

OBERON COUNCIL

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Present: The Mayor, Councillor K Sullivan (in the Chair), Councillors M J McMahon, B O’Bernier, I Doney, D Fitzpatrick, N Francis, Z Handelsmann, C L McCarthy, and R L Hooper

The Director of Corporate Services, Mr John Chapman (Acting General Manager); the Works Manager, Mr Ian Tucker (Acting Director of Engineering); the Manager of Finance, Mrs Amanda McGrath (Acting Director of Corporate Services); the Manager of Health and Building, Mr Mark Dicker (Acting Director of Development); the Executive Assistant, Mrs Sharon Swannell and the Corporate Planner, Mrs Joanne Barton.

PRAYER

The meeting was opened in prayer by Pastor Andy Godden.

APOLOGIES

1. **RESOLVED:** Apologies were received and accepted for the non-attendance of the General Manager, Mr Bruce Fitzpatrick; the Director of Engineering, Mr Leigh Robins and the Director of Development, Mr Ralph Tambasco.

(O’Bernier/McCarthy)

QUESTIONS FROM THE PUBLIC

Ms Jan Borny advised that she was interested in a matter listed for discussion tonight and asked if possible that she would like to be allowed to address Council regarding this matter when it is raised.

The Mayor responded advising that at the time the matter is discussed the Council can resolve to have Ms Borny address Council if they wished to do so.

CONFIRMATION OF MINUTES

2. **RESOLVED:** That the Minutes of the duly convened Ordinary Meeting held on 20 April 2010 be taken as read and confirmed.
(O’Bernier/McCarthy)
3. **RESOLVED:** That the Minutes of the duly convened Special Meeting held on 11 May 2010 be taken as read and confirmed.
(Fitzpatrick/O’Bernier)

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Matters Arising From the Minutes

Nil

DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Councillor Doney declared an interest in M1 of the Staff Report. Councillor Doney's interest is non-substantial and non-pecuniary.

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Council Meeting 20 April 2010
2. Oberon Promotions Committee Meeting 22 April 2010
3. Meeting with CSR re Environmental Rehabilitation
4. Meeting with Peter Austen, Jenolan Caves Trust
5. Special Meeting – Estimates 11 May 2010
6. Meeting with Police – 12 May 2010

B. Representation

Council was represented at the following:

1. Rail Action Group Meeting Bathurst
2. Youth Week/RLCIP Projects Official Opening
3. Leaders of Local Government Cross Agency Briefing
4. Catholic Ball

C. Correspondence

Correspondence received included:

1. From Mr Mike O'Brien regarding digital television reception
2. Local Government & Shires Association – requesting Council's involvement with Local Government Week 2 – 8 August 2010
3. Invitation to attend Tourism NSW Stakeholder Dinner – 15 April 2010
4. Invitation to attend Charles Sturt University Graduation Ceremonies during May

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5. Request from Auburn Council to host a delegation from their Sister City Changsha interested in forestry and animal husbandry during June/July 2010.
6. Invitation to attend the Official Opening of "Kookaburra Cottage" at Oberon Correctional Centre on Wednesday 26 May 2010
7. Invitation to attend Chifley Local Area Command Awards Presentation Ceremony – Wednesday on 16 June 2010
8. Oberon High School – Invitation to attend School Representative Council induction ceremony – Monday 17 May 2010
9. Oberon High School – Invitation to attend Australia's Biggest Morning Tea 27 May 2010.

D. Matters referred to Councillors

1. Update on current water situation
2. Details of Cross Agency Briefing Seminar held at Parliament House
3. Jenolan Caves representations
4. General Manager's recruitment progress update

STAFF REPORT

ITEM A1 - DEVELOPMENT APPLICATION 10.2010.23.1 - PROPOSED NEW GARAGE, LOT 79 IN DP805063, 53 WILSON DRIVE, OBERON Staff Report to the 18 May 2010 Ordinary Meeting File No. PR142.53

4. **RESOLVED:** That:
- a) Council take no further action regarding the existing metal shed constructed 1.9m off the western boundary at Lot 79 in DP 805063, 53 Wilson Drive, Oberon, and
 - b) Subject to no adverse submissions being received from adjoining property owners, clause J.7.2.6 – "Building Setback" of Part J of the Development Control Plan 2001 be varied to allow the construction of a metal framed and clad Garage at Lot 79 in DP 805063, 53 Wilson Drive, Oberon 8m off the eastern property boundary, and
 - c) Subject to no adverse submissions being received from adjoining property owners, clause J.7.2.7 – "Ancillary Buildings" of Part J of the Development Control Plan 2001 be varied to allow the construction of a 105m² metal framed and clad Garage at Lot 79 in DP 805063, 53 Wilson Drive, Oberon subject to appropriate conditions of consent.

