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**OBERON COUNCIL**

*Unconfirmed Minutes  
Oberon Council Ordinary General Meeting  
Tuesday 16 November 2010  
5.30pm Council Chambers*

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General Manager

\_\_\_\_\_  
Mayor

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## 01 Opening of Meeting

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

## 02 Prayer

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The Meeting was opened in prayer by Father Adrian Horgan.

## 03 Record of Attendance

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Members	Cr Keith Sullivan, Mayor - Chair Cr John McMahon, Deputy Mayor Cr Don Fitzpatrick Cr Neil Francis Cr Kerry Gibbons Cr Zsuzsanna Handelsmann Cr Clive McCarthy Cr Bob O’Bernier
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	Councillor Ian Doney
Moved:	McCarthy
Second:	Fitzpatrick

That apologies be received and accepted for the non-attendance of Councillor Ian Doney.

Carried 01161110

## 04 Questions from the Public

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Nil

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## 05 Confirmation of Minutes of Previous Meeting(s)

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Ordinary Meeting 19 October 2010

Moved: O’Bernier  
Second: McCarthy

That the Minutes of the duly convened Ordinary Meeting held on 19 October 2010 be taken as read and confirmed.

Carried 02161110

Matters Arising from the Minutes

Nil

## 06 Declarations of Interest

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- Pecuniary - Nil
- Conflicts - Councillor McMahon declared an interest in Item 14.01.02 of the Confidential Staff Report. Councillor McMahon is related to a person who is the subject of the report
- Councillor Fitzpatrick declared an interest in item 14.01.01 of the Confidential Staff Report. Councillor Fitzpatrick is employed by a industry related to the subject of the report.
- Staff - The Executive Assistant, Sharon Swannell declared an interest in Item 14.01.02 of the Confidential Staff Report. Sharon Swannell is related to a person who is the subject of the report.

## 07 Mayoral Minute and Report

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### A. Meetings

Meetings attended since my last report include:

1. Council Meeting 19 October 2010
2. Meeting with General Manager, Telstra Country Wide, Darren Smith – 1 November 2010
3. Meet with new Councillor Kerry Gibbons – 2 November 2010
4. Attend Fish River Water Supply Management Plan Review Briefing at Office of Water in Sydney – 3 November 2010
5. Internal Audit Committee Meeting, Lithgow – 4 November 2010
6. Tour of O'Connell regarding LEP – 4 November 2010
7. Oberon Sports Complex Committee Meeting – 10 November 2010

### B. Representation

Council was represented at the following:

1. Prime News Interview
2. Lisle Pearse Garden Opening – 30 October 2010
3. In conjunction with the General Manager attended Modernising Local Government Focus Group Meeting, Dubbo – 8 November 2010

### C. Correspondence

Correspondence received included:

1. From Rail Action Bathurst to attend a Community Meeting on Thursday 28 October 2010
2. The Hon Jodie McKay MP, Minister for Women regarding International Women's Day 2011 Grant Funding
3. Division of Local Government Invitation to attend a Councillor Information Seminar – Series II
4. NSW Maritime – Better Boating Program – Project Book
5. Invitation to Japan Local Government Centre, 2010 CLAIR Local Government Forum in Sydney
6. ICAC Guide for Councillors, Constituents and other interested parties regarding lobbying Local Government Councillors.
7. The Hon Tony Windsor MP, regarding National Broadband delivery.
8. NSW Rural Fire Service invitation to attend a Local Government Forum to be held on Friday 19 November 2010.

