

137-139 Oberon Street
PO Box 84
Oberon NSW 2787

Telephone: (02) 6329 8100
Fax: (02) 6329 8142
Email: Council@oberon.nsw.gov.au



Confirmed Minutes
Oberon Council Ordinary General Meeting
Tuesday October 19 2010
5.30pm Council Chambers

01	Opening of Meeting	4
02	Prayer	4
03	Record of Attendance	4
04	Questions from the Public	4
05	Confirmation of minutes of previous meeting(s)	5
	Ordinary Meeting 21 September 2010	5
	Special Meeting 12 October 2010	5
06	Declarations of Interest	6
07	Mayoral Minute and Report	6
08	Councillor Reports	8
09	Delegates Reports	8
	09.01.01 Heritage Committee Meeting Minutes	8
	09.01.02 Events Committee Meeting Minutes	9
	09.01.03 Library Committee Meeting Minutes	9
	09.01.04 Oberon Promotions Committee Meeting Minutes	10
10	Director of Development Reports	11
	10.01 Reports for Information	11
	10.01.01 Monthly Update Report – Development Department	11
	10.02 Reports for Decision	11
	10.02.01 Development Application 10.2010.45.1	12

11	Director of Corporate Services Reports.....	13
	11.01 Reports for Information.....	13
	11.01.01 Monthly Update Report – Department of Corporate Services.....	13
	11.01.02 Statement of Bank Balances and Investments	13
	11.01.03 Statewide Mutual Rebates.....	13
	11.01.04 Director of Corporate Services Status Report.....	14
	11.02 Reports for Decision	14
	11.02.01 Annual Financial Reports.....	14
	11.02.02 Invitation to become a member of the Macquarie Philharmonic Foundation.....	15
	11.02.03 Oberon Schools – Request For Donation	15
	11.02.04 Draft Policy 1103 – Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Other Councillors.....	16
	11.02.05 2011 Youth Week	16
12	Director Engineering Services Reports	17
	12.01 Reports for Information.....	17
	12.01.01 Monthly Update Report – Engineering Department.....	17
	12.01.02 Director of Engineering Status Report	17
	12.02 Reports for Decision	18
	12.02.01 Great Western Highway Reconstruction.....	18
	12.02.02 Land and Property Management Authority proposal to close various Crown Roads	18
	12.02.03 Black Springs and Burruga Tips	19
	12.02.04 Proposal to Establish an Alcohol Free Zone.....	19
13	General Manager Reports	20
	13.01 Reports for Information.....	20
	13.01.01 Monthly Update.....	20
	13.01.02 General Manager Status Report.....	20
	13.02 Reports for Decision	21
	13.02.01 Upcoming Meetings.....	21
	General Business	22

14	Closed Session Reports	24
	14.01.01 Tasman Estate	26
	14.01.02 Investments – Legal Action Update.....	26
	14.01.03 Potential Public Liability Claims Register	27
	14.01.05 Enclosure of Oberon Tennis Courts	27
	14.01.04 Draft Land Use Strategy (Version Three).....	27
15	New business of an urgent nature admitted by Council	28
16	Closure of meeting.....	28

01 Opening of Meeting

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

02 Prayer

The meeting was opened in prayer by Pastor Andrew Godden.

03 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

04 Questions from the Public

Mrs Kathy Sajowitz spoke in reference to resolution number 29210910 granting approval for 25m B-Doubles to access Butterfactory Lane to and from Edith Rd and asked can Oberon residents be assured that the B-Doubles in question will not be accessing the Albion Street bypass via Edith Road, Dudley Street and Oberon Street nor will they be accessing Bathurst Road, Abercrombie Road via Edith Road, Ross Street and Carrington Avenue, thus travelling through the main street of Oberon and other residential areas, as do many large trucks at the moment, virtually 24hours per day with scant regard for neither noise levels nor speed limits.

The question was taken on notice and a written response will be provided to Mrs Sajowitz.

05 Confirmation of minutes of previous meeting(s)

Ordinary Meeting 21 September 2010

Moved: McMahon
Second: Francis

That the Minutes of the duly convened Ordinary Meeting held on 21 September 2010 be taken as read and confirmed subject to the amendments being made from the matters arising.

