

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 July 2011
 5.30pm Council Chambers*

5.30pm	Opening of meeting
8.15pm - 8.45pm	Dinner

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General Manager

Mayor

**Oberon Council – Unconfirmed Minutes – Ordinary Meeting – 19 July 2011, commencing
at 5.30pm**

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01 Opening of Meeting

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

02 Prayer

The Meeting was opened in prayer by Pastor Andy Godden.

03 Record of Attendance

Members Cr Keith Sullivan, Mayor - Chair
 Cr Don Fitzpatrick
 Cr Kerry Gibbons
 Cr Zsuzsanna Handelsmann
 Cr Clive McCarthy
 Cr Bob O’Bernier

Officers Leanne Mash, General Manager
 John Chapman, Director of Corporate Services
 Gary Wallace, Director of Development
 Leigh Robins, Director of Engineering
 Sharon Swannell, Executive Assistant

Apologies Deputy Mayor, Councillor John McMahon; Councillor Neil Francis, and
 Councillor Ian Doney

Moved: Fitzpatrick
Second: Gibbons

That apologies be received and accepted for the non-attendance of Councillor McMahon, Councillor Francis and Councillor Doney.

Carried 01190711

04 Questions from the Public

Nil

05 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 21 June 2011

File No: A1.2.4



05.01.01-Unconfirmed_Minutes_21_June_2

Moved: O’Bernier
Second: Gibbons

That the Minutes of the duly convened Ordinary Meeting held on 21 June 2011 be taken as read and confirmed.

Carried 02190711

Matters Arising from the Minutes

Nil

Special Meeting 28 June 2011

File No: A1.2.4



05.01.02_Minutes_Special_Meeting_regardi

Moved: O’Bernier
Second: Gibbons

That the Minutes of the duly convened Special Meeting held on 28 June 2011 be taken as read and confirmed.

Carried 03190711

Matters Arising from the Minutes

Nil

06 Declarations of Interest

File No: A1.2.4

Pecuniary	-	Nil
Conflicts	-	Nil
Staff	-	Nil

07 Mayoral Minute and Report

File No: A1.2.1

A. Meetings

1. Seniors Welfare Committee Meeting – Monday 20 June 2011
2. Ordinary Council Meeting – Tuesday 21 June 2011
3. Meeting with Police Representatives from Chifley Area Command regarding Rural Crime – Tuesday 28 June 2011
4. Special Meeting regarding Draft Land Use Strategy – Tuesday 28 June 2011
5. Special Meeting with Library Committee – Wednesday 13 July 2011

B. Representation

1. Farewell function for former Member for Bathurst, Gerard Martin
2. Rotary Club Annual Changeover Dinner
3. Official Opening of the National's Office, Bathurst
4. St Joseph's Catholic School Assembly
5. Black Springs Public School Assembly
6. Radio interview with 2BS Bathurst as part of their Sister City Appeal program
7. Citizenship Ceremony

C. Correspondence

1. Shires Association of NSW farewell from outgoing President Cr Bruce Miller
2. Invitation to attend the Oberon Inner Wheel Club 39th Changeover function to be held on 16 July 2011
3. Oberon Golf Club invitation to attend the Annual Presentation Dinner to be held on 15 July 2011

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4. Invitation to attend the Water Australia Summit 2011 to be held on 20 and 21 July 2011 in Sydney
5. Local Government Shires Association of NSW invitation to attend the Local Government Week Awards Dinner 2011 and Robert Wilson OAM Award 2011 Entries.
6. Invitation to attend the Waste Summit 2011 – 15 – 17 August 2011 in Melbourne
7. Invitation to attend the Women and Leadership Conference, 28 and 29 July 2011, Sydney
8. Arts OutWest Annual Report
9. E Division of the Shires Association of NSW News brief (Attached)

Attachment



07.01.01_Attachment
_A_EDivisionNewsbrie

10. Invitation to attend a luncheon hosted by the Hon Andrew Stoner MP on behalf of the Royal Far West to be held on 4 August 2011 in Parliament House, Sydney
11. Orange City Council regarding a petition for a 24 hour medical retrieval service
12. Invitation to attend the Blue Mountains, Lithgow and Oberon Tourism Awards of Excellence function to be held on 5 August 2011

08 Councillor Reports

Rural Fire Service

File No: F90.1

Councillor McCarthy provided a verbal report regarding his attendance at the RFS Senior Management Meeting. The RFS are working to secure a Cat 7 Tanker for the Mayfield/Wisemans Creek area.

09 Delegates Reports

09.01.01 Community Transport

File: C24.1

Moved: McCarthy
Second: Fitzpatrick

That the Minutes of the Community Transport Committee Meeting held on 30 June 2011 be received for information and noted.