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**D. Additional Items for Councillors Information**

1. The Director of Engineering and I are scheduled to attend a meeting at the Office of Water in Sydney on 1 December 2010 regarding the Draft Fish River Water Supply Management Plan Review
2. Still awaiting announcements regarding Aged Care Beds
3. Councillor Christmas Function

The Mayor also tabled additional correspondence received as follows:

1. Circular from the Division of Local Government regarding Misuse of Council Resources.
2. Rail Action Group Bathurst - Minutes of the Meeting held on 28 October 2010
3. Parkes Shire Council advising of a new Date and Venue for the PORTS (Promote our Regional Towns and Shires) Meeting
4. A report from ICAC regarding Investigation into Corruption Risks involved in Lobbying
5. Australian Local Government Association release of a report regarding the Local Roads Funding Gap as well as a communiqué regarding the 2010 National Local Roads and Transport Congress Meeting held in Bunbury WA on 15 October 2010

**Keith Sullivan**  
Mayor

## 08 Councillor Reports

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Councillor McCarthy

Second Tack at Mount Panorama Meeting

File: A3.1

Councillor McCarthy provided a verbal report regarding the Second Track at Mount Panorama Meeting that he attended on 21 October 2010. The meeting was a good open meeting and the feasibility study into the proposal is close to being complete. One of the objectives is to have a circuit where young people can do driver training, which will significantly contribute towards their hours required for obtaining a drivers licence.

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Councillors Francis

Upper Macquarie County Council

File: E39.6

Councillors Francis provided a verbal report regarding the Upper Macquarie County Council Meeting held on Friday 5 November 2010. The meeting was postponed due to the lack of a quorum.

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Councillor Handelsmann

Oberon Business Association, Oberon Plateau Tourism Association and Friends of the Oberon Library

Files: P73.4, P73.5 and C20.1

Councillor Handelsmann attended the Oberon Business Association (OBA) and Oberon Plateau Tourism Association (OPTA) Meetings throughout the month. There are no new significant items to report from these meetings.

Councillor Handelsmann also attended the Friends Of the Oberon Library Meeting (FOOL's) held on 16 November 2010 and advised that the FOOL's have been successful in securing a grant to purchase five navigators which are electronic devices for visually impaired people to access e-books.

The Council wish to extend their congratulations to the FOOL's for their work.

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## 09 Delegates Reports

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### 09.01.01 Arts OutWest Delegates Report

File: P72.7

Moved: McMahon  
Second: McCarthy

That the Delegates Reports for information as presented in Report 09.01.01 of the Business Papers be received and noted by Council.

Carried 03161110

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## 10 Director of Development Reports

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### 10.01 Reports for Information

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#### 10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: McMahon  
Second: O’Bernier

That the information be received and noted.

Carried 04161110

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#### 10.01.02 Director of Development Status Report

File: A1.2.1

Moved: O’Bernier  
Second: Francis

That the information be received and noted.

Carried 05161110

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**10.02 Reports for Decision**

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**10.02.01 Development Application 10.2009.179.1 and Construction Certificate 11.2009.179.1 – Additions to Oberon Community Centre**

File No: PO24.13

Moved: Handelsmann  
Second: McCarthy

That the existing roof tiles on the Community Centre building be replaced with new roof tiles to match the new roof tiles on the addition at a cost of \$6,979.00.

Carried 06161110

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**10.03 General Business Development**

Nil

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## 11 Director of Corporate Service Reports

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### 11.01 Reports for Information

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#### 11.01.01 Monthly Update Report – Department of Corporate Services

File: A1.2.1

Moved: Fitzpatrick  
Second: McCarthy

That the information be received and noted.

Carried 07161110

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#### 11.01.02 Statement of Bank Balances and Investments

File: C17.1

Moved: McCarthy  
Second: McMahon

That the information be received and noted.

Carried 08161110

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#### 11.01.03 Staff Appointments

File: C19.1

Moved: McMahon  
Second: Francis

That the information be received and noted.

Carried 09161110

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**11.01.04 Employee Costs Comparative Information**

File: C15.1

Moved: O’Bernier  
Second: McMahon

That the information be received and noted.

Carried 10161110

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**11.01.05 Director of Corporate Services Status Report**

File: A1.2.1

Moved: O’Bernier  
Second: Francis

That the information be received and noted.

Carried 11161110

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**11.02 Reports for Decision**

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**11.02.01 2011 International Women's Day**

File: A3.2

Moved: O'Bernier  
Second: McMahon

That Council apply for the \$1000.00 grant to conduct an event for International Women's Day in March 2011.