Carried 01191010

Matters Arising From the Minutes

Item B1 Delegates to External Committees – It was noted that Fran Charge had previously been appointed as Council's Delegate to Arts OutWest and Councillor Handelsmann has indicated that she will withdraw her nomination and Council will reconfirm the appointment of Fran Charge as Council's delegate.

Moved: McMahon
Second: O'Bernier

That the Minutes of the Ordinary Meeting held on 21 September 2010 be amended to reflect the change that Fran Charge is Council's Delegate to Arts OutWest.

Carried 02191010

Special Meeting 12 October 2010

Moved: Fitzpatrick
Second: Doney

That the Minutes of the duly convened Ordinary Meeting held on 21 September 2010 be taken as read and confirmed.

Carried 03191010

Matters Arising From the Minutes

Nil

06 Declarations of Interest

Pecuniary	- Nil
Conflicts	- Nil
Staff	- Nil

07 Mayoral Minute and Report

A. Meetings

Meetings attended since my last report include:

1. Meeting with Councillors and General Manager – 13 September 2010
2. Meeting with Mr and Mrs Biddle and Director of Development – 14 September 2010
3. Meeting with John Borg in conjunction with General Manager – 17 September 2010
4. Ordinary Council Meeting – 21 September 2010
5. Meeting with Brett Moore, Councillor McCarthy, the General Manager and the Director of Development regarding the construction of the Community Centre extension – 22 September 2010
6. Meeting with Chas McPhail, Country Energy in conjunction with the General Manager – 28 September 2010
7. Meeting with RSL Sub-branch in conjunction with the General Manager regarding the Ataturk Stone Project – 29 September 2010
8. Business Development Committee Meeting – 30 September 2010
9. Meeting with Mark Boffa in conjunction with the General Manager – 1 October 2010
10. Meeting with Gerard Martin in conjunction with the General Manager – 5 October 2010
11. Events Committee Meeting – 5 October 2010
12. Oberon Promotions Committee Meeting – 7 October 2010
13. Meeting with Federal Member, John Cobb in conjunction with the General Manager regarding Broadband Issues – 8 October 2010
14. Timber Heritage Rail Meeting – 11 October 2010
15. Special Council Meeting – 12 October 2010

B. Representation

Council was represented at the following:

1. St Joseph's Central School End of Term Assembly – 20 September 2010
2. Black Springs Public School End of Term Assembly – 20 September 2010

3. Community Meeting at Burruga School in conjunction with Councillor Handelsmann and the General Manager – 20 September 2010
4. Meet with Oberon High School students as part of Local Government Week activities – 22 September 2010
5. St Joseph's Art Show – 23 September 2010
6. St Barnabas Flower and Quilt Show – 24 September 2010
7. Men's Breakfast – Christian Life Centre – 25 September 2010
8. Thanks for Rain Service – St Barnabas Church – 26 September 2010
9. Central West Catchment Authority Bathurst Sustainability Business Forum – 8 October 2010
10. Visit to Men's Shed with General Manager
11. Several Media Interviews throughout the month

C. Correspondence

Correspondence received included:

1. Heart Foundation Local Government Awards
2. Letter of Congratulations for being re-elected as Mayor from Mayor of Bathurst Paul Toole
3. Scouts Australia 2009/2010 Annual Review
4. Nomination for Executive for National Timber Council's Taskforce for 2010-11
5. Sydney Catchment Authority invitation to 50th Anniversary of Warragamba Dam to be held on 17 October 2010
6. Murray River Council's and Greater Shepparton City Council regarding the Murray Darling Basin Plan
7. Letter of condolence from Mayor of Hurstville
8. Murray Darling Basin Authority regarding a Guide to the proposed Basin Plan
9. LGSA – Invitation to participate in the 2010-11 Remuneration Survey
10. LGSA – Call for expressions of interest to present a case study at the 2011 Local Government Tourism Conference
11. Invitation to attend the Forbes Shire Council opening of the new sheep yards
12. Country Energy – invitation to participate in an opinion survey
13. Minister for Fair Trading, Minister for the Arts in response to enquiries from Gerard Martin regarding Oberon Council's unsuccessful 2009-10 Library Development Grant

08 Councillor Reports

Nil

09 Delegates Reports

09.01.01 Heritage Committee Meeting Minutes

File: A2.22

Moved: McCarthy
Second: Doney

That Council endorse the appointment of Mrs Margaret Conners to the Heritage Committee as a delegate from the Oberon Tarana Heritage Rail Group Inc.