(McCarthy/Handelsmann)

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In accordance with Section 375A of the Local Government Act, the following votes are recorded for/against this motion:

Votes for: Councillors Francis, McMahon, Doney, O'Bernier, Hooper, McCarthy, Handelsmann, Fitzpatrick and Sullivan

Votes against: Nil

5. **RESOLVED:** That items B12 and M1 be brought forward and be dealt with at this point in time. (Handelsmann/O'Bernier)

ITEM B12 - AGED CARE

Staff Report to the 18 May 2010 Ordinary Meeting
File No. C22.4

6. **RESOLVED:** That the Chairman of the Oberon Aged Care Committee be advised that Council will be negotiating with the Aged Care facility provider and the Federal Authority regarding bond issues once bed licences have been secured with particular reference to retaining at least the current status of the beds transferred from the Hathaway Facility.

(Hooper/McMahon)

7. **RESOLVED:** That Ms Jan Borny be invited to address Council at this point in time. (O'Bernier/Fitzpatrick)

Councillor Doney declared in interest in Item M1 of the Staff Report, Councillor Doney remained in the meeting as Councillor Doney's interest is non-substantial and non-pecuniary.

ITEM M1 - HERITAGE COMMITTEE MEETING MINUTES

Staff Report to the 18 May 2010 Ordinary Meeting
File No. A2.22

Moved and Second: That:

- a) The offer from NSW Heritage Branch be accepted to develop a nomination of the O'Connell Anzac Memorial Avenue of Trees under the WWI and WWII theme for inclusion on the State Heritage Register.
- b) It be noted that the nomination is to be prepared by the NSW Heritage Branch in conjunction with community groups.

(Doney/Handelsmann)

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Amendment Moved and Second: That the matter be deferred subject to receipt of a full report on the matter. (McMahon/Hooper)

The amendment was put and won. The amendment becomes the motion.

8. **RESOLVED:** That the matter be deferred subject to receipt of a full report on the matter.

(McMahon/Hooper)

Councillors Handelsmann and Doney requested that their vote against the motion be recorded.

ITEM B1 - APANIE ROAD

**Staff Report to the 18 May 2010 Ordinary Meeting
File No. R213, DA17/05 & DA288/03/04**

9. **RESOLVED:** That the matter be deferred pending receipt of a Section 96 Modification Application to Development Application 17/05 & Development Application 288/03/04 and subsequent staff report.

(O'Bernier/Fitzpatrick)

ITEM B2 - COMMUNITY TRANSPORT PROGRAM

**Staff Report to the 18 May 2010 Ordinary Meeting
File No. C24.1 & A5.3**

10. **RESOLVED:** That the Council Seal be affixed to the Funding Agreement provided at **Attachment B2** and forwarded to the Ministry of Transport in accordance with the requirements of the funding agreement.

(O'Bernier/Handelsmann)

ITEM B3 - WATER LOSS MANAGEMENT PROGRAM

**Staff Report to the 18 May 2010 Ordinary Meeting
File No. E32.1**

11. **RESOLVED:** That the information be received and noted and that congratulations be passed to staff for taking the initiative to undertake the program.

(O'Bernier/McCarthy)

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ITEM B4 - GST CERTIFICATE OF CONFIRMATION
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C17.3.2

12. **RESOLVED:** That the Goods and Services Tax Certificate for the payment of voluntary GST for the period from 1 May 2009 to 30 April 2010 to be submitted to the Department of Local Government.

(Hooper/Fitzpatrick)

ITEM B5 - QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2010
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C15.3

13. **RESOLVED:** That the Quarter 3 Budget Review Statements for 2009/2010 be received and noted and the revised budgeted income and expenditure items be voted.

(Fitzpatrick/McMahon)

ITEM B6 - REVIEW OF MANAGEMENT PLAN – QUARTER 3, 2009/10
Staff Report to the 18 May 2010 Ordinary Meeting
File No. C15.5

14. **RESOLVED:** That the Quarter 3 Management Plan review for 2009/2010 be received and noted subject to the investigation by staff of appropriate benchmarks and changes to the aged care component to reflect Councils actions to date.

(Fitzpatrick/Hooper)

ITEM B7 - BLACK SPRINGS PROGRESS ASSOCIATION MEETING
Staff Report to the 18 May 2010 Ordinary Meeting
File No. A3.1

15. **RESOLVED:** That the Black Springs Progress Association Meeting to be held on Monday 12 July 2010 be noted and referred back to Councillors at the June Ordinary Meeting.

