

OBERON COUNCIL

Page 1 of 19

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

The Acting General Manager, Mr John Chapman; the Director of Engineering, Mr Leigh Robins; the Acting Director of Corporate Services, Ms Amanda McGrath; the Director of Development, Mr Ralph Tambasco; and the Executive Assistant, Mrs Sharon Swannell.

PRAYER

The meeting was opened in prayer by Rev Tony Card. A minute silence was held in honour of the passing of Councillor Robert Hooper.

APOLOGIES

1. **RESOLVED:** Apologies were received and accepted for the non-attendance of Councillor Z Handelsmann.

(McMahon/McCarthy)

QUESTIONS FROM THE PUBLIC

Nil.

CONFIRMATION OF MINUTES

2. **RESOLVED:** That the Minutes of the duly convened Ordinary Meeting held on 20 July 2010 be taken as read and confirmed.

(O’Bernier/Francis)

3. **RESOLVED:** That the Minutes of the duly convened Special Meeting held on 3 August 2010 be taken as read and confirmed.

(McMahon/O’Bernier)

Matters Arising From the Minutes

Nil

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 2 of 19

DECLARATIONS OF INTEREST

Pecuniary - Nil

Conflicts - Councillor McMahon declared an interest in Item C1 of the Confidential Staff Report – Councillor McMahon is related to the owner of the premises.
Councillor Doney declared an interest in Item C1 of the Confidential Staff Report, Councillor Doney's interest is non-substantial, non-pecuniary.

Staff - Nil

MAYORAL MINUTE

A. Meetings

Meetings attended since my last report include:

1. Council Meeting - 20 July 2010
2. Oberon Sports Complex Committee Meeting – 21 July 2010
3. Anthony Daintith Town Planning regarding Industrial Estate Complaint – 22 July 2010
4. Paul Blanch – Independent Candidate Federal Election – 3 August 2010
5. Land Sales Committee Meeting – 3 August 2010
6. Special Council Meeting re Draft Land Use Strategy – 3 August 2010
7. Events Committee Meeting – 4 August 2010
8. John Cobb – Liberal Candidate Federal Election – 10 August 2010

B. Representation

Council was represented at the following:

1. Inner Wheel Changeover – 17 July 2010
2. General Manager's Farewell Function – 17 July 2010
3. Black Springs Public School - BER Program Official Opening – 21 July 2010
4. Discussions with staff regarding Local Government Week – 22 July 2010
5. Federal Candidate Information Evening – 10 August 2010
6. Oberon Public School – Education Week – 10 August 2010
7. Oberon High School – combined Education Week Assembly – 11 August 2010

C. Correspondence

Correspondence received included:

1. Walk to Work Day advising the event will be held on Friday, 1st October 2010
2. Centroc regarding Bells Line Expressway – 21 July 2010
3. Invitation – Green Infrastructure Master Plan – 19 August 2010

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 3 of 19

4. Invitation - Burruga Ag Bureau to attend the 21st Burruga Sheep Show & Country Fair on 28 August 2010
5. 2010 National Local Roads and Transport Congress in Bunbury, WA – 13 – 15 October 2010
6. Invitation - NSW Department of Corrective Services – Gurnang Life Challenge Graduation Ceremony – 6 August 2010
7. Oberon Correctional Centre – Naidoc Week Celebration – Friday 13 August 2010

D. Items Referred to Councillors

1. 2010 LGSA Water Management Conference

REQUEST FOR DONATION

File: A3.3

4. **RESOLVED:** That \$750 be provided from the donations budget to support the 2BS Oberon Junior Sports Awards.

(McCarthy/O’Bernier)
5. **RESOLVED:** That Kathy Sajowitz, President, Friends of Oberon Library Inc. be invited to address Council in respect to the Waste to Art 2011 competition.

(O’Bernier/Doney)
6. **RESOLVED:** That support be given to the Waste to Art Project 2011 as proposed by the Friends of the Oberon Library by providing a Council Coordinator to assist with the project and \$250 towards prizes for the event to be funded from the donations budget.

(O’Bernier/Doney)

GENERAL MANAGERS REPORT

The Acting General Manager provided a verbal update to Council. The State Electoral Commissioner has advised Council that a by-election for the Council vacancy will be conducted on Saturday 23 October 2010.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 4 of 19

STAFF REPORT

7. **RESOLVED:** That Item A6 of the Staff Report be brought forward and dealt with at this point in time.