Carried 04191010

Moved: McCarthy
Second: Handelsmann

That the O'Connell Conservation Area be dealt with at this point in time.

Carried 05191010

Moved: McMahon
Second: Fitzpatrick

That owing to the fact that the O'Connell Conservation Area is part of a larger discussion which contains some matters that should be closed to the public the matter be deferred and discussed during the closed session of Council.

Carried 06191010

Councillor Handelsmann requested that her vote against the motion be recorded.

Moved: McMahon
Second: McCarthy

That no action be taken in relation to the request to protect the area at Golden Gully, Isabella by the provision of appropriate fencing.

Carried 07191010

Councillor Handelsmann requested that her vote against the motion be recorded.

Moved: Sullivan
Second: Handelsmann

That a main street study for Oberon, incorporating aspects such as:

- Seating
- Vegetation/landscaping
- Awnings reconstruction
- Car parking
- Painting of buildings
- Waste bins
- Paving
- Potential for tourism, heritage, and economic benefits

be undertaken, subject to an investigation of potential funding and involvement of appropriate community groups.

Carried 08191010

09.01.02 Events Committee Meeting Minutes

File: A2.5

Moved: Handelsmann
Second: O’Bernier

That the minutes of the 5 October 2010 Events Committee meeting be received for information.

Carried 09191010

09.01.03 Library Committee Meeting Minutes

File: A2.8

Moved: Handelsmann
Second: Doney

That the minutes of the 5 October 2010 Library Committee meeting be received for information.

Carried 10191010

Page 9 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 19 October 2010, commencing at 5.30pm.

09.01.04 Oberon Promotions Committee Meeting Minutes

File: A2.17

Moved: O’Bernier
Second: Fitzpatrick

That the minutes of the 7 October 2010 Oberon Promotions Committee meeting be received for information.

Carried 11191010

10 Director of Development Reports

10.01 Reports for Information

Moved: Handelsmann
Second: O’Bernier

That the Director of Development Reports for Information as presented in Report 10.01.01 to 10.01.02 of the Business Papers be received and noted by Council.

Carried 12191010

10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: McMahan
Second: McCarthy

That a submission be made to the Department of Planning in relation to the Amendments to the Environmental Planning and Assessment Regulation 2000 that Council object to the removal of the requirement for a survey as constituting “Physical Commencement” of a Sub-division Application.

Carried 13191010

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, McMahan, Doney, O’Bernier, McCarthy, Handelsmann and Fitzpatrick
Votes against: Nil

10.02 Reports for Decision

Moved: O’Bernier
Second: McMahan

That the late information provided in relation to staff report 10.02.01 be considered at this point in time.

Carried 14191010

10.02.01 Development Application 10.2010.45.1

File: PR21.230

Moved: O’Bernier

Second: McCarthy

That:

- a) Clause B.14.12.9 – “Dwelling Setbacks and Buffers” of Part B of the Development Control Plan 2001 be varied to allow the construction of a dwelling at Lot 5 in DP 1068451, 165 Goughs Road, Oberon, at a distance of 110 metres from the Southern property boundary for environmental reasons, and
- b) The proposed dwelling incorporate, as a minimum the following noise attenuation construction features:
 - Installation of double glazed windows to the Southern side of the dwelling
 - Building to be wrapped in builders insulation paper
 - R2 insulation to be installed in all external walls
 - Minimum of R3 ceiling batts to be provided
 - Roof to have R1.5 insulation blanket under the metal sheeting

Carried 15191010

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

11 Director of Corporate Services Reports

11.01 Reports for Information

Moved: McCarthy
Second: O’Bernier

That the Director of Corporate Services Reports for Information as presented in Report 11.01.01 to 11.01.04 of the Business Papers be received and noted by Council.

