

OBERON COUNCIL

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

The Acting General Manager/Director of Engineering, Mr Leigh Robins; the Director of Corporate Services, Mr John Chapman; the Acting Director of Development, Mr Mark Dicker; and the Corporate Planner Mrs Joanne Barton.

The Mayor, made a presentation to Mr Ross Corby on behalf of Council in recognition of his valuable contribution to the community over the many years of provision of bus services in the district.

Mr Chas McPhail conducted a presentation to Council regarding the activities of Country Energy in the Oberon Local Government Area.

PRAYER

The meeting was opened in prayer by Rev. Tony Card.

APOLOGIES

1. **RESOLVED:** Apologies were received and accepted for the non-attendance of the General Manager Mr Bruce Fitzpatrick and Councillor John McMahan.

(McCarthy/Francis)

QUESTIONS FROM THE PUBLIC

Mr Behrendt asked if there were any Supplementary Reports being submitted at the meeting.

The Mayor advised that there were no Supplementary Reports tabled.

Mr Behrendt asked why a letter he hand delivered to Council staff on 3 June 2010 regarding a development application was not investigated and put before tonight's meeting.

The Mayor advised that there was insufficient time and that the matter would be dealt with in due course.

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CONFIRMATION OF MINUTES

2. **RESOLVED:** That the Minutes of the duly convened Ordinary Meeting held on 18 May 2010 be taken as read and confirmed.
(O’Bernier / Fitzpatrick)

Matters Arising From the Minutes

Nil.

DECLARATIONS OF INTEREST

- Pecuniary** - Councillor McCarthy declared a Pecuniary Interest on Item A1 of the Staff Report
- Conflicts** - Nil
- Staff** - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Burruga & District Community Association Meeting – 13 May 2010
2. Telephone Conference with Christian Morris – LGSA – 14 May 2010
3. Correctional Centre Consultative Committee Meeting – 17 May 2010
4. SES Commissioner & Local SES Representatives – 18 May 2010
5. Ordinary Council Meeting – 18 May 2010
6. Meeting with CENTROC re Draft Options Paper for a Regional Resilience Strategy – 19 May 2010
7. Col Roberts – re Grant Funding for Timber Heritage Oral History Project – 25 May 2010
8. General Manager Interviews – 27 & 28 May, 7 June 2010

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B. Representation

Council was represented at the following:

1. Oberon High School Assembly
2. LGSA Conference 31 May – 2 June 2010

C. Correspondence

Correspondence received included:

1. From CENTROC – Draft Options Paper for a Regional Resilience Strategy – 5 May 2010
2. The Regional Achievement & Community Awards advising Nominations are now open for 2010 awards
3. LGSA re improving access to polling places for people with a disability – 30 April 2010
4. Invitation to attend National Timber Council Taskforce Meeting on Monday 14 June 2010
5. Invitation to attend National General Assembly of Local Government Meeting in Canberra – 14 – 17 June 2010
6. The Hon Tony Kelly MLC, Minister for Planning regarding Joint Regional Planning Panels – 18 May 2010
7. LGSA regarding Cost Shifting Survey for 2008/09
8. Central West Catchment Management Authority – invitation to attend a seminar for Councillors and Management on 23 July 2010
9. The Hon Steve Whan MP, Minister for Primary Industries regarding a new program for local government called Fish Friendly Councils
10. Bethany Richards – letter of thanks for school based traineeship
11. Letter from visitor to Oberon passing on congratulations on clean, tidy and friendly town

STAFF REPORT

3. **RESOLVED:** That Item B17 and B9 be brought forward and dealt with at this point in time.

(O’Bernier/Doney).

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ITEM B17 - OBERON CHRISTMAS STREET PARTY
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A3.1

4. **RESOLVED:** That the organisers of the Oberon Christmas Street Party be advised that provision has been made to provide road closures and the use of a sound system in the 2010/11 Management Plan.

(O’Bernier/McCarthy)

ITEM B9 - GOLF CLUB ASSISTANCE
Staff Report to the 15 June 2010 Ordinary Meeting
File No. PO47.107

5. **RESOLVED:** That
1. \$110,000 be allocated from the Sewerage Fund for the construction of a recycled wastewater system to the Oberon Golf Club.
 2. That the General Fund reimburse the Sewerage Fund \$11,000 per year until 2021/22.
 3. The Oberon Golf Club enter an agreement with Council to accept treated effluent on the basis that Oberon Golf Club are responsible for the energy costs on the scheme.
 4. The raw water feed to the Golf Club be disconnected.