Carried 04190711

09.01.02 Seniors Welfare Committee

File: C24.1

Moved: McCarthy
Second: Gibbons

That

1. The Minutes of the Seniors Welfare Committee Meeting held on 20 June 2011 be received and noted.
2. Council communicate with the LGA schools with regard to the establishment of and participation in an outreach program for the over 55 year's population.

Carried 05190711

09.01.03 Minutes of the Heritage Committee

File No: A2.27

Moved: McCarthy
Second: Handelsmann

That:

- a. The Minutes of the Heritage Committee held on the 4 July 2011 be received for information subject to the amendment on page 2 of the minutes to “That the heritage committee recommends that Oberon Council consider listing the ANZAC Memorial Avenue of Trees at O’Connell as a heritage item as part of the new Oberon LEP”.
- b. Council consider listing the ANZAC Memorial Avenue of Trees at O’Connell as a heritage item as part of the new Oberon LEP process.
- c. Council accept the quote for D&G Booth for the construction of the three heritage signs at Burruga, Black Springs and O’Connell.
- d. Council instruct the Director of Development to refer to the Thematic History of Oberon Shire for the wording of the plaque celebrating the landing of Charles Kingsford Smith at the Oberon High School, and proceed to installation of the plaque based upon the information.
- e. Council support Mr Iain McPherson representing the Heritage Committee on the Royal Australian Historical Crossing Committee.

Carried 06190711

10 Director of Development Reports

10.01 Reports for Information

File No: A1.2.1

Moved: O’Bernier
Second: McCarthy

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 07190711

10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 08190711

10.01.02 Director of Development Status Report

File: A1.2.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 09190711

10.02 Reports for Decision

Moved: Fitzpatrick
Second: McCarthy

That item 10.02.02 be brought forward and dealt with at this point in time.

Carried 10190711

10.02.02 Development Control Plan Review – Total Aggregate Floor Area

File: D52.2.2

Moved: O’Bernier
Second: Gibbons

That Council proceed to advertise the proposed amendment to DCP 2001 relating to Clauses J.7.2.7 and K.7.1.5 increasing the size of the aggregate floor area from 100m² to 150m².

That Council delete Clause K7.1.12 from the DCP 2001.

Carried 11190711

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

Votes For: Councillors O’Bernier, Gibbons, McCarthy, Fitzpatrick and Sullivan
Votes against: Councillor Handelsmann

Moved: Handelsmann
Second: Sullivan

That the total aggregate floor area for a single shed be no greater than 100m².

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: Councillor Handelsmann
Votes against: Councillors O’Bernier, Gibbons, McCarthy, Fitzpatrick and Sullivan

10.02.01 Review of Determination – Development Application: 10.2011.21.1

File: PR141.95

Moved: O’Bernier
Second: Fitzpatrick

That delegation be granted to Councils Director of Development to approve the outcome Review of Determination and vary part J.7.2.7 “Ancillary Buildings” of Oberon’s Development Control Plan 2001 by Council to allow the construction of a 36 square metre colour bond clad garage and associated awning on Lot 33 in DP: 785503, 95 Harris Road, Oberon.

Carried 12190711

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

Votes For: Councillors O’Bernier, Gibbons, McCarthy, Fitzpatrick, Handelsmann and Sullivan
Votes against: Nil

10.03.01 General Business – Development

Status of Development Application referred to RTA

Councillor McCarthy requested an update regarding the approval of the shed in Albion Street which has been referred to RTA – has it been approved yet?

The Director of Development advised that Council are still awaiting a response.

Councillor McCarthy also requested staff to provide information in relation to previous applications of the same nature located on Albion Street to verify that these applications have also been referred to the RTA for approval.

The Director of Development will investigate and advise.

11 Director of Corporate Service Reports

11.01 Reports for Information

File No: A1.2.1

Moved: O’Bernier
Second: McCarthy

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 13190711

11.01.01 Monthly Update Report – Corporate Services Department

File: A1.2.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 14190711

Councillor McCarthy requested information about the source of outstanding rates. The Director of Corporate Services will provide further information regarding this.

11.01.02 Staff Appointments

File: C19.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 15190711

11.01.03 Statement of Bank Balances and Investments

File: C17.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 16190711

11.01.04 Director of Corporate Services Status Report

File: A1.2.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 17190711

Councillor O’Bernier requested that the report prepared by the Director of Corporate Services regarding donations over the last four years be circulated to all Councillors.

11.02 Reports for Decision

11.02.01 Oberon Community Transport

File No: C24.1

Moved: O’Bernier
Second: Handelsmann

That the Common Seal of Oberon Council be affixed to the attached Sub Licence Agreement and sign to comply with Home and Community Care (HACC) requirements.

