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OBERON COUNCIL

*Confirmed Minutes
Oberon Council Ordinary General Meeting
Tuesday 17 May 2011
5.30pm Council Chambers*

5.30pm	Opening of meeting
8.15pm - 8.45pm	Dinner

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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.

02 Prayer

The Meeting was opened in prayer by Pastor Andy Godden.

03 Record of Attendance

Members Cr Keith Sullivan, Mayor - Chair
 Cr John McMahon, Deputy Mayor
 Cr Ian Doney
 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
 Mark Dicker, Acting Director of Development
 Leigh Robins, Director of Engineering
 Sharon Swannell, Executive Assistant

Apologies Nil

04 Questions from the Public

None received.

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General Manager

Mayor

05 Confirmation of Minutes of Previous Meeting(s)

Moved: McMahon
Second: Francis

That the Minutes of the duly convened Ordinary Meeting held on 19 April 2011 be taken as read and confirmed.

Carried 01170511

Matters Arising from the Minutes

Nil

06 Declarations of Interest

Pecuniary	-	Nil
Conflicts	-	Councillor Doney declared an interest in an item in the Mayoral Minute regarding the possible relocation of the Anglican Church, Councillor Doney is a member of the Anglican Church. Councillor Doney's interest is non-pecuniary and non-substantial.
Staff	-	Nil

07 Mayoral Minute and Report

A. Meetings

1. Meeting with local resident regarding water supply – 18 April 2011
2. Ordinary Council Meeting – 19 April 2011
3. Meeting with Aged Care Committee – 20 April 2011
4. Asset Management Workshop for Councillors – 27 April 2011
5. Works Committee Meeting – 2 May 2011
6. Budget Briefing Session for Councillors – 3 May 2011
7. National Timber Council of Australia – Executive Meeting Conference Call – 9 May 2011
8. Meeting with member of Black Springs Progress Association regarding the possible relocation of the Black Springs Anglican Church – 10 May 2011

B. Representation

1. Interview with Prime News – 20 April 2011
2. Official Opening of 'Beginners Luck Noodling Patch' at Oberon Visitor Information Centre – 20 April 2011
3. Visit by Mayor of Eceabat – tour of Mayfield Gardens and welcome dinner – 24 April 2011
4. ANZAC Ceremony – 25 April 2011

C. Correspondence

1. Invitation to attend the St Ignatius Catholic Ball to be held on 13 May 2011
2. Invitation to attend the Official Opening of the Waste to Art Exhibition – 13 May 2011
3. Invitation to Hawkesbury-Nepean Catchment Management Authority Local Government Advisory Group Annual Forum – 12 May 2011
4. Information pack regarding National Volunteer Week – 9 – 15 May 2011
5. Invitation to attend the Chifley Zone Rural Fire Service Jenolan Caves Station Opening and Medal Presentation – 21 May 2011
6. Invitation to attend the NSW Police Force Chifley Local Area Command Awards Presentation to be held on 12 May 2011
7. Invitation to attend the E Division of Councils Annual Dinner – Monday 30 May 2011.
8. Australian Local Government Associations 2011 Regional Corporation and Development Forum to be held in Canberra on 19 June 2011 immediately preceding the 2011 National General Assembly of Local Government.

D. Other Matters

1. Prior to the last State election, Council took a decision to host a dinner in Oberon to recognise the contribution by Gerard Martin during his 14 years as State representative. The dinner has now been arranged for Wednesday 15 June 2011.

The Mayor spoke about the farewell function for Gerard Martin and advised that the function would be held on Wednesday 15 June 2011, commencing at 6.30pm at the Stormwater Café and asked if Councillors could give an indication of their attendance.

Black Springs Anglican Church

File No: A3.1 and PR187.2209

The Mayor and Councillors have received numerous letters protesting about the proposal to relocate the Anglican Church at Black Springs.

Moved: O’Bernier
Second: Fitzpatrick

That Council notes the plan to relocate the Anglican Church from Black Springs and the General Manager is requested to engage with the residents and community of Black Springs with regard to this matter.