(O’Bernier/Doney)

ITEM A6 - LOCAL ENVIRONMENTAL PLAN REVIEW AND STRATEGY – REQUEST TO CONSIDER LAND FOR REZONING – LOT 2 IN DP 815013, 1480 CARLWOOD ROAD, O’CONNELL

Staff Report to the 17 August 2010 Ordinary Meeting

File No. D52.2.5 & PR2.1480

8. **RESOLVED:** That the request to include Lot 2 in DP 815013, 1480 Carlwood Road in the 1C Zone in the Council’s new LEP be referred to the Planning Consultant and be supported by Council.

(McCarthy/O’Bernier)

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, Francis, McMahon, Doney, O’Bernier, McCarthy and Fitzpatrick

Votes against: Nil

ITEM A1 - CREATION OF AGRICULTURAL LOTS UNDER CLAUSE 12 OF THE OBERON LOCAL ENVIRONMENTAL PLAN 1998

Staff Report to the 17 August 2010 Ordinary Meeting

File No. D52.2.5

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

(McCarthy/McMahon)

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, Francis, McMahon, Doney, O’Bernier, McCarthy and Fitzpatrick

Votes against: Nil

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 5 of 19

ITEM A2 - AMENDMENT TO COUNCILS FEES AND CHARGES – FIRE SAFETY REPORTS

Staff Report to the 17 August 2010 Ordinary Meeting
File No. C15.5

10. **RESOLVED:** That Council amend the Schedule of Fees & Charges for 2010/11 financial year to include Fire Safety Reports in accordance with its statutory obligations under the Environmental Planning & Assessment Act 1979.

(O’Bernier/Doney)

ITEM A3 - DEVELOPMENT APPLICATION 125/05, 5 LOT SUBDIVISION

Staff Report to the 17 August 2010 Ordinary Meeting
File No. PR191.1233

11. **RESOLVED:** That:

- a) The request From Bird Legal on behalf of Lochgarry Pastoral Company Pty Ltd and prospective purchasers Egon Investments Pty Limited, to seek to vary Council’s Release of Subdivision Certificate Policy, in relation to a 5 Lot Subdivision, Development Application 125/05 at 1233 Edith Road Oberon be approved
- b) Council’s Seal be placed on the Deeds and Caveats respectively
- c) Council’s Seal be placed on the withdrawal of Caveat in favour of Lochgarry Pastoral Company Pty Ltd to allow the registration of the deed and caveat to Egon Investments Pty Limited, when submitted.

(Fitzpatrick/O’Bernier)

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, Francis, McMahon, Doney, O’Bernier, McCarthy and Fitzpatrick

Votes against: Nil

A4. VARIATION TO DEVELOPMENT CONTROL PLAN 2001

Staff Report to the 17 August 2010 Ordinary Meeting
File No. D52.1

12. **RESOLVED:** That Development Control Plan 2001 be amended as follows:

- a) By deleting Clause D4.4 “Parking” of Part D – Commercial and Industrial Development, the following:

“The development will be required to provide for car parking at the rear of the development site in accordance with Council’s Parking Code.”

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 6 of 19

- b) By deleting from Clause F10.1 “Car Spaces” of Part F – Vehicle Circulation and Parking, the following:

“Parking spaces are not normally permitted to be between the building line and the property boundary.”

- c) By amending Clause F10.2 “Driveways” of Part F – Vehicle Circulation and Parking as follows:

Delete: *“Driveway materials to be concrete, segmented paving, exposed aggregate concrete or other coloured or textured hard stand approved surface.”*

Replace with: *“As a minimum requirement, vehicle parking and manoeuvring areas are to be constructed of all weather, compacted, decomposed granite or similar hard stand, approved material.”*

- d) By adding the following to Parts D and F of the DCP2001:

“The access crossing over the footpath from the kerb of the road/street to the gateway of the development is to be concreted.”

- e) The proposed amendments to the DCP2001 for the purpose of public notification in accordance with Clauses 22 and 23 of the Environment Planning and Assessment Regulation 2000, be adopted by Council
- f) The subsequent formal notification of the amendments be endorsed subject to there being no adverse public submissions
- g) The eventual amendments to the DCP2001 be endorsed by Council as the current plan.