(Sullivan/McCarthy)

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ITEM B8 - SLOGGETTS ROAD INTERSECTION LOT 3 DP 1076999
Staff Report to the 18 May 2010 Ordinary Meeting
File No R16 C25.6 PR16.59

16. **RESOLVED:** That an application be made to the Minister for Local Government and the Governor for approval to compulsorily acquire part of Lot 3 DP 1076999 at the intersection of Abercrombie Road and Sloggetts Road.

(O’Bernier/Hooper)

ITEM B9 - OBERON RUGBY LEAGUES CLUB GROUNDS MANAGEMENT SECTION
355 COMMITTEE
Staff Report to the 18 May 2010 Ordinary Meeting
File No. PO36.16

17. **RESOLVED:** That:

- a) Mr Peter Varlas, Oberon Touch Football Club; Mr Peter Gascoigne, Oberon Junior Rugby League Club; Mr Clinton Corby, Oberon United Football Club and Mr Ian Christie-Johnston, Oberon Tigers Supporters Club Inc be formally appointed to the Section 355 Committee for the ongoing management of the Oberon Rugby Leagues Club grounds.
- b) Ms Suniti Rodwell, Oberon Touch Football Club; Ms Judy Jacobs and Ms Mary Jacobs, Oberon Tigers Suppers Club Inc, be invited as alternate delegates.

(McCarthy/O/Bernier)

18. **RESOLVED:** That the newly formed committee meet in the first week of June, subject to the confirmation of the representatives at the Oberon Council Chambers.

(Hooper/McCarthy)

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ITEM B10 - ALCOHOL FREE ZONES

Staff Report to the 18 May 2010 Ordinary Meeting

File No. E31.1

19. RESOLVED: That:

- a) An advertisement be placed in the Oberon Review advising that it is proposed to extend the Alcohol-Free Zone which exists in Oberon Street from North Street through to Duckmaloi Road and The Common from 10.00pm to 6.00am for a further four years from 1 March 2011 to 28 February 2015.
- b) Submissions be invited for a period of 14 days from the date on which the notice is published.
- c) The police and the relevant Aboriginal Land Council and licensees in the affected areas be consulted regarding the extension of the Alcohol-Free zones.

(O’Bernier/Handelsmann)

ITEM B11 - SHED REMOVAL MOSS GROVE ROAD

Staff Report to the 18 May 2010 Ordinary Meeting

File No. E31.1 P71.2

20. RESOLVED: That:

- a) OTHR be advised that the two steel sheds on Lot 175, in DP 869927 are available for removal at a cost of \$1.00.
- b) OTHR provide an agreement indemnifying Council from personal injury or property damage resulting from the shed removal.

(Handelsmann/McMahon)

ITEM B13 - DIGITAL TELEVISION

Staff Report to the 18 May 2010 Ordinary Meeting

File No. A3.4

- 21. RESOLVED:** That the information be received and noted with a further staff report be prepared, outlining the potential financial effects to Council.

(Sullivan/Hooper)

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ITEM M2 - PROMOTIONS COMMITTEE MEETING MINUTES

Staff Report to the 18 May 2010 Ordinary Meeting

File No. A2.17

22. RESOLVED: That:

- a) A letter be forwarded to the Chair of OPTA, Mr Brian Harman, representatives of the Timber Industry, National Parks and Wildlife Service, Mayfield Garden, Black Springs Progress Association and the Burruga and District Community Association inviting them to nominate a representative and an alternate delegate to the Oberon Promotions Committee.
- b) Council seek funding from Department of State & Regional Development to facilitate a workshop to consider the direction forward for promotion of Oberon.

(Hooper/McMahon)

ITEM M3 - CARE CAR COMMITTEE MEETING MINUTES

Staff Report to the 18 May 2010 Ordinary Meeting

File No. A2.28

23. RESOLVED: That Councils Community Liaison Officer, Kathy Beesley, Corporate Planner, Joanne Barton and Tenealle Corby (Oberon Medical Centre) be formally appointed to the Care Car Committee and that Amanda McGrath, Lisa Nash, Toni Dwyer and Maxine Whittaker be removed as Committee Members.

(Handelsmann/McCarthy)

PRECIS OF INFORMATION

24. RESOLVED: That items P1 to P6 be received and noted.

(Handelsmann/McMahon)

ITEM P1 - COUNCIL MEETINGS

Staff Report to the 18 May 2010 Ordinary Meeting

File No. A2.1

25. RESOLVED: That the information be received and noted.

(Handelsmann/McMahon)

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ITEM P2 - STAFF APPOINTMENTS

Staff Report to the 18 May 2010 Ordinary Meeting

File No. C19.1

26. **RESOLVED:** That the information be received and noted.