(Doney/Handelsmann)

Councillor McCarthy declared a pecuniary interest in Item A1 of the Staff Report, Councillor McCarthy left the chamber and took no part in discussions or voting. Councillor McCarthy and his wife are the applicants.

ITEM A1 - DEVELOPMENT APPLICATION 10.2010.18.1 – NEW SUBDIVISION FOR AGRICULTURE UNDER CLAUSE 12 OF LEP 1998
Staff Report to the 15 June 2010 Ordinary Meeting
File No. PR23.809

Moved and Second: That the Common Seal of Oberon Council be affixed to the 88B Instrument Mr & Mrs McCarthy in relation to Development Application 10.2010.18.1 for a New Subdivision for the purpose of agriculture under Clause 12 of LEP 1998 of Lot 115 in DP 757068, 809 Lowes Mount Road, Oberon. (O’Bernier/ Handelsmann)

The motion was put and lost.

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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, Doney and Sullivan
Votes Against: Councillors Francis, Handelsmann, Hooper and Fitzpatrick

6. **RESOLVED:** That staff seek clarification from the Department of Planning and the applicant regarding the creation of a lot without access.

(Hooper/ Doney)

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

Votes For: Councillors Sullivan, Hooper, Fitzpatrick, Handelsmann, Doney and Francis
Votes against: Councillor O’Bernier

Following the resolution Councillor McCarthy returned to the chamber and was invited by the Mayor to address Council on the background of the matter.

ITEM A2 - DEVELOPMENT APPLICATION 125/05, FIVE (5) LOT SUBDIVISION Staff Report to the 15 June 2010 Ordinary Meeting File No. PR191.1233

7. **RESOLVED:** That:
1. The request from Bird Legal on behalf of Owners Lochgarry Pastoral Company Pty Ltd and prospective purchasers Egon Investment Pty Ltd, to seek to vary Council’s Release of Subdivision Certificate Policy, in relation to a five (5) lot Subdivision Development Application 125/05 on 1233 Edith Road Oberon be approved and that upon the lodgment of formal Application for Subdivision that Council’s Seal be placed on the Deeds and Caveats respectively and
 2. Authorisation be given for the removal of the Caveat from the Deeds held by Lochgarry Pastoral Company Pty Ltd to allow registration of the transfer of the land, and
 3. Authorisation be given to place the Council Seal on the Deeds and Caveat once the sale has been finalised to Egon Investment Pty Ltd while in accordance with this report.

(Fitzpatrick/O’Bernier)

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

Votes For: Councillor's Sullivan, Fitzpatrick, Handelsmann, Hooper, O'Bernier, Doney, Francis, McCarthy

Votes against: Nil

ITEM A3 - CHANGES TO THE BUILDING PROFESSIONALS ACT 2005 AND THE BUILDING PROFESSIONALS REGULATION 2007

Staff Report to the 15 June 2010 Ordinary Meeting

File No. D50.1

8. RESOLVED: That:

- a) The report be received and noted.
- b) The Council grant delegated authority to the Acting General Manager or General Manager to make recommendations in relation to applications for accreditation of Council Building Surveyors under the Building Professionals Act 2005.

(O'Bernier/Handelsmann)

ITEM B1 - GREAT WESTERN HIGHWAY UPGRADE

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E30.1.1

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

(O'Bernier/McCarthy)

ITEM B2 - FEES FOR COUNCILLORS

Staff Report to the 16 June 2009 Ordinary Meeting

File No. A1.2.3

Moved and Second: That fees for Councillors and the Mayor remain unchanged.

(Doney/McCarthy)

Motion was put and lost.

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Moved and Second: That fees for Councillors and the Mayor for 2010-2011 be set at the figure contained in the Draft 2010-2011 budget.

(Fitzpatrick/Handelsmann)

Motion was put and lost.

10. **RESOLVED:** That the fees for Councillors and the Mayor for 2010-2011 be set at the maximum rate set by the Department of Local Government Remuneration Tribunal.

(Hooper/Handelsmann)

ITEM B3 - DIGITAL TELEVISION

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A3.4

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

(O'Bernier/Handelsmann)

ITEM B4 - BOSWORTH FALLS ROAD

Staff Report to the 15 June 2010 Ordinary Meeting

File No. R6

12. **RESOLVED:** That support be withdrawn for the proposed closure of a section of Bosworth Falls Road.

