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OVERON COUNCIL

*Confirmed Minutes
Oberon Council Ordinary Meeting
Tuesday 14 December 2010
5.30pm Council Chambers*

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General Manager

Mayor

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01 Opening of Meeting

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

A presentation was provided to Council by Mr Rob and Hugh Webb of the Natural Asset Protection Agency (NAPA). The presentation outlined NAPA's proposal to provide a specialist fire fighting service which is intended to fill the gap left by ageing and absentee land holders who predominantly make up the Rural Fire Service volunteers.

Moved: O'Bernier
Second: Handelsmann

That Council offer in principle support for the NAPA Proposal and advise NSW Rural Fire Service Commissioner, Shane Fitzsimmons, Minister for Emergency Services, the Hon Steve Whan and Shadow Minister for Emergency Services, Melinda Pavey of such.

Carried 01141210

02 Prayer

The Meeting was opened in prayer by Pastor Andrew Godden.

Councillor Fitzpatrick entered the meeting at 6.10pm.

03 Record of Attendance

Members Cr Keith Sullivan, Mayor - Chair
 Cr John McMahon, Deputy Mayor
 Cr Ian Doney
 Cr Don Fitzpatrick (from 6.10pm)
 Cr Neil Francis (from 7.12pm)
 Cr Kerry Gibbons
 Cr Zsuzsanna Handelsmann
 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

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Apologies Cr Clive McCarthy

Moved: O’Bernier
Second: McMahon

That apologies be received and accepted for the non-attendance of Cr Clive McCarthy.

Carried 02141210

04 Questions from the Public

None received.

05 Confirmation of Minutes of Previous Meeting(s)

Ordinary Meeting 16 November 2010

File No: A1.2.1

Moved: O’Bernier
Second: Gibbons

That the Minutes of the duly convened Ordinary Meeting held on 16 November 2010 be taken as read and confirmed.

Carried 03141210

Matters Arising from the Minutes

Nil

06 Declarations of Interest

File No: A1.2.4

Pecuniary - Nil
Conflicts - Nil
Staff - Nil

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07 Mayoral Minute and Report

File No: A1.2.1

A. Meetings

Meetings attended since my last report include:

1. Community Safety Precinct Committee Meeting, Blayney – 15 November 2010
2. Meet with members of RSL Sub-Branch regarding the Official Opening of the Ataturk Stone – 16 November 2010
3. Ordinary Council Meeting – 16 November 2010
4. In conjunction with the General Manager met with Minister for Broadband, Communications and the Digital Economy, Senator Conroy and Member for Calare John Cobb – 17 November 2010
5. Meeting with Black Springs Resident – 23 November 2010
6. CENTROC Board Meeting – 25 November 2010
7. Meeting with Office of Water regarding the review of the Fish River Water Scheme – 1 December 2010
8. Timber Heritage Walk Committee Meeting – 6 December 2010
9. Heritage Committee Meeting – 6 December 2010
10. Councillor Confidential Discussion Meeting – 7 December 2010

B. Representation

Council was represented at the following:

1. Remembrance Day Service – Oberon RSL Sub-Branch – 11 November 2010
2. Book Launch “For All We Are” by local poet Brian Beesley – 28 November 2010
3. Oberon Christmas Street Party – 3 December 2010
4. St Joseph’s Year 10 Graduation – 3 December 2010
5. Black Springs Public School end of term assembly – 6 December 2010
6. Oberon Business Awards Dinner – 8 December 2010

C. Correspondence

Correspondence received included:

1. Burruga Public School – invitation to attend Annual Presentation Evening on 14 December 2010
2. From Oberon High School – invitation to attend Annual Presentation Evening on 9 December 2010
3. Invitation to attend a Celebration of 10 years of World Heritage for the Greater Blue Mountains
4. Australian Local Government Association regarding the findings of a report into local road funding

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5. Parkes Shire Council regarding a Proposed Promote Our Regional Towns and Shires (PORTS) Project
6. Murray River Group of Councils and Greater Shepparton City Councils invitation to attend a meeting of Murray Darling Basin Councils in Canberra on 22 November 2010
7. Invitation to Blue Mountains, Lithgow, Oberon Tourism AGM and Dinner to be held on 29 November 2010
8. Balonne Shire Council regarding responses to the Guide to the Draft Murray Darling Basin Plan
9. Insight Communications seeking Council's participation in 2011 Ovarian Cancer Awareness Month
10. Invitation to the launch of "For All We Are" a book by local poet Brian Beesley
11. Invitation to attend the Friends of Oberon Library Christmas Luncheon to be held on Tuesday 14 December 2010
12. Lord Mayor's Office of Parramatta City Council regarding a "Save Our Suburbs" campaign
13. Bathurst Regional Council regarding the State Government Water Review
14. Life Education Australia Christmas Appeal
15. Mayor of Eceabat regarding the Official Opening of the Ataturk Stone
16. Shires Association of NSW – Special Shires Association 1 Day Conference – One Association to be held on 23 February 2011

The Mayor provided a verbal update regarding the meeting held with the Office of Water regarding the review of the Fish River Water Scheme.