(McMahon/Fitzpatrick)

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, Francis, McMahon, Doney, O’Bernier, McCarthy and Fitzpatrick

Votes against: Nil

ITEM A5 - SUSTAINABLE CHOICE PROGRAM **Staff Report to the 17 August 2010 Ordinary Meeting** **File No. D51.1**

- 13. RESOLVED:** That the information be received and noted and that a further report be prepared by Council.

(Doney/O’Bernier)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 7 of 19

ITEM A7 - ACCREDITATION OF COUNCIL BUILDING SURVEYORS
Staff Report to the 17 August 2010 Ordinary Meeting
File No. D52.1

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

(McCarthy/O’Bernier)

ITEM A8 - DEVELOPMENT APPLICATION 10.2009.219.1 SUBDIVISION PURSUANT TO
CLAUSE 16 OF THE OBERON LOCAL ENVIRONMENTAL PLAN 1998, LOT 64 IN DP
753059 AND LOT 93 IN DP 753059, 2052 ISABELLA ROAD, ISABELLA
Staff Report to the 17 August 2010 Ordinary Meeting
File No. PR42.2052

15. **RESOLVED:** That:

- a) Council vary Clause B.14.12.10 of Part B of Development Control Plan 2001 to allow the subdivision of land which will create a lot containing the existing quarry at a distance of less than 500 metres from the existing dwelling on Lot 64 in DP 753059, 2052 Isabella Road, Mount David.
- b) Development Application 10.2009.219.1 for a two lot subdivision of Lot 64 in DP 753059 and Lot 93 in DP 753059, 2052 Isabella Road be approved subject to appropriate conditions of consent.

(McMahon/Francis)

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, Francis, McMahon, Doney, O’Bernier, McCarthy and Fitzpatrick

Votes against: Nil

ITEM B1 - NAMING OF ROAD RUNNING WEST OFF GINGKIN ROAD
Staff Report to the 17 August 2010 Ordinary Meeting
File No. E31.9

16. **RESOLVED:** That an advertisement be placed in the Oberon Review advising proposed new name “Mackie Road” and requesting any objections to be forwarded to council within 30 days.

(O’Bernier/McCarthy)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 8 of 19

ITEM B2 - SENIORS WEEK

Staff Report to the 17 August 2010 Ordinary Meeting

File No. A3.1 & A5.3

17. **RESOLVED:** That a Seniors Week event/project for 2011 that meets the eligibility criteria be determined which can be adequately carried out within Council's human and financial resources and is in sufficient detail that enables Council to make an application.

(O'Bernier/McMahon)

ITEM B3 - OBERON STREET PAVING

Staff Report to the 17 August 2010 Ordinary Meeting

File No. E31.2.1

18. **RESOLVED:** That the replacement of the damaged pavers in Oberon Street proceed using asphalt with a coloured and imprinted surface coat.

(McMahon/O'Bernier)

19. **RESOLVED:** That staff be requested to investigate and report opportunities for development of Heritage style awnings on the Oberon Street streetscape and that as part of the report they engage the shop owners in the process.

(Doney/O'Bernier)

ITEM B4 - WASTE REMOVAL CHARGES

Staff Report to the 17 August 2010 Ordinary Meeting

File No. E35.1

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

(McMahon/McCarthy)

ITEM B5 - QUARTERLY BUDGET REVIEW AS AT 30 JUNE 2010

Staff Report to the 17 August 2010 Ordinary Meeting

File No. C15.3

21. **RESOLVED:** That the Quarter 4 Budget Review Statements for 2009/2010 be received and noted and the revised budgeted income and expenditure items be voted.

(McCarthy/Doney)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 9 of 19

ITEM B6 - REVIEW OF MANAGEMENT PLAN – QUARTER 4, 2009/10
Staff Report to the 17 August 2010 Ordinary Meeting
File No. C15.5

22. **RESOLVED:** That the Quarter 4 Management Plan review for 2009/2010 be received and noted.