Carried 16191010

11.01.01 Monthly Update Report – Department of Corporate Services

File: A1.2.1

Moved: McCarthy
Second: O’Bernier

That the information be received and noted.

Carried 17191010

11.01.02 Statement of Bank Balances and Investments

File: C17.1

Moved: McCarthy
Second: O’Bernier

That the information be received and noted.

Carried 18191010

11.01.03 Statewide Mutual Rebates

File: C25.2

Moved: McCarthy
Second: O’Bernier

That the information be received and noted.

Carried 19191010

11.01.04 Director of Corporate Services Status Report

File: A1.2.1

Moved: McCarthy
Second: O’Bernier

That the information be received and noted.

Carried 20191010

11.02 Reports for Decision

11.02.01 Annual Financial Reports

File: C15.2

Moved: McMahon
Second: McCarthy

That:

1. Council resolve that:
 - a. The Annual Financial Statements for the year ended 30 June 2010 have been drawn up in accordance with:
 - the Local Government Act 1993 (as amended) and the Regulations made thereunder,
 - the Australian Accounting Standards and professional pronouncements, and
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - b. To the best of Council’s knowledge and belief, the reports:
 - present fairly the Council’s financial position and operating result for the year, and
 - Accord with Council’s accounting and other records.
 - c. Council is not aware of any matter that would render the reports false or misleading in any way.
 - d. The special purpose Financial Statements for the year ended 30 June 2010 have been prepared in accordance with the:
 - the NSW Government Policy Statement *“Application of National Competition Policy to Local Government”*
 - The Department of Local Government guidelines *“Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality”*.
 - the Local Government Code of Accounting Practice and Financial Reporting, and
 - The Department of Energy, Utilities and Sustainability *“Best Practice Management of Water Supply and Sewerage”* guidelines.

- e. To the best of Council's knowledge and belief, these reports:
 - present fairly the financial position and operating result for each of Council's declared Business Activities for the year, and
 - accord with Council's accounting and other records
 - f. Council is not aware of any matter that would render the reports false or misleading in any way.
2. Council does not wish the Auditor to attend the meeting at which the financial reports are presented.
 3. The Annual Financial Reports, incorporating the Auditor's Report, be presented to the public at the 16 November 2010 Ordinary Council Meeting
 4. The General Manager be delegated authority to authorize the year end accounts for issue immediately upon receipt of the auditor's report, subject to there being no material audit changes or audit issues, in accordance with AASB 110.

Carried 21191010

11.02.02 Invitation to become a member of the Macquarie Philharmonic Foundation

File: A3.3

Moved: Fitzpatrick
Second: McMahon

That the invitation to join the Macquarie Philharmonic Foundation be declined.

Carried 22191010

11.02.03 Oberon Schools – Request For Donation

File: A3.3

Moved: Handelsmann
Second: Fitzpatrick

That a donation of \$150 be allocated for each school in the Local Government Area (including O'Connell Public School) for their 2010 Annual Presentation night.

Carried 23191010

11.02.04 Draft Policy 1103 – Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Other Councillors.

File: A1.2.7

Moved: O’Bernier
Second: Francis

The adopted Policy, Payment of Expenses and Provision of Facilities to The Mayor, Deputy Mayor and Other Councillors be forwarded to the Director General within 28 days.

Carried 24191010

Moved: O’Bernier
Second: Fitzpatrick

That item 11.02.05 – Youth Week contained in the late report be considered at this point in time.

Carried 25191010

11.02.05 2011 Youth Week

File: A3.2

Moved: Handelsmann
Second: Doney

That the offer from the NSW Department of community Services for a \$1230.00 contribution toward the cost of 2010 Youth Week activities at Oberon be accepted and the funding matched on a dollar for dollar basis.

Carried 26191010

12 Director Engineering Services Reports

12.01 Reports for Information

Moved: Doney
Second: Handelsmann

That the Director of Development Reports for Information as presented in Report 12.01.01 to 12.01.02 of the Business Papers be received and noted by Council.