The Mayor also provided a verbal report regarding the recent announcement of Aged Care Bed Licences. Columbia Homes were allocated 34 beds for an Aged Care facility in Oberon. Discussions are being held between the Department and Columbia Homes and Council is awaiting the outcome of these discussions.

The Mayor also advised Councillors that the General Manager will be taking leave on the 4th and 5th January 2011.

Keith Sullivan
Mayor

08 Councillor Reports

GIPA Training

File No: A1.3.3

Councillor Handelsmann provided a verbal report regarding the GIPA training attended in Orange with the General Manager. The training provided an overview of what information is considered public information. All documents including diaries, notes, emails, text messages are considered public information and can be requested under the GIPA legislation. Members of the public do not have to provide a reason for seeking the information. The information must be supplied as requested unless it is contrary to public interest to release the information.

Meetings

File No: A1.2.3

Councillor Handelsmann attended the FOOL's Christmas lunch and meeting held on 14 December 2010.

Councillor Handelsmann also attended the Traffic Committee Meeting held on 2 December 2010.

Upper Macquarie County Council Meeting

File No: E39.6

Councillor McMahon provided a verbal report regarding the Upper Macquarie County Council meeting held on 3 December 2010. 70 property inspections were carried out in the Oberon Council area during the month and 25 properties had aerial spraying for serrated tussock carried out on them during the month.

Councils are requested to wash mowers down if they carry out mowing in areas which may contain Chilean Needle Grass to minimise the risk of infestation across other areas.

Library Committee

File No: A2.8

Councillor O'Bernier attended the Library Committee Meeting and raised concern regarding complaints about the amount and type of activities held in the Library.

The General Manager advised that there are no changes planned for the type of activities being carried out in the Library at this point in time.

09 Delegates Reports

09.01.01 Timber Heritage Walk Committee

File No: A2.27

Moved: O’Bernier
Second: Fitzpatrick

That the Minutes of the Timber Heritage Walk Committee held on the 11 October 2010 be received for information.

Carried 04141210

09.01.02 Traffic Advisory Local Committee

File No: A2.2

Moved: McMahon
Second: Gibbons

1. That the Minutes of the Traffic Advisory Local Committee Meeting held on 2 December 2010 be accepted.
2. That a 60m section of Dudley Street, north from Oberon Street, be closed on 18th December 2010 between 10:00am and 1:00pm.

Carried 05141210

09.01.03 Events Committee Meeting Minutes

File No: A2.5

Moved: Doney
Second: O’Bernier

That:

1. The Minutes of the Events Committee Meeting held on 7 December 2010 be accepted.
2. The Photographic Competition be relocated for inclusion in the Oberon and Villages Spring Garden Festival program, to be judged at the conclusion of the festival and the theme for the 2011 competition be Celebrations and Festivals of Oberon, with a junior section.
3. The Festivals Marketing & Promotional Plan for 2011 as presented and amended be endorsed by Council.

Carried 06141210

10 Director of Development Reports

10.01 Reports for Information

Moved: O'Bernier
Second: Fitzpatrick

That items 10.02.02 and 10.02.03 be brought forward and dealt with at this point in time.

Carried 07141210

10.02.02 Mudgee Stone Company Pty Ltd (Oberon White Granite Quarry Project) - Exhibition of Environmental Assessment

File No: PR259.96

Moved: O'Bernier
Second: Fitzpatrick

That the information be received and noted and Council make a submission in response to such.

Carried 08141210

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, McMahon, Doney, O'Bernier, Gibbons, Handelsmann and Fitzpatrick

Votes against: Nil

10.02.03 Development Application 10.2010.87.1

File No: PO16.18

Moved: O’Bernier
Second: Fitzpatrick

That subject to Council receiving no submissions from the neighbour notification;

- Part C.5.5 “*Building Height Planes*” of the Development Control Plan 2001 be varied to allow the construction of a new garage 1.5m off the Northern boundary at Lot 2 in DP 758805, 18 Dart Street Oberon.
- That Part C.6.4 “*Carports and Garages*” of the Development Control Plan 2001 be varied to allow the construction of a new garage approximately 110m² at Lot 2 in DP 758805, 18 Dart Street Oberon.