Carried 12161110

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**11.02.02 Oberon Liquor Accord**

File: A3.1

Moved: Sullivan  
Second: McCarthy

That Councillor O'Bernier be nominated as Councils delegate to the Oberon Liquor Accord.

Carried 13161110

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**11.02.03 Delegates to Section 355 and Council Committees**

File: A2.1

Moved: O'Bernier  
Second: Handelsmann

That:

1. The Finance Committee and the Works Committee meet separately to the Ordinary Council Meeting.
2. The Oberon Hazelgrove Rail Corridor Development Committee be dissolved.
3. Delegates to Section 355 and other Council Committees be appointed as follows:

**Section 355 Committees**

- Care Car Committee
  - Councillor Sullivan
- Cemetery Headstone Maintenance Committee
  - Councillor McMahon
- Events Committee
  - Councillor O’Bernier
- Hazelgrove Public School Reserve Committee
  - Councillor Fitzpatrick
- Heritage Committee
  - Councillor McCarthy
  - Councillor Doney
- Library Committee
  - Councillor O’Bernier
- Oberon Promotions Committee
  - Councillor Sullivan
- Oberon Sports Complex Committee
  - Councillor Sullivan
  - Councillor O’Bernier
  - Councillor Fitzpatrick
  - Councillor Gibbons
- Timber Heritage Walk Committee
  - Councillor Sullivan

**Other Committees**

- Finance Committee
  - The whole Council
- Works Committee
  - The whole Council
- Land Committee
  - Councillor Sullivan
  - Councillor O’Bernier
  - Councillor Fitzpatrick
  - Councillor McCarthy

- Oberon Business Development Committee
  - The whole Council
- Performance Review Committee
  - The whole Council
- Self Care Units Tenants Panel
  - Councillor O’Bernier
  - Councillor McCarthy (alternate delegate)
- Senior Citizens Liaison Committee
  - Councillor Sullivan
  - Councillor Gibbons
  - Councillor McMahon
  - Councillor O’Bernier
- Traffic Advisory Local Committee
  - Councillor McCarthy
  - Councillor Handelsmann (alternate delegate)
  - Works Manager (Chairman)

Carried 14161110

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#### 11.02.04 Delegates to External Organisations

File: A2.1

Moved: O’Bernier  
Second: Fitzpatrick

That:

1. The General Manager be appointed as Council’s delegate to Blue Mountains, Lithgow and Oberon Tourism Association and Councillor Sullivan remain as alternate delegate.
2. That the Mayor and General Manager be appointed as Council’s delegates for CENTROC.
3. Delegates to other external organisations for the ensuing twelve months be appointed as follows:
  - a. Arts OutWest
    - Oberon Arts Council – Mrs Fran Charge (Council resolved at the September 2010 Ordinary Meeting that Mrs Charge “... *remains as Council’s delegate to Arts Out West*”).



- b. Ben Chifley Catchment Management Steering Committee
  - Councillor McCarthy
- c. Blue Mountains, Lithgow and Oberon Tourism Association
  - General Manager
  - Councillor Sullivan (alternate delegate)

It was noted that Council wish to extend their thanks to Wayne Cooper for his hard work during the time that he acted as Council's Delegate to the Blue Mountains, Lithgow and Oberon Tourism Association.

- d. Catchment Management Committees (Lachlan, Macquarie and Sydney Water Catchment Management Authorities)
  - No Councillor delegate currently appointed
  - Director of Development
- e. Central Tablelands Strategic Alliance Internal Audit Committee
  - Councillor Sullivan – Chair as appointed by the audit committee on November 4 2010.
- f. CENTROC
  - Mayor
  - General Manager
- g. Hawkesbury/Nepean Catchment Management Authority
  - No delegate currently appointed
- h. Joint Regional Planning Panel
  - Councillor Doney
  - Councillor McCarthy
  - Councillor McMahon (alternate delegate)
- i. Lachlan Regional Transport Committee Incorporated
  - No delegate currently appointed
- j. Oberon Arts Council
  - No delegate currently appointed.