Carried 02170511

08 Councillor Reports

Weed’s Report

File No: E39.6

Councillors McMahon and Francis attended the last meeting of the Upper Macquarie County Council held on Friday 6 May 2011. Numerous properties in the LGA have been inspected over the last six weeks.

Rural Fire Service

File No: F90.1

Councillor Francis asked about the cost of insurance for the Rural Fire Service shown in the draft budget papers. The Director of Engineering advised that this has been addressed and amended in the draft budget.

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09 Delegates Reports

Nil

10 Director of Development Reports

10.01 Reports for Information

File: A1.2.1

Moved: McMahon
Second: McCarthy

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 03170511

10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: McMahon
Second: McCarthy

That the information be received and noted.

Carried 04170511

10.01.02 Director of Development Status Report

File: A1.2.1

Moved: McMahon
Second: McCarthy

That the information be received and noted.

Carried 05170511

10.02 Reports for Decision

Nil

10.03.01 General Business – Development

Nil

11 Director of Corporate Service Reports

11.01 Reports for Information

File: A1.2.1

Moved: McMahon
Second: McCarthy

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 06170511

11.01.01 Monthly Update Report – Corporate Services Department

File: A1.2.1

Moved: McMahon
Second: McCarthy

That the information be received and noted.

Carried 07170511

11.01.02 Director of Corporate Services Status Report

File: A1.2.1

Moved: McMahon
Second: McCarthy

That the information be received and noted.

Carried 08170511

11.01.03 Staff Appointments

File: C19.1

Moved: O’Bernier
Second: Doney

That the information be received and noted.

Carried 09170511

11.01.04 Statement of Bank Balances and Investments

File: C17.1

Moved: Doney
Second: O’Bernier

That the information be received and noted.

Carried 10170511

11.02 Reports for Decision

11.02.01 GST Certificate of Confirmation

File No: C17.3.2

Moved: McCarthy
Second: Gibbons

That the Goods and Services Tax Certificate for the payment of voluntary GST for the period from 1 May 2010 to 30 April 2011 be submitted to the Department of Local Government.

Carried 11170511

11.02.02 Review of Management Plan – Quarter 3 2010/2011

File: C15.5

Moved: O’Bernier
Second: Doney

That the Quarter 3 Management Plan review for 2010/2011 be received and noted.

Carried 12170511

11.02.03 Quarterly Budget Review as at 31 March 2011

File: C15.3

Moved: Fitzpatrick
Second: O’Bernier

That the Quarter 3 Budget Review Statements for 2010/2011 be received and noted and the revised budgeted income and expenditure items be voted.

Carried 13170511

11.02.04 2011 Youth Week

File: A3.2

Moved: McMahon
Second: Doney

That the information be received and noted.

Carried 14170511

11.02.05 Policy Reviews

File: A1.2.7

Moved: McMahon
Second: O’Bernier

1. That the following adopted Policies be deleted:

- Policy 1105 Discussion of Personnel Matters
- Policy 2108 Rental Payment of Telephones installed in Homes of Staff Members
- Policy 2116 Secondary Employment

And further that the remaining items be deferred and the General Manager be requested to resubmit items at a later date.

2. That the following Policies remains unchanged:

- Policy 1112 Governance
- Policy 2114 Gifts

Carried 15170511

11.02.06 Seniors Week 2011

File: A5.3

Moved: Fitzpatrick
Second: McCarthy

That the information be received and noted.

Carried 16170511

11.02.07 Assets Management Plan

File: C15.7, E39.5

Moved: McMahon
Second: Fitzpatrick

That the Infrastructure Assets Management Plan as presented be adopted.

Carried 17170511

11.02.08 Applications for Donations

File: A3.3

Moved: Doney
Second: McMahon

That \$16,661 be included in the 2011/12 draft budget and a special meeting be set to discuss the applications.