(McCarthy/O’Bernier)

ITEM B7 - OBERON DENTAL SURGERY
Staff Report to the 17 August 2010 Ordinary Meeting
File No’s. A3.1, PO16.72

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

(O’Bernier/McCarthy)

ITEM B8 - PUBLIC GATES AND GRIDS
Staff Report to the 17 August 2010 Ordinary Meeting
File No. E31.14 & A1.2.7

24. **RESOLVED:** That Policy No. 4104, Public Gates and Grids, as per **Attachment B8d** be adopted.

(O’Bernier/McCarthy)

ITEM B9 - JENOLAN CARAVAN PARK
Staff Report to the 17 August 2010 Ordinary Meeting
File No. A3.3

25. **RESOLVED:** That the offer for a contribution of materials for the construction of paths and slabs at the Jenolan Caravan Park be accepted.

(McMahon/Doney)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 10 of 19

ITEM B10 - POLICY REVIEWS

Staff Report to the 17 August 2010 Ordinary Meeting

File No. C17.2.2 & A1.2.7

26. RESOLVED: That:

1. The following policies be adopted as presented:
 - a. Policy 1102 - Code of Conduct
 - b. Policy 1117 – Business and Community Development
 - c. Policy 4301 – Land Development
 - d. Policy 2205 – Water Meter Access Charges on Fire Services
 - e. Policy 1109 – Quarterly Budget Review Statements
 - f. Policy 4109 – Trees on Council Road Reserves
 - g. Policy 2201 – Debt Recovery, Hardship Provisions and Writing off of Debts
2. That Policy 2211 – Investments be deferred pending a further report to Council.

(O’Bernier/Fitzpatrick)

ITEM B11 - POLICY FOR THE PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS AND COUNCILLORS

Staff Report to the 17 August 2010 Ordinary Meeting

File No. A1.2.7

27. RESOLVED: That the matter be deferred pending a further review of the policy and report to Council.

(McMahon/Fitzpatrick)

ITEM B12 - DRAFT SOCIAL COMMUNITY PLAN

Staff Report to the 17 August 2010 Ordinary Meeting

File No. A1.6

28. RESOLVED: That the Draft Social/Community Plan 2010-2015 be adopted, with the 10 year Community Strategic Plan to be adopted by 30 June 2012.

(McCarthy/O’Bernier)

ITEM M1 - OBERON SPORTS COMPLEX COMMITTEE MEETING MINUTES

Staff Report to the 17 August 2010 Ordinary Meeting

File No. A2.29

29. RESOLVED: That the information be received and noted. (McCarthy/Doney)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 11 of 19

It was noted that declaration of interest for committee members at Section 355 Committee meetings was discussed in relation to the Minutes of the Heritage Committee Meeting.

ITEM M2 - HERITAGE COMMITTEE MEETING MINUTES

Staff Report to the 17 August 2010 Ordinary Meeting

File No. A2.22

Moved and Second: That Council provide funds from the 2010/11 Heritage Local Heritage Fund (as an investment in the intellectual property) to match the grant with in-kind assistance of \$250, together with the amount of \$3,350 in cash, towards the first stage in the development of the research and writing of the updated Thematic History of the Oberon Local Government Area leading up to the sesqui-centenary of Oberon in 2013.

(McCarthy/Doney)

The motion was withdrawn prior to being put to the vote.

- 30. RESOLVED:** That in relation to Council financial assistance with updating the Thematic History of the Oberon Local Government Area, the matter be deferred to allow Councillors the opportunity to view the current Thematic History of the Oberon Local Government Area which is currently available free of charge and that the Heritage Committee be requested to provide details of any additional costs to complete the project.

(McCarthy/O’Bernier)

- 31. RESOLVED:** The NSW Heritage Branch be asked to undertake an analysis of the significance of the O’Connell Memorial Avenue of Trees to inform the new LEP, utilising information that the Heritage Branch may have available.

(Doney/McCarthy)

- 32. RESOLVED:** In respect to the proposed sign structures at Black Springs, Burruga & O’Connell:

- a. The quotation from Peter Anderson for the supply and erection of three sign structures to accommodate proposed signs at Black Springs, Burruga & O’Connell at a cost of \$1,900 each plus GST (funded from the Local Heritage Fund) be accepted,
- b. Second-hand galvanised iron be used for the roof of the structure at O’Connell, and
- c. An additional sum of up to \$100 per structure be provided (funded from the Local Heritage Fund) for treatment for the preservation of the timber members.