(Handelsmann/McMahon)

ITEM P3 - SENIORS COUNTRYLINK FARES

Staff Report to the 18 May 2010 Ordinary Meeting

File No. A3.2

27. **RESOLVED:** That the information be received and noted.

(Handelsmann/McMahon)

ITEM P4 - NSW WEEDS ACTION PROGRAM

Staff Report to the 18 May 2010 Ordinary Meeting

File No. E39.6

28. **RESOLVED:** That the information be received and noted.

(Handelsmann/McMahon)

ITEM P5 - OBERON ANIMAL POUND

Staff Report to the 18 May 2010 Ordinary Meeting

File No. D54.1

29. **RESOLVED:** That the information be received and noted.

(Handelsmann/McMahon)

ITEM P6 - STATEMENT OF BANK BALANCES AND INVESTMENTS

Staff Report to the 18 May 2010 Ordinary Meeting

File No. C17.1

30. **RESOLVED:** That the information be received and noted.

(Handelsmann/McMahon)

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NOTICES OF MOTION

Nil

REPORTS FROM DELEGATES

The Mayor provided a verbal report regarding a meeting held on Tuesday 18 May 2010 between the SES Commissioner, Local SES Officers and Council. The purpose of the meeting was to provide information regarding budgeting costs.

INFORMATION BULLETIN

31. **RESOLVED:** That the information be received and noted.

(O'Bernier/Doney)

BUSINESS WITHOUT NOTICE

It was noted that staff are requested to investigate the issue of tree lopping being carried out in the Shire and tree branches being left on roadsides following tree lopping in consultation with Councillor Fitzpatrick.

MAYFIELD ROAD BRIDGE & ROAD SEALING

File No. R12

32. **RESOLVED:** That an invitation be extended to the Premier and the Minister for Tourism via the Member for Bathurst, Gerard Martin, inviting them to visit the Mayfield Garden facility following consultation with the owners of the facility with a view to obtain funding assistance for the Mayfield Road and Bridge.

(McCarthy/Handelsmann)

REGIONAL FUEL PRICES

File No. E37.2

33. **RESOLVED:** That the costs of fuel in the Oberon/Orange and Bathurst areas be gathered and a letter be written to the fuel supplier requesting an explanation for the excessive cost of fuel in Oberon.

(McMahon/McCarthy)

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ECONOMIC DEVELOPMENT OFFICER REPORT

File No. P74.1

34. **RESOLVED:** That the report regarding the activities of the Economic Development Officers for the period February/March & April 2010 be received and noted.

(Hooper/O’Bernier)

SUPPLEMENTARY STAFF REPORT

Nil

CLOSED COUNCIL

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 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 ground of legal professional privilege,*
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

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ITEM C1 - TASMAN ESTATE

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

ITEM C2 - TASMAN ESTATE

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

ITEM C3 - INVESTMENTS

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

ITEM C4 - POTENTIAL PUBLIC LIABILITY CLAIMS REGISTER

This item is classified CONFIDENTIAL under section 10A(2)(a) & (g) 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)

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

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35. RESOLVED: That

1. Council resolve into closed council to consider business identified, together with any late 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*.

(Hooper/McMahon)

Council closed the meeting at 7:49pm. The members of the public present left the meeting at this time.

36. RESOLVED: That Council move out of closed council and into open council.

(O’Bernier/Fitzpatrick)

Open Council resumed at 8.12pm.

The following resolutions of 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.

37. RESOLVED: That Item C2 of the staff report be dealt with at this point in time.

(McCarthy/O’Bernier)

ITEM C2 - TASMAN ESTATE

Confidential Staff Report to the 18 May 2010 Ordinary Meeting

File No. E38.8

38. RESOLVED: That the land price in the Tasman Estate remains as currently listed.

(McCarthy/O’Bernier)

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ITEM C1 - TASMAN ESTATE

Confidential Staff Report to the 18 May 2010 Ordinary Meeting

File No. E38.8

39. **RESOLVED:** That the offer for the purchase of Lot 17 in the Tasman Estate be rejected.

(Fitzpatrick/O/Bernier)

ITEM C3 - INVESTMENTS

Confidential Staff Report to the 18 May 2010 Ordinary Meeting

File No. C17.2.2

40. **RESOLVED:** That the matter be deferred pending the receipt of further information.

(Hooper/McCarthy)

ITEM C4 - POTENTIAL PUBLIC LIABILITY CLAIMS REGISTER

Confidential Staff Report to the 18 May 2010 Ordinary Meeting

File No. C25.6

41. **RESOLVED:** That the information be received and noted.

(McCarthy/Doney)

This concluded the business and the meeting rose at 8.15pm.

Confirmed this _____ day of _____ 2010.

General Manager.

Mayor.

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General Manager

Mayor