

# 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 (from 7.13pm), N Francis, Z Handelsmann and C L McCarthy

The General Manager, Ms Leanne Mash; the Acting Director of Engineering, Mr Ian Tucker; the Director of Corporate Services, Mr John Chapman; the Director of Development, Mr Ralph Tambasco; and the Executive Assistant, Mrs Sharon Swannell.

## PRAYER

The meeting was opened in prayer by Pastor Andrew Godden.

The Mayor welcomed the new General Manager, Ms Leanne Mash to the Council. He also extended a welcome to students from Oberon High School Student Representative Council who attended the meeting as part of Council's Local Government Week activities.

## APOLOGIES

1. **RESOLVED:** Apologies were received and accepted for the non-attendance of the Director of Engineering, Mr Leigh Robins and the late arrival of Councillor Fitzpatrick.

01210910 (Doney/O'Bernier)

## ITEM AA1 - ELECTION OF MAYOR AND DEPUTY MAYOR Staff Report to the 21 September 2010 Ordinary Meeting File No. A7.1

The Mayor vacated the Chair and the General Manager assumed the role of returning officer in relation to the election of Mayor and Deputy Mayor.

### ELECTION OF MAYOR

The General Manager advised that one nomination had been received for the position of Mayor, being Councillor Sullivan, and subsequently declared the election of Councillor Sullivan to the position of Mayor unopposed.

### ELECTION OF DEPUTY MAYOR

The General Manager advised that one nomination had been received for the position of Deputy Mayor, being Councillor McMahon, and subsequently declared the election of Councillor McMahon to the position of Deputy Mayor unopposed.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 September 2010, commencing at 5.30pm.

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General Manager

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## QUESTIONS FROM THE PUBLIC

Nil.

## CONFIRMATION OF MINUTES

2. **RESOLVED:** That the Minutes of the duly convened Ordinary Meeting held on 17 August 2010 be taken as read and confirmed.

02210910 (Doney/McCarthy)

3. **RESOLVED:** That the Minutes of the duly convened Special Meeting held on 24 August 2010 be taken as read and confirmed.

03210910 (Francis/McMahon)

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

04210910 (Handelsmann/McCarthy)

## Matters Arising From the Minutes

In relation to General Business Item 43 of the Minutes of the Ordinary Meeting held on 17 August 2010, Councillor McCarthy advised that State Forest has declined the offer to meet with Councillor McCarthy and Works Manager, Ian Tucker, however State Forests have agreed not to use Mt David Road for B-Doubles.

In relation to the Special Meeting held on 3 September 2010, Councillor Handelsmann asked if staff have obtained advice regarding declarations of Pecuniary Interest when dealing with LEP. The Director of Corporate Services advised that advice is being sought from the Division of Local Government.

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## DECLARATIONS OF INTEREST

**Pecuniary** - Nil

**Conflicts** - Councillor O'Bernier declared an interest in Item A8 of the staff report, Councillor O'Bernier's son owns a business in opposition to the applicant.

Councillor McMahon declared an interest in Item C3 of the Confidential Staff Report – Councillor McMahon is related to the owner of the premises.

Councillor Doney declared an interest in Item C3 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. Meeting with Phil Owens from Projects + Infrastructure regarding Affordable Housing – 12 August 2010
2. Ordinary Council Meeting – 17 August 2010
3. Special Meeting with Rural Fire Service – 24 August 2010
4. CENTROC Board Meeting – Forbes – 26 August 2010
5. Special Meeting with Department of Planning re LEP – 3 September 2010
6. Community Safety Precinct Committee Meeting – 13 September 2010

### B. Representation

Council was represented at the following:

1. NSW Government Country Business Forum – Bathurst – 20 August 2010
2. Ageing Well Seminar – 2 September 2010
3. LGSA Water Management Conference – 13 September 2010

### C. Correspondence

Correspondence received included:

1. Message of condolence from Blue Mountains City Council, Manly Council, City of Hawkesbury, Parkes Shire Council, Kempsey Shire Council, Weddin Shire Council, Pittwater Council and Auburn City Council
2. Committee for the 65<sup>th</sup> anniversary of victory in the pacific day regarding the "Keep 45 Alive" campaign.