Carried 18190711

11.02.02 Amendment to the Development Department Fees for 2011/2012 Financial Year

File No: C15.5

Moved: Fitzpatrick
Second: Handelsmann

1. That the proposed amended Development Department Fees and Charges are placed on public notice for a period of 28 days in accordance with section 610F of the Local Government Act 1993.
2. Following public notice and provided no submissions are received the General Manager is delegated to implement the amendments to the Development Department Fees and Charges into Councils overall 2011/2012 Fees and Charges.

Carried 19190711

11.02.03 Request for Sponsorship – Tourism Awards

File: A3.3

Moved: O’Bernier
Second: Handelsmann

That sponsorship of \$1,000 (after GST) be provided from the 2011/2012 donations budget on the understanding that the Oberon Plateau Tourism Association (OPTA) will match Council’s contribution.

Carried 20190711

11.02.04 Policy Reviews

File: A1.2.7

Moved: McCarthy
Second: O’Bernier

1. That the following Policies remains unchanged:
 - a) Policy 4105 - Kerb and Gutter Construction
 - b) Policy 4201 – Advertising on Council Bus Shelters

Carried 21190711

11.02.05 Oberon Swimming Complex Operation

File No: D55.3.1

Moved: McCarthy
Second: O’Bernier

That no action be taken in relation to seeking tenders for the Oberon Swimming Complex Operation and that the General Manager investigate possible cost saving options for the operation of the facility that do not impact on service levels to the community.

Carried 22190711

11.02.06 Industrial Land Sale Lot 5 DP 241148

File No: PO 2.8

Moved: Handelsmann
Second: McCarthy

That the seal of Council be affixed to the transfer document for the sale of Lot 5, DP 241148 in Albion Street Oberon.

Carried 23190711

11.02.07 Works in Progress 30 June 2011

File No: C15.3, C15.4

Moved: McCarthy
Second: Fitzpatrick

That the balance of funds voted in 2010-2011 as listed and totalling \$3,068,718 be voted for expenditure in 2011-2012.

Carried 24190711

11.03.01 General Business – Corporate Services

Nil

Unconfirmed

12 Director of Engineering Reports

12.01 Reports for Information

Moved: Fitzpatrick
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 25190711

12.01.01 Monthly Update Report – Engineering Department

File: A1.2.1

Moved: Fitzpatrick
Second: O’Bernier

That the information be received and noted.

Carried 26190711

12.01.02 Director of Engineering Status Report

File: A1.2.1

Moved: Fitzpatrick
Second: O’Bernier

That the information be received and noted.

Carried 27190711

12.02 Reports for Decision

12.02.01 SES Local Controller Appointments

File No: A3.5.2

Moved: Handelsmann
Second: McCarthy

That Council support the re-appointment of Mr James Young as the Local Controller of the Oberon SES unit and Mr Shane Bennett as the Local Controller of the Burruga SES unit.

Carried 28190711

12.02.02 Welcome to Oberon Signs

File No: A3.1.1

Moved: O'Bernier
Second: Fitzpatrick

That the Welcome to Oberon signs be altered to refer to Oberon's Sister City with Eceabat in Turkey.

Carried 29190711

12.03.01 General Business – Engineering

Gingkin Road

File No: R21

Councillor Gibbons asked about the upgrading and seal on Gingkin Road. Councillor Gibbons asked was the decision to upgrade and seal this road based on the volume of traffic that uses the road.

The Director of Engineering advised that Council has a 25 year plan to upgrade its road network and this road is included as part of that program.

Lowes Mount Road

File No: R23

Councillor Gibbons commented on the current condition of Lowes Mount Road and asked if there were plans to carry out works on this road.

The Director of Engineering advised that Council's adopted plan of works for the 2011/12 period is based on rehabilitation of the existing road network.

Lighting at Fleming Street Bus Terminal

File No: E31.12

Councillor McCarthy asked if investigation had been undertaken into additional lighting for the Fleming Street bus terminal.

The Director of Engineering advised that Essential Energy have looked at this and the cost to improve the current lighting is approximately \$15,000. It has been suggested that providing lighting in the interior of the bus shelter may be a viable alternative rather than providing additional street lighting.

Meeting with Minister for Roads

File No: E31.1

Councillor McCarthy asked if a meeting has been arranged with the Minister for Roads, the Hon Duncan Gay.

Council has been advised that the Minister will be visiting the region, however a meeting has not been confirmed as yet. Councillors will be advised when further details are available.

Meeting with Forests NSW

File No: E39.7

Councillor McCarthy suggested that Council request a meeting with Forests NSW General Manager, Macquarie Region, Mr Gavin Jeffries to discuss contributions to the cost of road maintenance in the LGA.