(McCarthy/McMahon)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 12 of 19

ITEM M3 - LIBRARY COMMITTEE MEETING MINUTES

**Staff Report to the 17 August 2010 Ordinary Meeting
File No. A2.8**

33. **RESOLVED:** That the information be received and noted. (McMahon/Francis)

ITEM M4 - EVENTS COMMITTEE MEETING MINUTES

**Staff Report to the 17 August 2010 Ordinary Meeting
File No. A2.5**

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

35. **RESOLVED:** That items P1 – P5 be received and noted. (McCarthy/Doney)

PRECIS OF INFORMATION

ITEM P1 - COUNCIL MEETINGS

**Staff Report to the 17 August 2010 Ordinary Meeting
File No. A2.1**

36. **RESOLVED:** That the information be received and noted. (McCarthy/Doney)

ITEM P2 - ELECTION OF MAYOR AND DEPUTY MAYOR

**Staff Report to the 17 August 2010 Ordinary Meeting
File No. A7.1**

37. **RESOLVED:** That the information be received and noted. (McCarthy/Doney)

ITEM P3 - STAFF APPOINTMENTS

**Staff Report to the 17 August 2010 Ordinary Meeting
File No. C19.1**

38. **RESOLVED:** That the information be received and noted. (McCarthy/Doney)

ITEM P4 - OBERON ANIMAL POUND

**Staff Report to the August 2010 Ordinary Council Meeting
File No. D54.1**

39. **RESOLVED:** That the information be received and noted. (McCarthy/Doney)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 13 of 19

ITEM P5 - STATEMENT OF BANK BALANCES AND INVESTMENTS
Staff Report to the 17 August 2010 Ordinary Meeting
File No. C17.1

40. **RESOLVED:** That the information be received and noted. (McCarthy/Doney)

NOTICES OF MOTION

Nil

REPORTS FROM DELEGATES

UPPER MACQUARIE COUNTY COUNCIL
File: E39.6

Councillor's McMahon & Francis provided a verbal report regarding the meeting of the Upper Macquarie Country Council held on Friday 6 August 2010. The Council's resolution in relation to Bidy Bush was not dealt at this meeting as it was received after the Business Paper had closed, however the matter will be dealt with at the next meeting. It has been proposed by the UMCC to change the schedule of its meetings to 6 weekly rather than monthly.

RURAL FIRE SERVICE
File: F90.4

Councillor McCarthy provided a verbal report regarding the meeting of the RFS which was attended by Councillor's McCarthy, Francis, the Director of Engineering and the Acting Director of Corporate Services.

41. **RESOLVED:** That a letter be sent to the Minister and Local Member stating that as the Oberon Office is the Headquarters of the Chifley Zone, why does the Rural Fire Service continue to make appointments of senior staff based in Bathurst, particularly when Council contributes 40% to the running of the zone.

(McCarthy/Sullivan)

42. **RESOLVED:** That a meeting be held with the Group Captains, Captains and Senior Deputy Captains in the Oberon area on Tuesday 24 August 2010, commencing at 6.30pm in the Oberon Council Chambers to discuss the structure of the Chifley Zone.

(Francis/Fitzpatrick)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 14 of 19

B-DOUBLE ROUTES

File: A2.2 & E31.1

43. **RESOLVED:** That Councillor McCarthy and the Works Manager meet with representatives of Forests NSW regarding the utilisation of local roads for B-Double access.

(McCarthy/O’Bernier)

INFORMATION BULLETIN

44. **RESOLVED:** That the information be received and noted. (Doney/Fitzpatrick)

SUPPLEMENTARY STAFF REPORT

Nil

Council rose for dinner at 8.09pm.

Council resumed at 8.39pm

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.*

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 15 of 19

ITEM C1 - LEGAL ADVICE FROM MARSDENS LAW GROUP - PROPOSED CLASS 4 PROCEEDINGS

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 C2 - NON PAYMENT OF COSTS - LAND AND ENVIRONMENT COURT PROCEEDINGS OF 2008

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

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

ITEM C3 - WASTE MANAGEMENT STRATEGY

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

ITEM C4 - 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

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

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 16 of 19

ITEM C5 - LAND SALE

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

ITEM C6 - WATER CONSUMPTION ACCOUNT

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

ITEM C7 - LAND SALES COMMITTEE MEETING MINUTES

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 C8 - 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

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 17 of 19

45. 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/McCarthy)

Council closed the meeting at 8.40pm. There were no members of the public present at this time.