(McCarthy/O'Bernier)

ITEM B5 - THE ROLE OF INTERNAL OMBUDSMAN IN COUNCILS

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A1.4.6

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

(Hooper/McCarthy)

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ITEM B6 - WASTEWATER TREATMENT PLANT UPGRADE

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E33.2.1

14. **RESOLVED:** That an allocation of \$43,400 be provided to supply and install a screen extractor at the wastewater plant.

(O’Bernier/Doney)

ITEM B7 - THE SPIRIT OF THE LAND LOCKHART FESTIVAL

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A3.1

15. **RESOLVED:** That the information be referred to the Oberon Arts Council.

(Fitzpatrick/Handelsmann)

ITEM B8 - BURRAGA & BLACK SPRINGS TIPS

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E35.1

16. **RESOLVED:** That the Burraga and Black Springs Progress Associations be asked to comment on a possible reduction of tip operating hours, and to advise their preferred opening day.

(Handelsmann/O’Bernier)

ITEM B10 - BLUE MOUNTAINS LITHGOW AND OBERON TOURISM

Staff Report to the 15 June 2010 Ordinary Meeting

File No. P73.1

17. **RESOLVED:** That the information be received and noted. (O’Bernier/Doney)

ITEM B11 - MOTOR VEHICLE POLICY

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E37.5.2

18. **RESOLVED:** That the information be received and noted and referred to the new General Manager for review and comment.

(Sullivan/ Handelsmann)

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ITEM B12 - STORMWATER HARVESTING

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E32.11

19. **RESOLVED:** That the Common Seal be affixed to the Deed of Agreement between Council and the Commonwealth of Australia for the Stormwater Harvesting project.

(Handelsmann/Fitzpatrick)

ITEM B13 - EQUAL EMPLOYMENT OPPORTUNITY POLICY

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A1.2.7 C19.1

20. **RESOLVED:** That the Equal Employment Opportunity Policy be adopted.

(Handelsmann/O’Bernier)

ITEM B14 - DRAFT MANAGEMENT PLAN

Staff Report to the 15 June 2010 Ordinary Meeting

File No. C15.5

21. **RESOLVED:** That
1. On the basis that Council is not the developer (but the facilitator) the draft management plan be amended to read:

“Address the inadequate provision of nursing home type accommodation by facilitating the provision of aged care facilities which will accommodate between 60 and 88 places and in the process highlight to the government and potential developers the communities expectation that the number of un-bonded beds currently available are not reduced.”
 2. The draft fees & charges for the swimming pool not be adopted at this stage, but a review be undertaken so that a revised schedule can be adopted prior to the commencement of the 2010/2011 swimming season;
 3. The operation of the swimming pool kiosk be reviewed prior to the 2010/2011 swimming season;

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4. Alternatives for the provision of a suitable changeroom facility for the disabled at the swimming pool be considered prior to the 2010/2011 swimming season;

5. That the following **General Fund** ordinary rates for 2010/2011 be made:

Farmland – a base amount of \$180.00, producing 14% of the total amount payable for the category, and an ad valorem amount of 0.233243 cents in the dollar, on all rateable assessments categorised as farmland.

Residential – a base amount of \$164.00, producing 42% of the total amount payable for the category, and an ad valorem amount of 0.304017 cents in the dollar, on all rateable assessments categorised as residential.

Business – a base amount of \$236.00, producing 34% of the total amount payable for the category, and an ad valorem amount of 0.362458 cents in the dollar, on all rateable assessments categorised as business.

Residential Rural – a base amount of \$169.00, producing 28% of the total amount payable for the category, and an ad valorem amount of 0.213521 cents in the dollar, on all rateable assessments categorised as residential rural.

Non-Urban Centres of Population – a base amount of \$231.00, producing 41% of the total amount payable for the category, and an ad valorem amount of 0.269128 cents in the dollar, on all rateable assessments categorised as non-urban centres of population.

6. That the following **Town Improvement Fund** special rates for 2010/2011 be made on all rateable properties within the Oberon Town area:

Residential – an ad valorem amount of 0.284543 cents in the dollar on all rateable land in the town improvement area categorised as residential.

Rural Residential – an ad valorem amount of 0.381941 cents in the dollar on all rateable land in the town improvement area categorised as residential.

Business – an ad valorem amount of 0.609814 cents in the dollar on all rateable land within the town improvement area categorised as business.

Farmland – an ad valorem amount of 0.217988 cents in the dollar on all rateable land within the town improvement area categorised as farmland.