Carried 09141210

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, McMahon, Doney, O’Bernier, Gibbons, and Fitzpatrick
Votes against: Councillors Handelsmann

Development Control Plan 2001

File No: D52.2.2

Moved: O’Bernier
Second: McMahon

That Council’s Development Control Plan 2001 be reviewed with particular reference to the requirement for variations to residential garaging and proposed amendments be reported to Council.

Carried 10141210

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, McMahon, Doney, O’Bernier, Gibbons, Handelsmann and Fitzpatrick
Votes against: Nil

10.01.01 Monthly Update Report – Development Department

File No: A1.2.1

Moved: Doney
Second: McMahon

That the information be received and noted.

Carried 11141210

10.01.02 Oberon Council Supplementary Report State of the Environment Report

File No: D51.5

Moved: Doney
Second: Handelsmann

That the information be received and noted.

Carried 12141210

10.01.03 Director of Development Status Report

File No: A1.2.1

Moved: McMahon
Second: O’Bernier

That the information be received and noted.

Carried 13141210

10.02 Reports for Decision

10.02.01 Development Application: 10.2009.225.1.

File No: PR17.2968

This report has been withdrawn pending receipt of further information which will be presented to a future Council meeting.

10.03 General Business - Development

Nil

11 Director of Corporate Service Reports

11.01 Reports for Information

11.01.01 Monthly Update Report – Department of Corporate Services

File No: A1.2.1

Moved: Doney
Second: O’Bernier

That the information be received and noted.

Carried 14141210

14.01.02 Staff Appointments

File No: C19.1

Moved: O’Bernier
Second: Doney

That the information be received and noted.

Carried 15141210

Councillor Francis entered the meeting at 7.12pm.

11.01.03 Statement of Bank Balances and Investments

File No: C17.1

Moved: McMahon
Second: O’Bernier

That the information be received and noted.

Carried 16141210

11.01.04 Internal Audit Committee

File No: A1.9

Moved: O’Bernier
Second: Gibbons

That the information be received and noted.

Carried 17141210

11.01.05 Director of Corporate Services Status Report

File No: A1.2.1

Moved: O’Bernier
Second: Doney

That the information be received and noted.

Carried 18141210

11.02 Reports for Decision

11.02.01 2011 International Women's Day

File No: A3.1

Moved: McMahon
Second: Francis

That expressions of interest be sought from relevant community groups to conduct an event to celebrate 2011 International Women's Day, the event to be conducted in accordance with criteria to be established by the General Manager and in accordance with the conditions of the grant funding and further that the decision be delegated to the General Manager with regards to the delivery of the event.

Carried 19141210

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

11.02.02 Request for Donation Country Women's Association

File No: A3.3

Moved: Fitzpatrick
Second: O'Bernier

That a donation of \$100, funded from the donations budget, be made to the Country Women's Association of NSW for the 2011 Public Speaking Contest for Schools.

Carried 20141210

11.03 General Business Corporate Services

Nil

12 Director of Engineering Reports

12.01 Reports for Information

12.01.01 Monthly Update Report – Engineering Department

File No: A1.2.1

Moved: McMahon
Second: O’Bernier

That the information be received and noted.

Carried 21141210

12.01.02 Director of Engineering Status Report

File No: A1.2.1

Moved: McMahon
Second: O’Bernier

That the information be received and noted.

Carried 22141210

Oberon Community Centre

File No: A3.11

Moved: O’Bernier
Second: McMahon

That the Oberon Community Centre be known as the Robert (Bob) Hooper Community Centre in recognition of Councillor Hooper’s service to the Oberon Community over many years.

Carried 23141210

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12.02 Reports for Decision

12.02.01 CENTROC Water Alliance

File No: E32.2

Moved: O’Bernier
Second: McMahon

That an allocation of \$49,000 be provided from Section 94 reserves for the completion of best practice management compliance as part of the CENTROC Water Alliance.

Carried 24141210

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

12.02.02 Hume Street Tree

File No: E34.10

Moved: O’Bernier
Second: Handelsmann

That no action be taken to remove or prune the eucalypt tree in Hume Street.

Carried 25141210

12.02.03 Schumachers Road

File No: R231

Moved: O’Bernier
Second: Francis

That gravel sheeting be carried out on Schumachers Road over a number of years and within the allocated budget, as resources and funding permit.

Carried 26141210

12.02.04 Commercial Waste Disposal

File No: E35.3

Moved: Doney
Second: Sullivan

That an increase for tipping fees of 25% be considered when the 2011/12 budget is being prepared.