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3. Department of Education and Training Western NSW Regions invitation to participate in survey
4. Australian China Cultural Foundation inviting interested parties to nominate to have a Chinese Museum built in the area.
5. LGSA regarding Local Government support for Regional Art Boards
6. Department of Education and Training Western Region NSW invitation to official opening of Aboriginal Knowledge Centre and Cultural Gathering to be held on 19 October 2010
7. Department of Corrective Services invitation to attend the Oberon Correctional Centre Pacific Islander Day Celebrations to be held on 8 October 2010.

## STAFF REPORT

5. **RESOLVED:** That Item A7 be bought forward and dealt with at this point in time.  
05210910 (O'Bernier/Doney)

### ITEM A7 - PROPOSED DEVELOPMENT APPLICATION Staff Report to the 21 September 2010 Ordinary Meeting File No. PR22.173

6. **RESOLVED:** That Council extend the resolution of 17 February 2009 Ordinary Meeting for an additional six months from today's date to submit the Development Application and further that Council requires the payment of any increase in fees from the original application.  
06210910 (O'Bernier/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, Francis, McMahon, Doney, O'Bernier, McCarthy, and Handelsmann  
Votes against: Nil

### ITEM A1 - UNIVERSAL HOUSING DESIGN STANDARD Staff Report to the 21 September 2010 Ordinary Meeting File No. D52.1

7. **RESOLVED:** That the information be received and noted.  
07210910 (McCarthy/O'Bernier)

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## ITEM A2 - COUNCIL SEAL TO SECTION 88B INSTRUMENT

Staff Report to the 21 September 2010 Ordinary Meeting

File No. PR187.221 and PR54.151

8. **RESOLVED:** That the Common Seal of Oberon Council be affixed to the 88B Instrument for the restriction on Proposed Lots 1 and 3 in Development Application 107/06 and Modification Application 10.2006.107.2 for Messrs G & T Evans of 151 The Reef Road Oberon and 221 Abercrombie Road Oberon.

08210910 (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 Handelsmann

Votes against: Nil

9. **RESOLVED:** That items A3 and S1 be dealt with in conjunction at this point in time as both items relate to the same matter.

09210910 (McCarthy/Handelsmann)

## ITEM A3 AND S1- DEVELOPMENT APPLICATION 10.2010.49.1, PROPOSED NEW DWELLING ON LOT 3 IN DP 1113081, 576 SHOOTERS HILL ROAD, OBERON

Staff Report to the 21 September 2010 Ordinary Meeting

File No. PR17.576

**Moved and Second:** That Clause B.14.12.9 “Dwelling Setbacks and Buffers” of Part B of the Oberon Development Control Plan 2001 be varied to allow the construction of the dwelling on Lot 3 in DP 1113081, 576 Shooters Hill Road, Oberon, at a distance of 90m from the northern property boundary for environmental reasons.

(McCarthy/Handelsmann)

**Amendment Moved and Second:** That the matter be deferred to allow for consultation with the appropriate stakeholders and a further report be provided to a future meeting.

(Sullivan/O’Bernier)

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

10. **RESOLVED:** That the matter be deferred to allow for consultation with the appropriate stakeholders and a further report be provided to a future meeting.

10210910 (Sullivan/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: Councillors Sullivan, Francis, McMahon, Doney, O’Bernier and Handelsmann

Votes against: Councillor McCarthy

**ITEM A4 - RESIGNATION FROM HERITAGE COMMITTEE**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A2.22**

11. **RESOLVED:** That the resignation of Mrs Bea Norrie be accepted and a letter be forwarded to Mrs Norrie thanking her for her contribution to the Heritage Committee.

11210910 (Doney/McMahon)

**ITEM A5 - GRANT APPLICATION TO ROYAL AUSTRALIAN HISTORICAL SOCIETY**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A2.22**

12. **RESOLVED:** That Council provide funds from the 2010/2011 Local Heritage Fund (as an investment in the intellectual property) to match the grant of \$1,000 from the Royal Australian Historical Society and “in-kind” assistance of \$350 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.

12210910 (O’Bernier/McMahon)

**ITEM A6 - OBERON SWIMMING POOL COMPLEX**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. D55.3.1**

13. **RESOLVED:** That on the basis that the staff report does not adequately address the issues raised that the matter be referred back to the General Manager for review and resubmission.