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7. That the following **Waste Water (Sewerage) Service** charges for 2010/2011 be made:

- a) A charge of \$370.00 (currently \$361.00) for all residential properties accessible to the waste water system, consisting of an access charge of \$102.00 (currently \$100.00) and a usage charge of \$268.00 (currently \$261.00).
- b) An access charge for all non-residential properties accessible to the waste water system, levied in accordance with the size of the water meter for the respective property, as follows:

Meter Size	Charge (\$)
20 mm (¾")	\$ 100.00 (currently \$100.00)
25 mm (1")	\$ 156.00 (currently \$156.00)
30 mm (1¼")	\$ 225.00 (currently \$225.00)
38 mm (1½")	\$ 361.00 (currently \$361.00)
50 mm (2")	\$ 625.00 (currently \$625.00)
80 mm (3¼")	\$1,600.00 (currently \$1,600.00)
100 mm (4")	\$2,500.00 (currently \$2,500.00)
150 mm (6")	\$5,625.00 (currently \$5,625.00)

- c) A usage charge of \$1.22 (currently \$1.19) per kilolitre for all non-residential properties accessible to the waste water system, based upon the estimated volume discharged into the waste water system utilising total water consumption figures, together with the SDF (Sewage Discharge Factor) determined for each property.

8. That the following **Water Service** charges for 2010/2011 be made:

- a) A base charge of \$128.00 (currently \$117.00) and a consumption charge for water of \$1.35 (currently \$1.23) per kilolitre.
- b) A special levy to be applied to each water meter, to be set aside for the payment of the water treatment plant at Oberon, as follows:

Meter Size	Charge (\$)
20 mm (¾")	\$ 100.00 (no change)
25 mm (1")	\$ 156.00 (no change)
30 mm (1¼")	\$ 225.00 (no change)
38 mm (1½")	\$ 361.00 (no change)
50 mm (2")	\$ 625.00 (no change)
80 mm (3¼")	\$1,600.00 (no change)
100 mm (4")	\$2,500.00 (no change)
150 mm (6")	\$5,625.00 (no change)

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and any other meter size to be charged in accordance with the formula of the radius squared in mm x \$1.00.

9. That:

a) The following **Domestic Waste Management** charges for 2010/2011 be made:

Vacant Land - \$10.30 per annum (currently \$10.00)
A 240 litre bin weekly collection service - \$141.00 per annum (currently \$137.00)

b) The following **Non-Domestic Waste Management** charges for 2010/2011 be made:

A 240 litre bin weekly collection service - \$141.00 per annum (currently \$137.00)

10. That the Management Plan as advertised for 2011/2015, subject to the above amendments and incorporating the adopted Fees & Charges (except for swimming pool fees & charges) and Budget, be adopted.

(O'Bernier/Handelsmann)

ITEM B15 - VISITOR INFORMATION/COMMUNITY TECHNOLOGY CENTRE STORAGE

**Staff Report to the 16 June 2010 Ordinary Meeting
File No. PO47.48-54**

22. **RESOLVED:** That no action be taken pending further investigation.
(Hooper/Sullivan)

ITEM B16 - FOSSICKING IN OBERON

**Staff Report to the 15 June 2010 Ordinary Meeting
File No. P70.2**

23. **RESOLVED:** That the construction of a Noodling Patch adjacent to the Oberon Visitor Information Centre, funded from donations received and voluntary assistance, be authorized and that a gold coin donation be charged for the use of the facility.

(Handelsmann/Fitzpatrick)

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ITEM B18 - OBERON COMMUNITY CENTRE SUBMISSIONS

Staff Report to the 15 June 2010 Ordinary Meeting

File No. C21.1

24. **RESOLVED:** That the information be received and noted. (Fitzpatrick/Francis)

ITEM B19 - REQUEST FOR DONATION – BURRAGA BUGS PLAYGROUP

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A3.3

25. **RESOLVED:** That a donation of \$200 be made to Burraga Bugs Playgroup.

(Doney/Hooper)

ITEM B20 - FISH RIVER WATER SUPPLY SCHEME

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E32.2

26. **RESOLVED:** That Council thank Mr Miller from NSW Office of Water for the information and advise him Council looks forward to receiving his report in September; and a letter be written to State Water seeking confirmation on the status of the installation of the low lift water pumps.

(Hooper/O’Bernier)

ITEM B21 - ROAD SAFETY GRANTS

Staff Report to the 15 June 2010 Ordinary Meeting

File No. E30.1.1

27. **RESOLVED:** That Council participate in the Road Safety Grant Pilot Program.