Carried 27191010

12.01.01 Monthly Update Report – Engineering Department

File:A1.2.1

Moved: Doney
Second: Handelsmann

That the information be received and noted.

Carried 28191010

12.01.02 Director of Engineering Status Report

File: A1.2.1

Moved: Doney
Second: Handelsmann

That the information be received and noted.

Carried 29191010

12.02 Reports for Decision

12.02.01 Great Western Highway Reconstruction

File: E31.1

Moved: McCarthy
Second: Fitzpatrick

That transport companies utilising this section of the Great Western Highway, Jenolan Caves Reserve Trust and Austin Colliery be encouraged to make representations to the Roads and Traffic Authority to support an intersection upgrade which facilitates the construction of an underpass entry from the Jenolan Caves Road onto the Great Western Highway.

Carried 30191010

12.02.02 Land and Property Management Authority proposal to close various Crown Roads

File: E31.6.2

Moved: McCarthy
Second: McMahan

That:

1. That Council opposes the closure of 40 Campbells River Road, Black Springs.
2. That Council make no objection to the closure of the other six roads listed as follows:
 - a) Acqualoria, 380 Campbells River Road, BLACK SPRINGS NSW 2787
Applicant – G and M Mazzotti and LML Turner
 - b) Forest Home, 2684 Abercrombie Road, BLACK SPRINGS NSW 2787
Applicant – LJ and DW Grady
 - c) 104 Golden Valley Road, DUCKMALOI NSW 2787
Applicant – Birketu Pty Ltd
 - d) 165 Goughs Road, HAZELGROVE NSW 2787
Applicant – WE and KA Sales
 - e) 692 Nunans Hill Road, HAZELGROVE NSW 2787
Applicant – Apaezu Pty Ltd
 - f) 476 Nunans Hill Road, HAZELGROVE NSW 2787
Applicant – RW Weber and S Woodhouse

Carried 31191010

Page 18 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 19 October 2010, commencing at 5.30pm.

12.02.03 Black Springs and Burruga Tips

File: E35.1

Moved: Handelsmann

Second: O’Bernier

That the Council confirm its commitment to the current arrangement in relation to hours of operation of the Burruga and Black Springs Transfer Stations.

Carried 32191010

Moved: Sullivan

Second: O’Bernier

That staff be requested to carry out a review of the charges applied for the disposal of commercial waste.

Carried 33191010

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

12.02.04 Proposal to Establish an Alcohol Free Zone

File: E31.1

Moved: McMahon

Second: Doney

That:

1. An advertisement be placed in the Oberon Review advising that Oberon Street from North Street to Duckmaloi Road and in The Common from 10pm to 6.00am will be alcohol free zones, from 1 March 2011 for four years until 28 February 2015.
2. Signs be placed at the outer limits of the zones, at the site of specific trouble spots (as indicated by the police) and at other suitable intervals within the zones.
3. The zones be reviewed in 2015, or as the need arises.

Carried 34191010

13 General Manager Reports

13.01 Reports for Information

File: A1.2.1

Moved: Fitzpatrick
Second: Francis

That the General Manager Reports for Information as presented in Report 13.01.01 to 13.01.02 of the Business Papers be received and noted by Council.

Carried 35191010

Moved: McCarthy
Second: McMahan

That the December 2010 meeting be bought forward to December 14, 2010.

Carried 36191010

13.01.01 Monthly Update

File: A1.2.1

Moved: Fitzpatrick
Second: Francis

That the information be received and noted.

Carried 37191010

13.01.02 General Manager Status Report

File: A1.2.1

Moved: Fitzpatrick
Second: Francis

That the information be received and noted.

Carried 38191010

13.02 Reports for Decision

13.02.01 Upcoming Meetings

File: A1.2.1

Moved: McCarthy
Second: McMahan

1. That no Councillor attend the LGMA 2010 Year of Women in Local Government - Lifting the Lid Forum.
2. That the Mayor and General Manager attend the Focus Group – “Modernising Local Government”.
3. That the Mayor and General Manager attend the CENTROC Board Meeting in Harden.