It was noted that Councillor Handelsmann withdrew as delegate to this committee owing to a conflict with Council meeting dates.

- k. Oberon Business Association
  - Councillor Handelsmann
- l. Oberon Liquor Accord
  - Councillor O'Bernier

- m. Oberon Plateau Tourism Association
  - Councillor Handelsmann
  - Councillor Sullivan (alternate delegate)
- n. Rural Fire Service Chifley Zone Liaison Committee
  - Councillors McCarthy and Francis (also to represent Council on Brigade Captains' Meetings)
  - Officers being the Director of Engineering and the Finance Manager
- o. Upper Macquarie County Council
  - Councillors McMahon and Francis

Carried 15161110

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**11.02.05 Swimming Pool Fees and Charges**

File: D55.3.1 and C15.5

Moved: O'Bernier  
Second: McCarthy

The draft Fees and Charges Schedule for the Oberon Swimming Pool for 2010-11 be adopted as determined by Council at the Special Meeting held on 12 October 2010.

Carried 16161110

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**11.02.06 Adoption of Policy – Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and other Councillors**

File: A1.2.7

Moved: McCarthy  
Second: Fitzpatrick

That the information be received and noted.

Carried 17161110

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**11.02.07 Requests for Donations**

File: A3.3

Moved: Handelsmann  
Second: McCarthy

That a donation of \$1,500, funded from the donations budget, be made to the Oberon Show Society Inc for sponsorship of the 2011 Oberon Showgirl competition.

Carried 18161110

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**11.02.08 Requests for Financial Assistance – 2011 Highlands Steam and Vintage Fair**

File: P72.1

Moved: O’Bernier  
Second: Sullivan

That the request for assistance by underwriting the inaugural ‘Oberon Music Muster’ be referred to the Events Committee for consideration in conjunction with consideration of the proposed program of events for the 2011 Oberon and Villages Summer Festival.

Carried 19161110

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**11.02.09 Annual Financial Reports**

File: C15.2

Moved: McMahon  
Second: Fitzpatrick

That the Annual Financial Reports, incorporating the Auditor’s Report, for the year ended 30 June 2010, be presented to the public.

Carried 20161110

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**11.02.10 Annual Report – Year Ended 30 June 2010**

File: C15.6

Moved: Handelsmann  
Second: O’Bernier

That the Annual Report for the year ended 30 June 2010 be received for information and the report be included on the Council’s website and forwarded to the Minister.

Carried 21161110

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**11.02.11 Review of Management Plan – Quarter 1, 2010/11**

File: C15.5

Moved: McCarthy  
Second: Fitzpatrick

That the Quarter 1 Management Plan review for 2010/2011 be received and noted.

Carried 22161110

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**11.02.12 Quarterly Budget Review as at 30 September 2010**

File: C15.3

Moved: Handelsmann  
Second: O’Bernier

That:

1. Provision made in this quarterly review for the sale of the residential property in Dart Street with the proceeds to be transferred to the Roads Reserve be endorsed;
2. A detailed analysis to be undertaken by staff with a longer term projection of capital works funding for consideration at Council’s December 2010 Ordinary Meeting.
3. The Quarter 1 Budget Review Statements for 2010/2011 be received and noted and the revised budgeted income and expenditure items be voted.

Carried 23161110

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**11.03 General Business – Corporate Services**

Nil

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## 12 Director of Engineering Reports

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### 12.01 Reports for Information

File: A1.2.1

Moved: Fitzpatrick  
Second: O’Bernier

That the Director of Engineering 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 24161110

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### 12.01.01 Monthly Update Report – Engineering Department

File: A1.2.1

Moved: Fitzpatrick  
Second: O’Bernier

That the information be received and noted.

Carried 25161110

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### 12.01.02 Director of Engineering Status Report

File: A1.2.1

Moved: Fitzpatrick  
Second: O’Bernier

That the information be received and noted.