The General Manager is requested to arrange for a meeting to be held as soon as possible.

13 General Manager Reports

13.01 Reports for Information

File No: A1.2.1

Moved: McCarthy
Second: O'Bernier

That the General Manager reports for information as presented in Report 13.01.01 to 13.01.03 of the Business Papers be received and noted by Council.

Carried 30190711

13.01.01 Monthly Update Report – General Manager

File: A1.2.1

Moved: McCarthy
Second: O'Bernier

That the information be received and noted.

Carried 31190711

13.01.02 General Manager Status Report

File: A1.2.1

Moved: McCarthy
Second: O'Bernier

That the information be received and noted.

Carried 32190711

13.01.03 Regional Relocation Bill and Grant 2011

File: A4.1

Moved: McCarthy
Second: O'Bernier

That the Regional Relocation Bill 2011 and Grant information be received and noted.

Carried 33190711

It is noted the Department is interested in discussing promotional opportunities with Regional Organisation of Councils and the General Manager is requested to contact the relevant State Department.

13.02 Reports for Decision

13.02.01 Upcoming Meetings

File: A1.2.1

Moved: Fitzpatrick
Second: Gibbons

That

1. That any Councillor interested in attending the LGMA and Department of Local Government Integrated Planning and Reporting Regional Workshop to be held in Dubbo on 3 August 2011 be nominated to do so.
2. That no delegate be nominated to attend the Sustainable Councils 2011 Program.

Carried 34190711

13.03.01 General Business – General Manager

Nil

14 New Business of an Urgent Nature Admitted by Council

Nil

The Mayor thanked the Director of Engineering for his contribution to Oberon Council during his 17 years' service and wished him well in his new role at Murray Shire Council.

15 Closed Session Reports

15.01.01 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.

15.01.02 Lease of Dental Surgery

File: PO16.72

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 Legal Costs Update

File No: A6.2

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

15.01.04 Water and Wastewater Refund – Account 12365584

File Nos: C16.1 and PO22.3-5

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 Investments – Legal Action Update

File Nos: A6.2, C17.2.2

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

15.01.06 Aged Care Submission

File: C22.4

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: O’Bernier
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 35190711

Council closed the meeting at 6.59pm, members of the public present at this point in time left the meeting.

Moved: O’Bernier
Second: Fitzpatrick

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

Carried 36190711

Open Council resumed at 7.36pm.

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 Tasman Estate Land Offer

File No: E38.8

Moved: O’Bernier
Second: McCarthy

That the offer for sale of lot 16 in Tasman Estate be rejected. Further that the General Manager be authorised to continue negotiations with the Agent in line with the direction set by Council and should an acceptable offer be made then the General Manager is authorised to accept this on behalf of Council.

Carried 37190711

15.01.02 Lease of Dental Surgery

File: PO16.72

Moved: O’Bernier
Second: McCarthy

That Council enter into a five year standard commercial lease agreement, with an option to renew for a further five years, with Ms Henriette Macri-Etienne (trading as Waratah Dental), the agreement to include the following:

Term:

- Five years

Option:

- Five years

Rent:

- \$80.00 (including GST) per day or part thereof of the premises irrespective of attendance

Reviews of Rent:

- Annual increase in accordance with the CPI
- Review under new lease if option to extend for five years is exercised

Plant and Equipment:

- Schedule to be included in the lease
- Lessee to maintain equipment and provide any new equipment required

Assignment/Transfer:

- Provision to assign/transfer the lease (subject to Council’s consent)

Insurance:

- Minimum \$10 million public liability insurance cover

Special Conditions:

- Occupation for two days per week, with the option to extend by agreement with Council
- Premises not available on Mondays
- That if the service is not provided for a period of greater than four consecutive weeks then this is considered a breach of contract.

Carried 38190711

15.01.03 Legal Costs Update

File No: A6.2

Moved: McCarthy
Second: O’Bernier

That the information be received and noted.

Carried 39190711

15.01.04 Water and Wastewater Refund – Account 12365584

File Nos: C16.1 and PO22.3-5

Moved: O’Bernier
Second: Fitzpatrick

That a refund of \$407.99 be approved given the extenuating circumstances of water and waste water Account 12365584.

Carried 40190711

15.01.05 Investments – Legal Action Update

File Nos: A6.2, C17.2.2

Moved: McCarthy
Second: Fitzpatrick

That the information be received and noted.

Carried 41190711

15.01.06 Aged Care Submission

File: C22.4

Moved: Handelsmann
Second: O’Bernier

That Council receive the information and table such at the next meeting of the Senior Welfare Committee for comment.

Carried 42190711

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 16 August 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 7.41pm.

General Manager

Mayor