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

(Doney/O’Bernier)

Open Council resumed at 9.24pm.

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.

Councillor McMahon declared an interest in item C1 of the Confidential Staff Report. Councillor McMahon left the chambers at 8.40pm.

Councillor Doney declared an interest in item C1 of the Confidential Staff Report. Councillor Doney’s interest is non-substantial, non-pecuniary; Councillor Doney remained in the chambers.

ITEM C1 - LEGAL ADVICE FROM MARSDENS LAW GROUP - PROPOSED CLASS 4 PROCEEDINGS

**Confidential Staff Report to the 17 August 2010 Ordinary Meeting
File No. PO11.59-61**

47. RESOLVED: That the matter be deferred pending further advice which has been sought from Marsden’s Law Group concerning the matter.

(Sullivan/O’Bernier)

Councillor McMahon returned to the chambers at 8.48pm.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 18 of 19

ITEM C2 - NON PAYMENT OF COSTS - LAND AND ENVIRONMENT COURT PROCEEDINGS OF 2008

**Confidential Staff Report to the 17 August 2010 Ordinary Meeting
File No. PR188.54**

48. **RESOLVED:** That a further report be provided to the September 2010 Ordinary Meeting regarding the matter.

(McMahon/Doney)

ITEM C3 - WASTE MANAGEMENT STRATEGY

**Confidential Staff Report to the 17 August 2010 Ordinary Meeting
File No. E35.4**

49. **RESOLVED:** That the Community Waste Management Strategy be adopted.

(Doney/O'Bernier)

ITEM C4 - INVESTMENTS

**Confidential Staff Report to the 17 August 2010 Ordinary Meeting
File No. C17.2.2**

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

ITEM C5 - LAND SALE

**Confidential Staff Report to the 17 August 2010 Ordinary Meeting
File No. E38.4**

51. **RESOLVED:** That a notice to complete the contract for purchase of land in accordance with the confidential staff report be served with the nominated settlement date of 31 December 2010.

(McCarthy/McMahon)

ITEM C6 - WATER CONSUMPTION ACCOUNT

**Confidential Staff Report to the 17 August 2010 Ordinary Meeting
File No. PO8.8**

52. **RESOLVED:** That the outstanding water account be reduced to \$260.10.

(McCarthy/McMahon)

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor

OBERON COUNCIL

Page 19 of 19

ITEM C7 - LAND SALES COMMITTEE MEETING MINUTES

Confidential Staff Report to the 17 August 2010 Ordinary Meeting

File No. A2.24

53. **RESOLVED:** That the information be received and noted. (O'Bernier/Fitzpatrick)

ITEM C8 - POTENTIAL PUBLIC LIABILITY CLAIMS REGISTER

Confidential Staff Report to the 17 August 2010 Ordinary Meeting

File No. C25.6

54. **RESOLVED:** That the information be received and noted. (O'Bernier/Fitzpatrick)

BUSINESS WITHOUT NOTICE

It was noted that the Council would like their thanks and appreciation passed onto Mike Massey and the team of volunteers for the outstanding job done at the Regional and Country Living Expo 2010 and to Mike for his promotion of Oberon during and ABC Radio interview.

55. **RESOLVED:** That a Special Meeting be held with Mr. Neil McGaffin, Executive Director, Planning Operations, NSW Department of Planning on Friday 3 September 2010, commencing at 10.00am. (Doney/O'Bernier)

56. **RESOLVED:** That thanks be extended to the Director of Engineering and the Director of Corporate Services for Acting in the role of General Manager during the last several months. (Fitzpatrick/O'Bernier)

57. **RESOLVED:** That a letter of appreciation be forwarded to Graham Burke of Burkes Transport, Bathurst for his community contribution by transporting the Life Education Van to Oberon and Black Springs. (McCarthy/Francis)

This concluded the business and the meeting rose at 9.39pm.

Confirmed this _____ day of _____ 2010.

General Manager.

Mayor.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 17 August 2010, commencing at 5.30pm.

General Manager

Mayor