Carried 18170511

11.02.09 2011/12 Management Plan, Budget and Fees and Charges

File: C15.4, C15.5

Moved: McMahon
Second: Fitzpatrick

The draft Schedule of Fees and Charges for 2011-2012 be adopted subject to the amendment being made to page 22 to delete the charge for sporting and recreation facilities.

Carried 19170511

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Moved: O’Bernier
Second: McMahon

The draft Budget for 2011-2012 and annual financial forecasts to 2015-2016 be adopted.

This matter was deferred pending the outcome of the closed session discussion.

Amendment Moved: Handelsmann
Second: Doney

That the draft budget be adjusted to include provision of \$15,000 to increase staff operational hours at the Visitor Information Centre.

The amendment was put and lost. The original motion stands.

Further Amendment Moved: Handelsmann
Second: O’Bernier

That the draft budget be amended to include provision of \$10,000 to provide for additional purchases of Library books, CD; and DVD’s.

The motion was put and lost. The original motion stands.

Moved: Doney
Second: McCarthy

That the General Manager be requested to provide a detailed report reviewing the expenditure on Library capital items and its impact on the service provided at the Library after the first three months of the 2011/12 budget.

Carried 20170511

Further amendment Moved: Handelsmann
Second: Doney

That \$20,000 be provided to construct a shade structure at the Oberon Community Centre and to install lighting, tracking and other necessary items to complete the project.

The motion was put and lost. The original motion stands.

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Further amendment Moved: Handelsmann
Second: Gibbons

That \$5,000 be provided towards the cost of attending the 2011 Country and Regional Living Expo and that the same provision be made up to and including the 2015/16 budget.

Carried 21170511

Foreshadowed further amendment: Doney

That provision be made for a \$1 for \$1 allocation up to a total of \$4,000 be provided towards the cost of attending the 2011 Country and Regional Living Expo.

The amendment lapsed owing to the first motion being put and won.

Councillor Doney left the meeting at 7.33pm

Councillor Doney returned to the meeting at 7.37pm.

Moved: McCarthy
Second: Doney

That provision of \$4,000 be made in the 2011/12 budget to facilitate the subdivision of the identified car parking spaces at the rear of 70 Dart Street Oberon.

This motion was held over to the Closed Session of Council as the information contained in the discussion 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: McMahon
Second: Francis

That the matter be deferred and dealt with in the closed session of Council.

Carried 21170511

11.03.01 General Business – Corporate Services

Nil

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General Manager

Mayor

12 Director of Engineering Reports

12.01 Reports for Information

Moved: O’Bernier
Second: McCarthy

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 22170511

12.01.01 Monthly Update Report – Engineering Department

File: A1.2.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 23170511

12.01.02 Director of Engineering Status Report

File No: A1.2.1

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 24170511

12.02 Reports for Decision

12.02.01 Central NSW Councils (CENTROC) Compliance and Cost Savings Program – Road Signs Contract

File: E31.10, E39.1

Moved: Fitzpatrick
Second: O’Bernier

That Council agree to participate in a regional road signs contract.

Carried 25170511

12.02.02 Request to Amend Development Consent Conditions

File No: PR224.3158

Moved: O’Bernier
Second: McMahon

That Australian United Timbers be advised that there will be no alteration to the road maintenance levy and that any waste taken to the Oberon waste depot will attract the applicable tipping fees.

Carried 26170511

Councillor Handelsmann left the meeting at 8.07pm.

12.02.03 Black Springs and Burruga Waste Transfer Stations

File No: E35.1

Moved: O’Bernier
Second: McMahon

That the matter be deferred until consultation is undertaken with the community representatives.

Carried 27170511

Councillor Handelsmann returned to the chambers at 8.08pm.

12.02.04 Oberon Water – Water Wise Rules

File No: E32.1

Moved: Doney
Second: O’Bernier

That Water Wise rules as follows be adopted by Oberon Council and be promoted to all Oberon Council water supply customers.