13210910 (Sullivan/Handelsmann)

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Councillor O’Bernier declared an interest in Item A8 of the staff report. Councillor O’Bernier left the chambers at 6.29 pm.

**ITEM A8 - DEVELOPMENT APPLICATION 10.2010.43.1**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PO51.10**

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

14210910 (Doney/McCarthy)

Councillor O’Bernier returned to the meeting at 6.41 pm.

**ITEM A9 - SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. D51.6**

**15. RESOLVED:** That Councillor McMahon be nominated as Oberon Council’s representative on the proposed Weeds Management Committee of Sydney Catchment Authority’s Local Government Reference Panel.

15210910 (McCarthy/Doney)

**ITEM B1 - DELEGATES TO EXTERNAL COMMITTEES**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. A2.1**

**16. RESOLVED:** That:

- a) Councillor Handelsmann be appointed as Council’s delegate to Arts Out West.
- b) Councillor Handelsmann be appointed as the alternate delegate to the Oberon Plateau Tourism Association.
- c) Councillor Handelsmann withdraws as the delegate for the Lachlan Regional Transport Committee Incorporated
- d) Delegates to remaining committees and external organisations be deferred until the November Ordinary Meeting following the by-election.

16210910 (McCarthy/McMahon)

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Councillor O’Bernier declared an interest in Item A8 of the staff report. Councillor O’Bernier left the chambers at 6.50pm.

**ITEM A8 - DEVELOPMENT APPLICATION 10.2010.43.1**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PO51.10**

17. **RESOLVED:** That delegation be given to the General Manager to vary clause F10.2 of the Oberon Development Control Plan 2001 for Development Application 10.2010.43.1 for a proposed engineering workshop and office at Lot 18 in DP 749692, 10 Sirius Street, Oberon subject to no objections being received during the notification period which expires on 22 September 2010.

17210910 (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, McCarthy and Handelsmann  
Votes against: Nil

Councillor O’Bernier returned to the chambers at 6.57pm.

**ITEM B2 - SEWELLS CREEK ROAD**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. R11**

18. **RESOLVED:** That an allocation of \$50,000 to construct and seal a section of Sewell’s Creek Road west of Sewell’s Creek be referred to the 2011/12 budget considerations.

18210910 (O’Bernier/McCarthy)

**ITEM B3 - CHIFLEY ZONE RURAL FIRE SERVICE OPERATIONS**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. F90.8**

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

19210910 (McCarthy/O’Bernier)

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**ITEM B4 - O'CONNELL ROAD RECONSTRUCTION THROUGH O'CONNELL**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. R253**

20. **RESOLVED:** That information be received a noted.

20210910 (O'Bernier/McCarthy)

Councillor Fitzpatrick entered the meeting at 7.13pm.

**ITEM B5 - BURRAGA AND BLACK SPRINGS TIPS**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. E35.1**

21. **RESOLVED:** That the matter be deferred pending receipt of a further report to Council.

21210910 (Handelsmann/Sullivan)

Councillor Handelsmann left the chambers at 7.17pm

**ITEM B6 - O'CONNELL/OBERON ROAD – ROAD CLOSURE AND TRANSFER, LOT 15**  
**IN DP 1142567**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PR1.1873 and E31.6.2**

22. **RESOLVED:** That the Council Seal be affixed to all plans relating to the road closure and transfer of Lot 15 in DP 1142567.

22210910 (O'Bernier/McCarthy)

Councillor Handelsmann returned to the chambers at 7.19pm.

**ITEM B7 - ROAD CLOSURE AND SALE, PROPOSED LOT 1 IN DP 757068, CNR QUEEN**  
**AND EARL STREETS, OBERON**  
**Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PO44.46 and E31.6.2**

23. **RESOLVED:** That the Council Seal be affixed to all plans relating to the road closure and sale of proposed Lot 1 in DP 757068.

23210910 (McCarthy/McMahon)

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**ITEM B8 - ROAD REALIGNMENT – ROAD CLOSURE AND FIRST TITLE CREATION,  
PART LOT 1, LOTS 2 – 11 IN DP 753036, HINTON'S ROAD, ISABELLA  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. R253 and E31.6.2**

24. **RESOLVED:** That the Council Seal be affixed to all plans relating to the creation of Lots 2, 5, 7, 9 and 10 in DP 753036 for road purposes and the road closure and transfer of lots 3, 4, 6, 8 and 11 in DP 753036.