Carried 27141210

12.03 General Business Engineering

The Common

File No: E39.4

Councillor Gibbons requested an update regarding the platform that had been constructed at The Common top dam. The Director of Engineering advised that the platform has been expanded to a more substantial structure.

The Solar Panels at The Common are now operational and the pumps are working for recycling water through the dams.

In respect to vandalism at the Common which has previously been raised by Council, the Director of Engineering has approached the Arts Council regarding a mural on the toilet block and the Arts Council would like to engage an artist for the job.

13 General Manager Reports

13.01 Reports for Information

13.01.01 Monthly Update Report – General Manager

File No: A1.2.1

Moved: O’Bernier

Second: Francis

That the information be received and noted.

Carried 28141210

13.01.02 General Manager Status Report

File No: A1.2.1

Moved: O’Bernier

Second: Francis

That the information be received and noted.

Carried 29141210

13.02 Reports for Decision

13.02.01 Broadband Submission

File No: A3.4

Moved: O’Bernier
Second: Doney

That Council makes a submission to the National Broadband Network to be a pilot site for the wireless broadband network to cover areas of the Oberon LGA not able to access the fibre optic network.

Carried 30141210

13.02.02 Upcoming Meetings

File No: A1.2.1

Moved: McMahon
Second: Fitzpatrick

That the Mayor be nominated to attend the Special Shires Association One Day Conference to address the issue of One Association and be nominated as Council’s voting delegate at the Conference and noting the Council’s policy is to oppose One Association.

Carried 31141210

13.03 General Business General Manager

Library Closure during Christmas Period

File No: C20.1

Councillor Handelsmann raised the issue of the Library being closed during the Christmas break from noon on Friday 24 December 2010 to reopen on Tuesday 4 January 2010.

Moved: Handelsmann
Second: O’Bernier

That the Library be opened on 29th December and 30th December from 10am to 3pm.

The motion was put and lost.

Late Report

File No: PO24.13

Moved: McMahon
Second: Gibbons

That the item contained in the late report 10.02.04 be bought forward and dealt with at this point in time.

10.02.04 Oberon Community Centre Internal Renovations

File No: PO24.13

Moved: McMahon
Second: Gibbons

That:

- a) The floor plan as marked drawing number 0709 TOC/002 and dated 30 July 2009 as presented to the community be endorsed by Council or Council undertake any necessary amendments to the floor plan.
- b) Quotations be called for the internal building works as shown on the final endorsed floor plan.

Carried 32141210

Stormwater Harvesting Project

File No: E32.11

Moved: O'Bernier
Second: Fitzpatrick

That Council commence compulsory acquisition of part of Lot 1 in DP 880593 for the purposes of Stormwater Harvesting.

Carried 33141210

Library Container Storage

File No: C20.1

It was noted that the Director of Development was requested to progress the installation of a ceiling ventilation fan in the storage container at the back of the Library.

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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 Request for Reduction in Tipping Fees

File No: E35.3

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*
-

14.01.02 Shooters Hill Forestry Roads Construction

File No: E39.7.1

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
-

14.01.03 Outstanding Rates, Charges and Legal Costs

File No: PR188.54

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
-

14.01.04 Public Liability Claims Register

File No: C25.6 Incident 148

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
-

14.01.05 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

Moved: O’Bernier
Second: Fitzpatrick

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 34141210

Council closed the meeting at 8.33pm. The members of the public present at this point in time left the meeting.

Moved: O’Bernier
Second: McMahon

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

Carried 35141210

Open Council resumed at 8.41pm.

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 Request for Reduction in Tipping Fees

File No: E35.3

Moved: Fitzpatrick
Second: O’Bernier

That the request for discounted tipping at the Oberon Waste Depot be declined.

Carried 36141210

14.01.02 Shooters Hill Forestry Roads Construction

File No: E39.7.1

Moved: O’Bernier
Second: Francis

That the information be received and noted.

Carried 37141210

14.01.03 Outstanding Rates, Charges and Legal Costs

File No: PR188.54

Moved: O’Bernier
Second: Doney

That the placement of a caveat on the title deeds of the subject property to secure the legal costs debt be endorsed.

Carried 38141210

14.01.04 Public Liability Claims Register

File No: C25.6 Incident 148

Moved: O’Bernier
Second: McMahon

That the information be received and noted.

Carried 39141210

14.01.05 Investments – Legal Action Update

File Nos: A6.2, C17.2.2

Moved: Doney
Second: O’Bernier

That the information be received and noted.

Carried 40141210

15 New Business of an Urgent Nature Admitted by Council

Nil

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 15 February 2011, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

This concluded the business and the meeting rose at 8.42pm.

Confirmed this _____ day of _____ 2011.

General Manager

Mayor

General Manager

Mayor