- Watering, including with sprinklers and irrigation systems is to be done before 10am and after 4pm to avoid the heat of the day.
- All hand held hoses must have a trigger nozzle.
- No hosing of hard surfaces such as paths and driveways.
- Washing vehicles on lawns is preferable.
- Fire hoses may be used for fire fighting activities only.

New lawn exception:

Customers who need to establish a new lawn may use sprinklers or watering systems at any time of the day for 14 days from the date of installation of the new lawn.

Carried 28170511

12.02.05 Minutes of the Works Committee Meeting

File No: A2.3

Moved: Fitzpatrick
Second: Gibbons

That the Minutes of the Works Committee Meeting held on 2 May 2011 be received and accepted.

Carried 29170511

12.03.01 General Business – Engineering

Solar Lights at the Common

File No: E34.9

Councillor McCarthy requested that the solar lights at the Common be inspected and repaired as some are not working at the moment.

The Director of Engineering has previously had the contractor inspect the lights and will follow up again.

Gingkin Road

File No: R21

Councillor McMahon asked has the Gingkin Road been graded yet and in particular the section of road that has a large amount of potholes.

The Director of Engineering advised that he has recently inspected the road and agrees the work is required, however it has not been graded as yet.

Duckmaloi Road

File No: R189

Councillor Gibbons raised a concern on behalf of a resident about the curve on Marks' Hill on the Duckmaloi Road. The resident is concerned about the road being slippery during icy weather conditions.

The Director of Engineering advised that a heavier reseal has previously been put on that section of road to reduce the danger of ice on the road.

Arkstone Road

File No: R40

Councillor Francis asked about the area of road that is boggy on the gravel section of road on Arkstone Road. Councillor Francis asked why the work has been carried out as is rather than just install pipes.

The Director of Engineering advised that the area was too low for pipes to be effective.

Speed Humps at Burruga School

File No: PR238.44-66

Councillor Francis asked about the progress of the speed humps at the rear of the Burruga School.

The Director of Engineering advised that steel poles will be installed at either end of the speed humps to prevent cars from driving around the speed humps.

Emden Vale Road

File No: R41

Councillor Francis enquired about damage on Emden Vale Road damage which has been created by dragging heavy loads up the hill.

The Director of Engineering will address the issue.

Chain of Ponds Road

File No: R78

Councillor McMahon advised that during the endurance rides that take place once per quarter on the Chain of Ponds Road the grids are closed for the day when the rides take place. The Councillor asked if there is another way of advising the riders that there is a grid on the road rather than closing the grids. It was noted that the endurance rides bring substantial benefit to the community.

The Director of Engineering will investigate this matter.

Hazelgrove Road

File No: R188

Councillor Fitzpatrick passed his thanks to the Director of Engineering for installing guide posts on the section of Hazelgrove Road where the road alignment was unclear.

13 General Manager Reports

13.01 Reports for Information

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.

Carried 30170511

13.01.01 Monthly Update Report – General Manager

File: A1.2.1

Moved: O’Bernier
Second: McMahon

That the information be received and noted.

Carried 31170511

13.01.02 General Manager Status Report

File: A1.2.1

Moved: O’Bernier
Second: McMahon

That the information be received and noted.

Carried 32170511

13.02 Reports for Decision

13.02.01 Hightop FM – Permanent Use of a Room at the Information Centre

File: A3.1

Moved: Doney
Second: McMahon

That the request to permanently occupy the Information Centre small meeting room for the purpose of broadcasting Hightop FM community radio be declined.

Carried 33170511

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

It was noted that the General Manager be requested to meet with Hightop FM regarding other avenues to be explored.

13.02.02 Upcoming Meetings

File: A1.2.1

Moved: Fitzpatrick
Second: McMahon

That no delegate attend the Future of Local Government Summit.

Carried 34170511

13.02.03 Signage

File: A3.1.1

Moved: O'Bernier
Second: Sullivan

That new signage on the entrances to Oberon noting Council's sister city relationship with Eceabat be investigated and a report be provided to Council regarding costs.

Carried 35170511

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General Manager

Mayor

13.02.04 Code of Conduct Matter

File: A2.21

Moved: Doney
Second: Gibbons

That the report be noted.