24210910 (McCarthy/McMahon)

**ITEM B9 - WATER RESTRICTIONS  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. E32.1**

25. **RESOLVED:** That the current Water Restriction level remains at Level 3 until the report regarding Water Allocations from the Oberon Dam is received.

25210910 (O'Bernier/Fitzpatrick)

It was noted that Item B10 was withdrawn by the General Manager prior to the meeting.

**ITEM B11 - POLICY REVIEWS  
Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A1.2.7**

26. **RESOLVED:** That:

1. The following policies remain unaltered:
  - a. Policy 3303 – Section 94 Contributions Car Parking
  - b. Policy 3124 – Burials on Private Land
  - c. Policy 3108 – Re-Siting of Buildings
  - d. Policy 3201 – Food Establishment Inspections
  - e. Policy 3122 – Rural Fencing
  - f. Policy 2203 – Pensioner Concessions
  - g. Policy 2202 – Mixed Development Properties Rating Categorisation
  - h. Policy 3104 – Rural Subdivisions Noxious Weed Control
  - i. Policy 3128 – Unauthorised Development Works and Other Activities
  - j. Policy 3602 – Pool Supervision
  - k. Policy 3110 – Release of Subdivision Certificates
  - l. Policy 3403 – Recycling Receipts

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2. Policy 3123 be deleted once the amendment has been made to the DCP and resolved by Council.

3. Policy 3118 – Development Application Fees for Sporting Club be deleted.

26210910 (Doney/McCarthy)

## **ITEM B12 - LIBRARY BUILDING EXTENSIONS – GRANT FUNDING APPLICATION Staff Report to the 21 September 2010 Ordinary Meeting File No. PO16.74A**

27. **RESOLVED:** That Council confirm that the proposed extensions to the Oberon Library building is being undertaken to improve the community/cultural precinct which includes the library, the community centre and the dental surgery, with the ultimate aim that the buildings be linked and some of the features (e.g. toilet facilities, staff rooms, meeting rooms, etc) be shared.

27210910 (McCarthy/O’Bernier)

## **ITEM B13 - DELEGATION TO GENERAL MANAGER Staff Report to the 21 September 2010 Ordinary Meeting File No. A1.2.5**

28. **RESOLVED:** That the Delegations to the General Manager be endorsed by Council.

28210910 (McCarthy/McMahon)

## **ITEM M1 - TRAFFIC ADVISORY LOCAL COMMITTEE MEETING MINUTES Staff Report to the 21 September 2010 Ordinary Meeting File No. A2.2**

29. **RESOLVED:** That:

1. Butterfactory Lane from Edith Rd to Shooters Hill Rd, and Shooters Hill Rd from Butterfactory Lane to Abercrombie Rd be approved for 25 m B-Doubles.
2. Mayfield Rd from Sewell’s Creek Rd to Mayview Rd be approved for 25 m B-Doubles when the access points at Munjarra Forest Rd and Mayview Rd are upgraded
3. Sewell’s Creek Rd from Abercrombie Rd to Roberts Rd be approved for 25 m B-Doubles when the access point at Pineview Rd is upgraded.
4. The application for 25 m B-Double access on Hazelgrove Rd from Albion Street to Meadows Rd, and on Meadows Rd from Hazelgrove Rd Golden Valley Rd not be approved.
5. Isabella Rd from Abercrombie Rd to Blue Rd be approved for 25 m B-Doubles.

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6. Dog Rocks Rd, from Abercrombie Rd to Airstrip Rd be approved for 25 m B-Doubles
7. Swallows Nest Rd from Dog Rocks Rd for approximately 700 m to the forest boundary, be approved for 25 m B-Doubles when the narrow section is widened.
8. The application for 25 m B-Doubles on Mount Werong Rd from Shooters Hill Rd to Banshea Rd, not be approved.
9. Oberon Street from Ross St to Fleming St be closed on 3<sup>rd</sup> December 2010 between 3.00pm and 8.00pm.

29210910 (McCarthy/McMahon)

## PRECIS OF INFORMATION

30. **RESOLVED:** That items P1 to P8 be received and noted.

