 for the construction of additions to an existing dwelling for Mr D Dansie & Mrs JA Dansie on Lot 2 DP 758805, being known as 18 Dart Street Oberon, within the Village 2 (v) zone.

The applicant has requested a variation to Clause C.5.5 of the Development Control Plan (DCP) 2001 which indicates:

- **C.5.5 – Building Height Planes**

Building Height Plane is “the plane projected at an angle of 45° from a distance of 1.5m above natural ground level at the boundary of the site”. The attached drawing (FOLLOWS 2a) shows the garage is not in compliance with this clause particularly the Northern end of the garage.

After on-site consultation and information received from the affected landowner it is considered that the variation can be endorsed in this instance.

Accordingly the application is referred to Council regarding the request to vary the DCP for setbacks to private forestry activities and in accordance with Clause H.3.10 of the DCP for the consideration of the issues raised in the submission.

Moved: McCarthy

Second: Morgan

That delegation be given to the Director of Development to vary Part C.5.5 “*Building Height Planes*” of the Development Control Plan 2001 for the proposed dwelling additions at Lot 2 in DP 758805, 18 Dart Street Oberon.

Carried 21180912

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, Gibbons, Morgan, Sajowitz, McCarthy, Lord, Doney, Evans and McMahon

Votes Against: Nil

12.01.02 SOLAR LIGHTS AT THE COMMON

File No: Parks and Reserves/Maintenance/Parks

Author: Ian Tucker, Works Manager

Summary

There have been regular problems with the solar lights in the lower part of the Common. It may be better to replace them with lights connected to mains power.

A verbal update was provided to the meeting by the Director of Engineering suggesting that the matter be held over to the next Council Meeting.

Moved: McCarthy
Second: Evans

That the replacement of the Solar Lights at The Common be held over for 30 days and a report be provided to the October Council Meeting in relation to the matter.

Carried 22180912

12.01.03 FORESTS NSW - SHOOTERS HILL ROAD

File No: Engineering/Roads/R37

Author: Matilda Dwyer

Summary

Forests NSW have been granted the approval of the Minister for Council to compulsorily acquire lots 1 to 9 and 11 to 20 on the Mount Werong Road to allow for the realignment. A Council resolution is required to initiate the application process.

Moved: McCarthy
Second: Francis

That:

1. Council make application to the Minister and the Governor to compulsorily acquire a total of 41,191m² of land from Forests NSW for the purpose of public road.
2. That Council seal to be applied to any documents/plans related thereto.

Carried 23180912

13 Committee Reports

13.01.01 OBERON LOCAL EMERGENCY MANAGEMENT COMMITTEE

File: Governance/Meetings/LEMC

Author: Hanna Bates

Summary

Minutes of the Oberon Local Emergency Management Committee Meeting held on 16 August 2012 are provided for Council's information.

Moved: Sajowitz
Second: McCarthy

That the Minutes of the Local Emergency Management Committee held on the 16 August 2012 be received for information.

Carried 24180912

14 New Business of an Urgent Nature Admitted by Council

Summary

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting: and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Moved: McCarthy
Second: Gibbons

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council:

- Beaconsfield Road
- Road Closure and Sale of Land

Carried 25180912

Beaconsfield Road

File No: Roads/R4

Councillor Gibbons advised that a section of Beaconsfield Road on the southern side of Captain Kings Creek is breaking up quite badly.

The Director of Engineering will inspect the area.

Road Closure and Sale of Land

File No: Property/PR9.40

Councillor McCarthy requested the General Manager escalate the finalisation of a Road Closure and sale of land to Merv Malcolm and that the matter be finalised ASAP. Councillor McCarthy also requested the matter be included in future Status Reports for Actioning Council Decisions.

The General Manager advised that this matter had been escalated through the Director of Engineering and would be reported via the Status Report or to the Works Committee.

15 Closed Session Reports

Summary

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 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)

Moved: Doney
Second: Francis

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 26180912

Council closed the meeting at 7.23pm, the members of the public present left at this point in time. All staff left the meeting with the exception of the General Manager and Executive Assistant.

15.01.01 STAFF MATTER - CONFIDENTIAL

File No: Governance/

Author: Alan Cairney, General Manager

Summary

A confidential staffing matter is to be discussed with Council.

Information was provided to Councillors to read during the Closed Session of the Council Meeting and due to the confidential nature the information was collected and a copy retained for Council's records.

Open Council resumed at 8.05pm. There were no resolutions made during the Closed Session.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 16 October 2012 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

This concluded the business of the meeting. The meeting closed at 8.07pm.

Confirmed this _____ day of _____ 2012.

General Manager

Mayor

General Manager

Mayor