Carried 36170511

13.03.01 General Business – General Manager

Nil

14 New Business of an Urgent Nature Admitted by Council

Nil

Council rose for dinner at 8.32pm.

The meeting resumed at 9.05pm.

15 Closed Session Reports

Sub-division at 70 Dart Street, Oberon

File No: PO16.70

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: McCarthy
Second: Doney

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 37170511

Council closed the meeting at 9.06pm. There were no members of the public present at this point in time.

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General Manager

Mayor

Moved: McCarthy
Second: Doney

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

Carried 38170511

Open Council resumed at 9.14pm.

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.

Moved: McCarthy
Doney: Doney

That provision of \$4,000 be made in the 2011/12 budget to facilitate the subdivision of the identified car parking spaces at the rear of 70 Dart Street Oberon.

Carried 39170511

11.02.09 2011/12 Management Plan, Budget and Fees and Charges

File: C15.4, C15.5

Moved: McCarthy
Second: McMahan

1. The draft Budget for 2011-2012 and annual financial forecasts to 2015-2016 be adopted subject to the inclusion of \$5,000 towards the 2011 Country and Regional Living Expo and the provision of \$4,000 be made from the Land Reserve to facilitate the subdivision of the rear of 70 Dart Street, Oberon.
2. The draft Management Plan (including the draft budget and draft schedule of fees and charges) for 2011-2012 be adopted and advertised for a period of 28 days for the receipt of public submissions, and
3. The draft Management Plan (including the draft budget and draft schedule of fees and charges) for 2011-2012 be presented for final adoption, after consideration of any submissions received, at Council's Ordinary Meeting to be held in June 2011.

Carried 40170511

It was noted that Councillor Doney requested a report regarding the revenue generated from the sale of water to commercial and residential customers.

15 Closed Session Reports

15.01.01 Central NSW Councils (CENTROC) Compliance and Cost savings program – Regional Fuel Contract.

File: E7.2, E39.1

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
-

15.01.02 Disposal of Waste Material

File No: E35.1

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
-

15.01.03 Multi Use of the Forest NSW Estate - Tourism

File: P70.2

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
-

15.01.04 Land Use Strategy Update

File: D52.2.4

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:

- (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

15.01.05 Personnel Matter

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)

Moved: O’Bernier
Second: McCarthy

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 41170511

Council closed the meeting at 9.21pm. There were no members of the public present at this point in time.

Moved: McCarthy
Second: McMahan

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

Carried 42170511

Open Council resumed at 10.52pm.

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.

15.01.01 Central NSW Councils (CENTROC) Compliance and Cost savings program – Regional Fuel Contract.

File: E7.2, E39.1

Moved: Fitzpatrick
Second: McCarthy

That Council endorse the selection of both Reliance Petroleum and Hill & Co as Council's fuel suppliers.

Carried 43170511

15.01.02 Disposal of Waste Material

File No: E35.1

Moved: McMahan
Second: McCarthy

That the General Manager be authorised to negotiate an agreement for the disposal of waste material from Lot 24, DP 1148073 to the Oberon Waste depot subject to approval by an independent authority.

Carried 44170511

15.01.03 Multi Use of the Forest NSW Estate - Tourism

File: P70.2

Moved: O’Bernier
Second: Fitzpatrick

That a letter be written to the Member for Bathurst expressing the Council’s concern with regards to the conflict of usage between passive tourism and recreational shooters.

Carried 45170511

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

15.01.04 Land Use Strategy Update

File: D52.2.4

Moved: O’Bernier
Second: McMahon

That the information be received and noted.

Carried 46170511

15.01.05 Personnel Matter

File: Personnel

Moved: McMahon
Second: Gibbons

That Council endorse the organisational structure as presented.

Carried 47170511

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 21 June 2011, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

This concluded the business and the meeting rose at 10.53pm.

Confirmed this _____ day of _____ 2011.

General Manager

Mayor

General Manager

Mayor