30210910 (O'Bernier/McMahon)

## ITEM P1 - STAFF APPOINTMENTS

Staff Report to the 21 September 2010 Ordinary Meeting  
File No. C19.1

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

31210910 (O'Bernier/McMahon)

## ITEM P2 - COUNCIL MEETINGS

Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A2.1

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

32210910 (O'Bernier/McMahon)

## ITEM P3 - SUSTAINABLE CHOICE PROGRAM

Staff Report to the 21 September 2010 Ordinary Meeting  
File No. D51.1

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

33210910 (O'Bernier/McMahon)

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## ITEM P4 - SNAPSHOT OF NSW COUNCIL'S – COMPARATIVE INFORMATION OF NSW LOCAL GOVERNMENT COUNCILS 2008/09

Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A1.3.2

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

34210910 (O'Bernier/McMahon)

## ITEM P5 - COUNCILLOR INFORMATION SEMINARS – SERIES 2

Staff Report to the 21 September 2010 Ordinary Meeting  
File No. A1.2.3

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

35210910 (O'Bernier/McMahon)

## ITEM P6 - MAYFIELD ROAD

Staff Report to the 20 September 2010 Ordinary Meeting  
File No. R12

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

36210910 (O'Bernier/McMahon)

## ITEM P7 - OBERON ANIMAL POUND

Staff Report to the 21 September 2010 Ordinary Council Meeting  
File No. D54.1

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

37210910 (O'Bernier/McMahon)

## ITEM P8 - STATEMENT OF BANK BALANCES AND INVESTMENTS

Staff Report to the 21 September 2010 Ordinary Meeting  
File No. C17.1

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

38210910 (O'Bernier/McMahon)

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## INFORMATION BULLETIN

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

39210910 (Doney/O'Bernier)

## NOTICES OF MOTION

Nil

## REPORTS FROM DELEGATES

### UPPER MACQUARIE COUNTY COUNCIL

File: E39.6

Councillor's McMahon and Francis attended the Upper Macquarie County Council Meeting held on 3 September 2010. Councillor McMahon provided a verbal report regarding the meeting and advised that the Council's motion to have Bidy Bush declared a noxious weed was defeated due to the increased costs associated with managing the control of the weed.

40. **RESOLVED:** That the General Manager be requested to contact Forests NSW with a view to discussing options for the control of Bidy Bush in the Local Government Area.

40210910 (McMahon/Sullivan)

### RURAL FIRE SERVICE

File: F90.4

Councillor McCarthy attended the Bush Fire Management Meeting and the Bushfire Zone Liaison Meeting and provided a verbal report regarding the meetings.

### OBERON ARTS COUNCIL and BUSINESS ASSOCIATION

File: P73.4 and P73.7

Councillor Handelsmann provided a verbal report regarding the meetings she has recently attended. Councillor Handelsmann attended the Oberon Arts Council Meeting and advised they are currently working on the Heritage Wall in The Common. Councillor Handelsmann also attended the Oberon Business Association Meeting.

Council rose for dinner at 8.07pm.

Council resumed at 8.42pm.

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## GENERAL BUSINESS

### ROADS

File: E31.1

Councillor Francis reported that there are a large number of potholes on Arkstone Rd and Burruga Rd and requested that they be repaired.

Councillor McMahon provided a verbal report regarding the condition of the road adjoining the Gingkin Fire Shed and drainage issues at the Fire Shed created by the drainage on the roadway. Councillor McMahon also reported on the condition of Chain of Ponds Rd where there are several areas that require attention.

### STOCKPILING OF SAWDUST IN INDUSTRIAL AREA

File: PO22.7

Councillor O'Bernier requested an update regarding actions taken to date in respect to ongoing complaints about excessive stockpiling of sawdust at 7 Endeavour Street, Oberon. The Director of Development provided a verbal report regarding actions taken to date.

41. **RESOLVED:** That an Infringement Notice be issued daily to Australian Native Landscapes, 7 Endeavour Street, Oberon until such time as the site complies with the conditions of consent or an acceptable demonstrated plan for compliance has been established and agreed to by Council and further that investigations immediately be undertaken to ascertain the feasibility of transferring the consent authority to the Department of Environment, Climate Change and Water.

(O'Bernier/Handelsmann)

### ROADS

File: E31.1

Councillor McCarthy provided a verbal report regarding Forests NSW plans to carry out improvements at Black Springs Reserve.

