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OBERON COUNCIL

*Confirmed Minutes
Oberon Council Special Meeting
Tuesday October 12 2010
5.30pm Council Chambers*

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Minutes of the duly convened Special Meeting of Oberon Council held at the Council Chambers,
Oberon on Tuesday, 12 October 2010, commencing at 5.30pm.

General Manager

Mayor

01 Opening of Meeting

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

The Mayor welcomed Mr John Borg and Mr Tony Preston of Borg Industries to the meeting and invited them to address Council regarding their plans for the Oberon MDF operation.

John Borg outlined plans to expand their existing warehouse space as their first major project on site. The additional space will be 22,000 m². In the medium term they intend on installing a laminating line on site as per their original consent.

The General Manager advised that Council can be the Consent Authority for the warehouse expansion project. Borg's expect to lodge a Development Application in the next 4 – 6 weeks.

The Mayor thanked John Borg and Tony Preston for their presentation to Council.

02 Record of Attendance

Members	Cr Keith Sullivan, Mayor - Chair Cr John McMahon, Deputy Mayor Cr Bob O'Bernier Cr Ian Doney Cr Don Fitzpatrick Cr Neil Francis Cr Zsuzsanna Handelsmann Cr Clive McCarthy
Officers	Leanne Mash, General Manager John Chapman, Director of Corporate Services Ralph Tambasco, Director of Development Leigh Robins, Director of Engineering Sharon Swannell, Executive Assistant
Apologies	Nil

03 Declarations of Interest

Pecuniary	-	Councillor McCarthy declared an interest in Section 3.6.7 of the Draft Land Use Strategy and the statement contained on Page 80 of the document. Councillor McCarthy is the owner of land which may have a change in the permissible use of the land under the new LEP.
Conflicts	-	Nil
Staff	-	Nil

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04 Director of Development Reports

04.01 Reports for Decision

04.01.01 Development Application 10.2010.49.1, Proposed Dwelling, Lot 3 in DP 1113081, 576 Shooters Hill Road, Oberon

File: PR17.576

Moved: O’Bernier
Second: McCarthy

That:

- a) 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, and
- b) The proposed dwelling incorporate, as a minimum, the following noise attenuation construction features:
 - Installation of “Smart Glass Comfort Plus” acoustic glass to all windows and doors in the Northern, Eastern and Western elevation walls.
 - Installation of Bradford “Soundscreen Acoustic” insulation batts to the Northern, Eastern and Western elevation walls and the ceiling.
 - The planting of a buffer zone of native Eucalyptus trees along the Northern boundary between the Vulcan State Forest and proposed dwelling.

Carried 01121010

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, Handelsmann and Fitzpatrick
Votes against: Nil

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05 Director of Corporate Services Reports

05.01 Reports for Information

05.01.01 Declarations of Interest in Conjunction with LEP Matters

File: D52.2.1

Moved: Doney
Second: O’Bernier

That the information be received and noted

Carried 02121010

06 General Manager Reports

06.01 Reports for Decision

06.01.01 Pool Matters

File: D55.3.1 and C15.5

Moved: McMahon
Second: Fitzpatrick

The draft Fees and Charges Schedule for the Oberon Swimming Pool for 2010-11 be adopted as presented and advertised for a period of 28 days for the receipt of public submissions, before adoption at the next Ordinary Meeting of Council.

Carried 03121010

Moved: O’Bernier
Second: McCarthy

That late report item 08.01.01 – Development Application 10.2010.70.1 be bought forward and dealt with at this point in time.

Carried 04121010

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08 Late Reports

08.01.01 - Development Application 10.2010.70.1

File: PR21.230

Moved: O’Bernier
Second: McCarthy

That Clause B.14.12.9 – “Dwelling Setbacks and Buffers” of Part B of the Development Control Plan 2001 be varied for environmental reasons to allow the construction of dwelling at Lot 1 in DP 502742, 230 Gingkin Road Oberon, to a distance of 12.5m off the Northern boundary and 18m off the Eastern boundary.

Carried 05121010

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, Handelsmann and Fitzpatrick
Votes against: Nil

The Director of Corporate Services left the meeting at 6.13pm.

07 Closed Session Reports

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,*

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- (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.

07.01.01 Draft Land Use Strategy (Version Three)

File: D52.2.5

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:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Moved: Doney
Second: O’Bernier

That

1. Council resolve into closed council to consider business identified, together with any late confidential reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Carried 06121010

Council closed the meeting at 6.27pm. The members of the public present at this time left the meeting.

Council rose for dinner at 7.47pm

The meeting resumed at 8.14pm

Councillor McCarthy declared an interest in discussions regarding Industrial Land in the Oberon area – Councillor McCarthy left the meeting at 8.26pm.

Councillor McCarthy returned to the meeting at 8.29pm.

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Moved: O’Bernier
Second: Doney

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

Carried 07121010

Open Council resumed at 8.55pm.

The Mayor advised that there were no resolutions of Council while the meeting was closed to the public and that discussions had been held regarding Version 3 of the Draft Land Use Study, there were no members of the public present.

09 Closure of meeting

The next Ordinary Meeting of Oberon Council is 19 October 2010, commencing at 5.30pm.

This concluded the business and the meeting rose at 8.57pm.

Confirmed this _____ day of _____ 2010.

General Manager

Mayor

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General Manager

Mayor