Carried 26161110

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**12.02 Reports for Decision**

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**12.02.01 Six Foot Track Grids**

File: R31 and E34.14

Moved: O’Bernier  
Second: Gibbons

That the application to install grids on Council roads at the following locations be approved:

- a) Six Foot Track, 22m south of intersection with Glen Chee Road
- b) Six Foot Track, 337m south of intersection with Glen Chee Road
- c) Six Foot Tack, 784m south of intersection with Glen Chee Road
- d) Six Foot Track, 1.3km south of intersection with Glen Chee Road

Carried 27161110

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**12.02.02 Classification of Lots - Dudley Street**

File: E34.1, E34.9

Moved: Fitzpatrick  
Second: McMahon

That the following Land be classified as Operational Land.

Lot 1 DP 1074906  
Lot 3 DP 1126275  
Lot 9 DP 758805  
Lot 10 DP 48069

Carried 28161110

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### 12.02.03     **Infrastructure Projects**

File: A4.2

Moved:       O’Bernier  
Second:      Fitzpatrick

That the following projects be submitted at the CENTROC Regional Infrastructure Meeting for consideration of inclusion in a regional submission being prepared by CENTROC:

- Seal Mayfield Road including construction of a new bridge
- Seal the link from Black Springs to CTLX (Carcoar saleyards) through Oberon, Bathurst and Blayney Council areas
- Complete the link between Oberon and Tarana on Hazelgrove Road through Oberon and Lithgow Council areas
- Carry out improvements on Lowes Mount Road
- Mobile and Broadband Telecommunications Issues

Carried 29161110

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### 12.03       **General Business - Engineering**

Gravel Trucks on Edith Road

File: PR67.73

Councillor McMahon raised an issue regarding the noise from gravel trucks using the Edith Road which is contrary to the agreement with the Quarry.

The Director of Engineering undertook to follow up the matter with the proprietor.

Vandalism at the Common

File: E34.9

Councillor McMahon also raised the issue of damage at the Common including substantial vandalism at the new toilet block and asked is Council taking any action to address the issue.

There is a security camera at the Common that will be modified. The soft rendering on the toilet block building has been extensively damaged and it is intended to approach the High School to install a mural on the toilets in the hope of reducing the graffiti.

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Councillor McMahon also commented that a resident in the area has contacted the police during a time that vandalism was occurring at the Common and was advised that the matter was not considered a high priority.

Staff are requested to raise the concerns over the Police response with the Chifley Area Commander.

Rental Payments for RFS Fire Sheds on Private Land

File: F90.6

Councillor McMahon also advised that a landholder at Native Dog has requested information regarding what is happening with rental payments for RFS Fire Sheds on private land.

The Director of Corporate Services will investigate the matter and provide feedback.

## 13 General Manager Reports

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### 13.01 Reports for Information

File: A1.2.1

Moved: O’Bernier  
Second: McMahon

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.

30161110

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#### 13.01.01 Monthly Update Report – General Manager

File: A1.2.1

Moved: O’Bernier  
Second: McMahon

That the information be received and noted.

31161110

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#### 13.01.02 General Manager Status Report

File: A1.2.1

Moved: O’Bernier  
Second: McMahon

That the information be received and noted.

32161110

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## 13.02 Reports for Decision

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### 13.02.01 January Ordinary Council Meeting

File No: A1.2.1

Moved: Fitzpatrick  
Second: McMahon

That the Ordinary Council Meeting scheduled to be held in January 2011 not be held.

Carried 33161110

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### 13.02.02 Upcoming Meetings

File: A1.2.1

Moved: O’Bernier  
Second: McCarthy

1. That the Mayor, General Manager and Councillor Handelsmann nominate to attend the GIPA Legislation and Impact on Councillors Information Session
2. That the General Manager and Councillors attend the Division of Local Government Councillor Information Seminars – Series II
3. That the General Manager and Mayor attend the Blue Mountains, Lithgow and Oberon Tourism Annual General Meeting and Dinner
4. That no Councillor or officer attend the Regional City Development Conference.
5. That all Councillors who are able to attend the Oberon Business Association Awards Dinner on 8 December 2010 do so.