Carried 39191010

General Business

Absence of Journalist

File: A1.2.1

Moved: Handelsmann
Second: McCarthy

That a letter be forwarded to Rural Press to express disappointment that a replacement journalist was not provided for the Council's Ordinary Meeting held on 19 October 2010.

Carried 40191010

Digital Television

File: A3.4

Councillor McMahon expressed concern regarding the digital television service that Oberon will receive when the analogue service is switched off during the first half of 2012.

It was noted that staff will provide further information to Council regarding action taken to date to upgrade the self-help retransmission facility located at Falls Hill.

By-election

File: A7.1

Councillor McMahon raised an issue relating to the Elector Brochure forwarded to all residents in the Oberon Local Government Area. There has been complaints from residents that the Elector Brochure has been received too late to allow residents the opportunity to apply for a postal vote or make suitable arrangements to be able to vote in the election.

The General Manager indicated that a formal letter will be forwarded to the Electoral Commission expressing the Council's concern and requesting an explanation.

Roads

File: E31.1

Councillor McMahon raised concern regarding potholes on local roads.

Councillor McMahon requested an update regarding the drainage issues at the Gingkin Fire Shed.

The Director of Engineering will carry out an inspection and provide feedback.

Second Track at Mount Panorama Meeting

File: A3.1

Moved: McMahon
Second: Doney

That Councillor McCarthy attends the Second Track at Mt Panorama, Bathurst meeting to be held in Bathurst on Thursday 21 October 2010 as Council's representative.

Carried 41191010

14 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,*
- (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.*

14.01.01 Tasman Estate

File: E38.8

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*

14.01.02 Investments – Legal Action Update

File Nos: A6.2, C17.2.2

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*

14.01.03 Potential Public Liability Claims Register

File: C25.6

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

14.01.04 Draft Land Use Strategy (Version Three)

File: D52.2.5

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

14.01.05 Enclosure of Oberon Tennis Courts

File: E34.9.2

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

Moved: O’Bernier
Second: McMahan

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 42191010

Page 25 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 19 October 2010, commencing at 5.30pm.

Council closed the meeting at 7.46pm. The members of the public present at this time left the meeting.

Moved: McMahon
Second: Francis

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

Carried 43191010

Open Council resumed at 8.54pm.

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.

14.01.01 Tasman Estate

File: E38.8

Moved: Fitzpatrick
Second: McMahon

That the General Manager be authorised to negotiate with the Agent with regards a counter offer for the purchase of Lot 18 in the Tasman Estate.

Carried 44191010

14.01.02 Investments – Legal Action Update

File: C25.6

Moved: McMahon
Second: Fitzpatrick

That the information be received and noted.

Carried 45191010

14.01.03 Potential Public Liability Claims Register

File Nos: A6.2, C17.2.2

Moved: Fitzpatrick
Second: Francis

That the information be received and noted.

Carried 46191010

Moved: McCarthy
Second: O’Bernier

That late item 14.01.05 – Enclosure of Oberon Tennis Courts be bought forward and dealt with at this point in time.

Carried 47191010

14.01.05 Enclosure of Oberon Tennis Courts

File: E34.9.2

Moved: McCarthy
Second: McMahan

That subject to funding approval being given, that the Tender for the construction of a steel framed colourbond metal enclosure over Courts Three and Four at the Oberon Tennis Complex be awarded to M and J Certoma and Sons.

Carried 48191010

14.01.04 Draft Land Use Strategy (Version Three)

File: D52.2.5

Moved: Handelsmann
Second: McCarthy

That Council visit the O’Connell area to consider the matter proposed in relation to the O’Connell section of the Draft Land Use Strategy on Thursday 4th November 2010 at 4.00pm.

Carried 49191010

15 New business of an urgent nature admitted by Council

Nil

16 Closure of meeting

The next Ordinary Meeting of Oberon Council is 16 November 2010, commencing at 5.30pm.

This concluded the business and the meeting rose at 8.55pm.

Confirmed this _____ day of _____ 2010.

General Manager

Mayor

General Manager

Mayor