Councillor Handelsmann provided a verbal report regarding the condition of Snake Valley Road.

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## 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.*

## ITEM C1 - ALBION INDUSTRIAL PARK 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 C2 - POTENTIAL PUBLIC LIABILITY CLAIMS REGISTER

This item is classified CONFIDENTIAL under section 10A(2)(a) and (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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General Manager

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Mayor



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## **ITEM C3 - 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 C4 - OBERON DENTAL SURGERY**

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 C5 - NON PAYMENT OF COSTS - LAND AND ENVIRONMENT COURT PROCEEDINGS OF 2008**

This item is classified CONFIDENTIAL under section 10A(2)(b) and (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 C6 - INDUSTRIAL RELATIONS ISSUES**

This item is classified CONFIDENTIAL under section 10A(2)(a) and (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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## ITEM C7 - WATER CONSUMPTION ACCOUNT – A/C NO 12368076

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

The reason for discussion of this item in closed Committee of Council is that it relates to the personal hardship of any resident or ratepayer and is therefore confidential.

## ITEM C8 - ECONOMIC DEVELOPMENT OFFICER

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)

## ITEM C9 - 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

## 42. RESOLVED: 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*.

42210910 (McCarthy/O’Bernier)

Council closed the meeting at 9.18pm. There were no members of the public present at this time.

Councillor McMahan declared an interest in Item C3 of the Confidential Staff Report. Councillor McMahan left the chambers at 9.20pm.

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Councillor Doney declared an interest in Item C3 of the Confidential Staff Report. Councillor Doney's interest is non-substantial, non-pecuniary; Councillor Doney remained in the chambers

Councillor McMahon returned to the Chambers at 9.28pm.

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

43210910 (O'Bernier/Doney)

Open Council resumed at 10.25pm.

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.

**ITEM C1 - ALBION INDUSTRIAL PARK LAND SALE**  
**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. E38.4**

**44. RESOLVED:** That the information we received a noted.

44210910 (McCarthy/O'Bernier)

**ITEM C2 - POTENTIAL PUBLIC LIABILITY CLAIMS REGISTER**  
**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. C25.6**

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

45210910 (McCarthy/O'Bernier)

**ITEM C3 - LEGAL ADVICE FROM MARSDENS LAW GROUP - PROPOSED CLASS 4 PROCEEDINGS**  
**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PO11.59-61**

**46. RESOLVED:** That the General Manager be requested to deal with the matter and report back to Council.

46210910 (McCarthy/Fitzpatrick)

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General Manager

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Mayor

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## ITEM C4 - OBERON DENTAL SURGERY

**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No's. A3.1, PO16.72**

47. **RESOLVED:** That the common seal be affixed to the licence agreement with Henriette Macri-Etienne for use of the Oberon Dental Surgery and an addendum be inclusive of a letter of understanding.

47210910 (Handelsmann/Fitzpatrick)

## ITEM C5 - NON PAYMENT OF COSTS - LAND AND ENVIRONMENT COURT PROCEEDINGS OF 2008

**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PR188.54**

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

48210910 (McCarthy/Fitzpatrick)

## ITEM C6 - INDUSTRIAL RELATIONS ISSUES

**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. Personnel**

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

49210910 (Sullivan/Fitzpatrick)

## ITEM C7 - WATER CONSUMPTION ACCOUNT – A/C NO 12368076

**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. PO38.57**

50. **RESOLVED:** That the account be reduced to the raw water cost contained in the report.

50210910 (McCarthy/Handelsmann)

## ITEM C8 - ECONOMIC DEVELOPMENT OFFICER

**Confidential Staff Report to the 21 September 2010 Ordinary Meeting**  
**File No. Personnel**

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

51210910 (Doney/O'Bernier)

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General Manager

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## ITEM C9 - INVESTMENTS

Confidential Staff Report to the 21 September 2010 Ordinary Meeting  
File No. C17.2.2

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

52210910 (Francis/McMahon)

It was noted that a Special Meeting will be held to consider Version 3 of the Draft Land Use Strategy on Tuesday 12<sup>th</sup> October 2010 commencing at 5.30pm.

This concluded the business and the meeting rose at 10.26pm.

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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General Manager.

\_\_\_\_\_  
Mayor.

Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 September 2010, commencing at 5.30pm.

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General Manager

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Mayor