Carried 34161110

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**13.02.03 Oberon Council Local Government Golf Day**

File No: P72.1.1

Moved: McCarthy  
Second: O’Bernier

That Council receive the report on the Oberon Council Local Government Golf Day for information.

Carried 35161110

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Moved: O’Bernier  
Second: McMahon

That late reports 09.01.02 – Oberon Sports Complex Committee Meeting, 13.02.04 – Natural Asset Protection Agency Briefing and 13.02.05 – Country and Regional Living Expo 2011 be bought forward and dealt with at this point in time.

Carried 36161110

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**09.01.02 Oberon Sports Complex Committee Meeting**

File: A2.29

Moved: O’Bernier  
Second: Gibbons

1. The following priorities be set for work to be carried out at the Oberon Sports Complex, subject to available funding:
  - a. Major Senior League (front) Playing field, Small Soccer Field (next to SES Shed) and Recreation Ground are first priority for top dressing, seeding, aeration and eliminating the tufts of grass on the playing fields.
  - b. Junior League (rear) Playing field, Hockey field priority two.

And that costing, funding sources and a timeline for works be prepared for consideration by Council.

2. Covering of outdoor Netball Courts, improvements/provision of change facilities at Leagues Club, Netball Courts and Recreation Ground should be considered as part of an overall Oberon Sports Complex improvement project. Funding sources including possible grant funding for a major project are to be evaluated

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General Manager

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Mayor

3. Investigation be undertaken into a design and costing to modify the goals on the recreation ground, small soccer field and league fields to make the grounds fit for multi-purpose use.
4. That the works required to be carried out to address the lighting issues at the Major Senior League Playing field be determined and an estimate of costs be obtained for the works and brought back to Council for consideration.
5. That investigation be undertaken regarding the opportunity to utilise water from the Stormwater Harvesting Project for watering sporting facilities in the future.
6. That the cost of core testing on the Junior League rear field be ascertained to establish the stability of the surface prior to spending significant time and money resurfacing the field.

Carried 37161110

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#### **13.02.04 Natural Asset Protection Agency Briefing**

File No: F90.1

Moved: O’Bernier  
Second: Fitzpatrick

That Mr Rob and Hugh Webb of the Natural Asset Protection Agency be invited to present to Council at an Information Briefing Session to elaborate on this concept and potential benefits to Council and the community.

Carried 38161110

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#### **13.02.05 Country and Regional Living Expo 2011**

File No: P72.6

Moved: Fitzpatrick  
Second: McCarthy

That no action be taken to attend the 2011 Country and Regional Living Expo.

Carried 39161110

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

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**13.03 General Business – General Manager**

Councillor O’Bernier requested an update regarding staff suggestions for a memorial for the late Councillor Hooper.

Moved: O’Bernier  
Second: Handelsmann

That a seat be installed in the Oberon Common overlooking the Edith Road with a stone and a plaque next to it as a memorial to Councillor Hooper.

Carried 40161110

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Council rose for dinner at 8.03pm.

Councillor McCarthy and the Director of Corporate Services left the meeting at this point in time.

Council resumed at 8.33pm

## 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.*

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### 14.01.01 Australian Native Landscapes – Stockpiling of Sawdust in Industrial Area

File: PO22.7

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.*

**14.01.02 Citizen of the Year Awards**

File: P72.3

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)
- 

**14.01.03 Fish River Water Supply Drought Management Review**

File: E32.2

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
- 

**14.01.04 Stormwater Harvesting Project**

File: E32.11

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
- 

**14.01.05 Economic Development Officer**

File: Personnel

This item is classified CONFIDENTIAL under section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors)

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**14.01.06 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

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**14.01.07 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

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**14.01.08 Proposals for O’Connell in new Oberon Local Environmental Plan**

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

Moved: Fitzpatrick  
Second: Handelsmann

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 41161110

*Council closed the meeting at 8.34pm. There were no members of the public present at this point in time.*

Councillor Fitzpatrick declared an interest in Item 14.01.01 of the Confidential Staff Report. Councillor Fitzpatrick is employed by a related industry to the subject of the report.