(Handelsmann/Doney)

ITEM M1 - LIBRARY COMMITTEE MEETING MINUTES

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A2.8

28. **RESOLVED:** That Ms Lyndall Hawkes and Ms Bev Evans be appointed as community representatives on the Library Committee.

(McCarthy/Handelsmann)

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29. **RESOLVED:** That the information be received and noted and further details be obtained through the Library Committee.

(Hooper/Doney)

ITEM M2 - EVENTS COMMITTEE MEETING MINUTES

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A2.5

30. **RESOLVED:** That the Autumn/Winter Festival banner as tabled at the Events Committee Meeting be endorsed as the official banner for Autumn/Winter events.

(O’Bernier/Hooper)

ITEM M3 - OBERON PROMOTIONS COMMITTEE MEETING MINUTES

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A2.17

31. **RESOLVED:** That the information be received and noted. (Hooper/Fitzpatrick)

ITEM M4 - LEAGUES CLUB GROUNDS COMMITTEE MEETING MINUTES

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A2.29

32. **RESOLVED:** That:

- a) The information be received and noted.
- b) The facilities located at 16 Lowes Mount Road be known as the Oberon Sports Complex.
- c) The draft charter for the committee (attached) be adopted.
- d) Mr Geoff Oxley be nominated as delegate from the Oberon Junior Hockey Club and Mrs Donna Miller as alternate delegate to the Oberon Sports Complex Committee.
- e) Mr Lenore Zamparini be nominated as delegate representing the Oberon Leagues Club.
- f) The next meeting of the Oberon Sports Complex Committee be held on Wednesday 21st July 2010 at 4.30pm commencing with an inspection at the Oberon Sports Complex followed by a meeting at the Oberon Council Chambers

(Hooper/Fitzpatrick)

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PRECIS OF INFORMATION

33. **RESOLVED:** That items P1 to P11 be received and noted.

(Hooper/O’Bernier)

ITEM P1 - PROMOTING BETTER PRACTICE REVIEW PROGRAM

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A1.1.2

34. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P2 - BLACK SPRINGS PROGRESS ASSOCIATION MEETING

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A3.1

35. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P3 - STAFF APPOINTMENTS

Staff Report to the 15 June 2010 Ordinary Meeting

File No. C19.1

36. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P4 - TELSTRA PAYPHONES

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A3.4

37. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P5 - COUNCIL MEETINGS

Staff Report to the 15 June 2010 Ordinary Meeting

File No. A2.1

38. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

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ITEM P6 - JENOLAN CAVES RESERVE TRUST
Staff Report to the 15 June 2010 Ordinary Meeting
File No. PR192.4669 & PR192.4655

39. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P7 - COUNTRY WOMEN’S ASSOCIATION PUBLIC SPEAKING COMPETITION
Staff Report to the 15 June 2010 Ordinary Meeting
File No. A3.3

40. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P8 - REPRESENTATIONS REGARDING PLANNING MATTERS
Staff Report to the 15 June 2010 Ordinary Meeting
File No. D52.13 & PR1.1778

41. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P9 - RURAL FIRE SERVICE, REVIEW OF OPERATIONS CHIFLEY ZONE
Staff Report to the 15 June 2010 Ordinary Meeting
File No. F90.1

42. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P10 - OBERON ANIMAL POUND
Staff Report to the June 2010 Ordinary Council Meeting
File No. D54.1

43. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

ITEM P11 - STATEMENT OF BANK BALANCES AND INVESTMENTS
Staff Report to the 15 June 2010 Ordinary Meeting
File No. C17.1

44. **RESOLVED:** That the information be received and noted. (Hooper/O’Bernier)

NOTICES OF MOTION

Nil

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REPORTS FROM DELEGATES

Councillor Francis provided a verbal report in relation to last meeting of the Upper Macquarie County Council held on Friday 4th June 2010.

INFORMATION BULLETIN

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

(O’Bernier/Handelsmann)

BUSINESS WITHOUT NOTICE

ANL – Councillor O’Bernier raised concerns in relation to potential pollution issues around storage of sawdust

Councillor Handelsmann raised the issue of the Heritage Committee proposal regarding the O’Connell Memorial Avenue.

Councillor Sullivan raised the issue of potential temporary relaxation of Water Restrictions.

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.

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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.*

ITEM C1 - WASTE DISPOSAL

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 - GENERAL MANAGERS RETIREMENT FUNCTION

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)*

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ITEM C3 - 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

ITEM C4 - TASMAN ESTATE – PURCHASE OFFER

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 C5 - BLOOM HILL ROAD

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 C6 - INVESTMENTS

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

This item contains information about potential legal proceedings and is therefore confidential.

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46. 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*.

(O’Bernier/Handelsmann)

Council closed the meeting at 8.20 pm. There were no members of the public present at this time.

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

(Hooper/McCarthy)

Councillor Sullivan left the meeting at 9.36 pm prior to the consideration of item C6 of the Confidential Staff Report.

48. RESOLVED: That Councillor Hooper be appointed to the chair in the absence of Councillor Sullivan.

(Handelsmann/Fitzpatrick)

Open Council resumed at 9.38 pm.

The following resolutions of Council while the meeting was closed to the public were read to the meeting by Councillor Hooper, there were no members of the public present.

ITEM C1 - WASTE DISPOSAL

Confidential Staff Report to the 15 June 2010 Ordinary Meeting

File No. E35.3

49. RESOLVED: That no action be taken to reimburse the outstanding invoices for waste timber disposal by Borg Panels or Highland Pine Products.

(O’Bernier/Handelsmann)

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

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ITEM C2 - GENERAL MANAGERS RETIREMENT FUNCTION
Confidential Staff Report to the 15 June 2010 Ordinary Meeting
File No. Personnel

50. RESOLVED: That:

- a) A function to recognize the service to Oberon Council by Bruce Fitzpatrick be held at the Oberon RSL Club on 17 July 2010 commencing at 7.00 pm with the costs to be recouped from the attendees
- b) Special Invitations to be extended to Members of Parliament, Gerard Martin and Bob Debus and their partners.
- c) Council make a contribution as per the staff report.

(McCarthy/O’Bernier)

ITEM C3 - POTENTIAL PUBLIC LIABILITY CLAIMS REGISTER
Confidential Staff Report to the 15 June 2010 Ordinary Meeting
File No. C25.6

51. RESOLVED: That the information be received and noted. (Doney/O’Bernier)

ITEM C4 - TASMAN ESTATE – PURCHASE OFFER
Confidential Staff Report to the 15 June 2010 Ordinary Meeting
File No. E38.8

Moved and Second: That the offer to purchase Lot’s 9, or 13 or 14 & 15 in the Tasman Estate be accepted as per the staff report.

(Handelsmann/McCarthy)

The motion was put and lost.

Moved and Seconded: That the mid-point between the prices offered and the set price be communicated as a counter-offer.

(O’Bernier/McCarthy)

The motion was put and lost.

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52. **RESOLVED:** That the General Manager be authorized to make a counter offer in accordance with the guidance provided to him by Council.

(Fitzpatrick/Doney)

Councillor O’Bernier requested that his vote against the motion be recorded.

ITEM C5 - BLOOM HILL ROAD

**Confidential Staff Report to the 15 June 2010 Ordinary Meeting
File No. R9**

53. **RESOLVED:** That proposed Lot 3, with an area of 3,330m² located approximately 400m north of the junction of Bloom Hill Road and Beaconsfield Road be transferred at the price offered by the adjoining owner provided settlement is reached within three months otherwise the offer is withdrawn.

(Fitzpatrick/Hooper)

Councillor’s O’Bernier and Sullivan requested that their votes against the motion be recorded.

ITEM C6 - INVESTMENTS

**Confidential Staff Report to the 15 June 2010 Ordinary Meeting
File No. C17.2.2**

54. **RESOLVED:** That Council:
1. Join with IMF (Australia) Ltd in its proceedings against Lehman Brothers (Australia) Pty Ltd for recovery of losses associated with investments in CDO’s;
 2. Join with Piper Alderman as Group members in the proceedings against LGFS Pty Ltd for recovery of losses associated with the investments in the Rembrandt CPDO;
 3. Contribute the sum of \$46,358.42 towards the costs incurred to date by the Piper Alderman Group;
 4. Agree to contribute to ongoing costs incurred by the Piper Alderman Group as outlined in the Cost Sharing Agreement provided by Piper Alderman on 2 June 2010; and
 5. Advise Wilshire Webb Staunton Beattie of Council’s decision.

(Handelsmann/O’Bernier)

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This concluded the business and the meeting rose at 9.41pm.

Confirmed this _____ day of _____ 2010.

General Manager.

Mayor.

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General Manager

Mayor