Councillor Fitzpatrick left the meeting at 8.34pm.

Councillor Fitzpatrick returned to the meeting at 8.40pm.

The Executive Assistant, Sharon Swannell declared an interest in item 14.01.02 of the Confidential Staff Report. Sharon Swannell is related to a person who is the subject of the staff report.

Sharon Swannell left the meeting at 8.40 pm.

Sharon Swannell returned to the meeting at 8.43 pm.

Councillor McMahon declared an interest in item 14.01.02 of the Confidential Staff Report. Councillor McMahon is related to a person who is the subject of the staff report.

Councillor McMahon left the meeting at 8.44 pm

Councillor McMahon returned to the meeting at 8.45 pm.

Moved: McMahon  
Second: O’Bernier

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

Carried 42161110

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Open Council resumed at 9.09pm.

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.

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**14.01.01 Australian Native Landscapes – Stockpiling of Sawdust in Industrial Area**

File: PO22.7

Moved: McMahon  
Second: Handelsmann

That:

- a) The five Infringement Notices issued in respect to Lot 28 in DP 877490, 7 Endeavour Street, Oberon, not be revoked.
- b) Three of the five Infringement Notices issued in respect of Lot 28 in DP 877490, 7 Endeavour Street, Oberon be reactivated, with two being held in abeyance until the Department of Environment, Climate Change and Water complete their Environment Protection Licence process and become the Appropriate Regulatory Authority for environmental matters.
- c) That once b) has occurred that Council reconsider the remaining two Infringement Notices and related action.

Carried 43161110

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**14.01.02 Citizen of the Year Awards**

File: P72.3

Moved: O’Bernier  
Second: McMahon

That:

1. Australia Day Awards be made in the following categories:
  - a. Citizen of the Year – Nancy Dennis
  - b. Young Citizen of the Year - Emma Swannell
  - c. Sports person of the Year - No nominations received
  - d. Junior Sports person of the Year - Connor Sherlock

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- e. Sports Team of the Year - Oberon High School/St Joseph's Combined Rugby League Team
  - f. Community Event of the Year - Heritage Steam and Vintage Fair
  - g. Local Legend of the Year - Ian Browne
2. That the Citizen of the Year and partner, Young Citizen of the Year and parents, Sportsperson of the Year and partner, Junior Sportsperson of the Year and parents, Team members of the Sports Teams of the Year and coaches, A Committee Representative and partner of the Community Event of the Year and Local Legend of the Year and partner be invited to a cocktail function the evening before Australia Day to meet with Councillors and the Australia Day Ambassador and partner.

Carried 44161110

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**14.01.03 Fish River Water Supply Drought Management Review**

File: E32.2

Moved: O'Bernier  
Second: McMahon

That the information be noted.

Carried 45161110

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**14.01.04 Stormwater Harvesting Project**

File: E32.11

Moved: Fitzpatrick  
Second: McMahon

That the information be received and noted.

Carried 46161110

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**14.01.05 Economic Development Officer**

File: Personnel

Moved: O’Bernier  
Second: Fitzpatrick

That Council receive and note this information.

Carried 47161110

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**14.01.06 Potential Public Liability Claims Register**

File: C25.6

Moved: Fitzpatrick  
Second: O’Bernier

That the information be received and noted.

Carried 48161110

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**14.01.07 Investments – Legal Action Update**

File Nos: A6.2, C17.2.2

Moved: Fitzpatrick  
Second: O’Bernier

That the information be received and noted.

Carried 49161110

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**14.01.08 Proposals for O’Connell in new Oberon Local Environmental Plan**

File No: D52.5.5

Moved: McMahon  
Second: Francis

That the information be received and noted.

Carried 50161110

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## 15 New Business of an Urgent Nature Admitted by Council

Nil

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## 16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 14 December 2010, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

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This concluded the business and the meeting rose at 9.17pm.

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

\_\_\_\_\_  
General Manager.

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