

137-139 Oberon Street  
PO Box 84  
Oberon NSW 2787

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



**OBERON COUNCIL**

*Unconfirmed Minutes  
Oberon Council Ordinary General Meeting  
Tuesday 21 June 2011  
5.30pm Council Chambers*

5.30pm	Opening of meeting
8.15pm - 8.45pm	Dinner

<b>01</b>	<b>OPENING OF MEETING</b>	<b>3</b>
<b>02</b>	<b>PRAYER</b>	<b>3</b>
<b>03</b>	<b>RECORD OF ATTENDANCE</b>	<b>3</b>
<b>04</b>	<b>QUESTIONS FROM THE PUBLIC</b>	<b>4</b>
<b>05</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)</b>	<b>5</b>
<b>06</b>	<b>DECLARATIONS OF INTEREST</b>	<b>5</b>
<b>07</b>	<b>MAYORAL MINUTE AND REPORT</b>	<b>6</b>
10.02.02	DEVELOPMENT APPLICATION: 10.2011.10.1	7
11.02.02	BLACK SPRINGS AND BURRAGA WASTE COLLECTION	8
11.02.07	MODIFICATIONS TO THE OBERON LIBRARY	8
11.02.01	LOCAL GOVERNMENT REMUNERATION TRIBUNAL – COUNCILLOR FEES	8
11.02.04	MANAGEMENT PLAN 2011-2012	9
11.02.03	2011/2012 PLANNED DONATIONS PROGRAM	12
<b>08</b>	<b>COUNCILLOR REPORTS</b>	<b>13</b>
<b>09</b>	<b>DELEGATES REPORTS</b>	<b>14</b>
09.01.01	TRAFFIC ADVISORY LOCAL COMMITTEE MEETING	14
09.01.02	MINUTES OF THE OBERON PROMOTIONS COMMITTEE MEETING	14
09.01.03	ARTS OUTWEST DELEGATES REPORT	15
09.01.04	EVENTS COMMITTEE MEETING MINUTES	15
09.01.05	LIBRARY COMMITTEE MEETING MINUTES	15

Page 1 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 June 2011, commencing at 5.30pm.

General Manager

Mayor

**Oberon Council - Agenda and Business Papers – Ordinary Meeting – 21 June 2011,  
commencing at 5.30pm**

<b>10</b>	<b>DIRECTOR OF DEVELOPMENT REPORTS .....</b>	<b>16</b>
10.01	REPORTS FOR INFORMATION.....	16
10.01.01	MONTHLY UPDATE REPORT – DEVELOPMENT DEPARTMENT.....	16
10.01.02	DIRECTOR OF DEVELOPMENT STATUS REPORT.....	16
10.02	REPORTS FOR DECISION.....	17
10.02.01	DEVELOPMENT APPLICATION: 10.2011.21.1.....	17
10.02.03	DEVELOPMENT APPLICATION: 10.2011.23.1.....	17
10.03.01	GENERAL BUSINESS – DEVELOPMENT.....	18
<b>11</b>	<b>DIRECTOR OF CORPORATE SERVICE REPORTS.....</b>	<b>18</b>
11.01	REPORTS FOR INFORMATION.....	18
11.01.01	MONTHLY UPDATE REPORT – CORPORATE SERVICES DEPARTMENT.....	18
11.01.02	STATEMENT OF BANK BALANCES AND INVESTMENTS.....	18
11.01.03	STAFF APPOINTMENTS.....	19
11.01.04	DIRECTOR OF CORPORATE SERVICES STATUS REPORT.....	19
11.01.05	COMMUNITY TRANSPORT.....	19
11.02	REPORTS FOR DECISION.....	20
11.02.05	GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 – PUBLICATION GUIDE.....	20
11.02.06	RURAL FIRE SHEDS LEASE AGREEMENTS.....	20
11.02.08	POLICY REVIEWS.....	20
11.03.01	GENERAL BUSINESS – CORPORATE SERVICES.....	21
<b>12</b>	<b>DIRECTOR OF ENGINEERING REPORTS.....</b>	<b>21</b>
12.01	REPORTS FOR INFORMATION.....	21
12.01.01	MONTHLY UPDATE REPORT – ENGINEERING DEPARTMENT.....	21
12.01.02	DIRECTOR OF ENGINEERING STATUS REPORT.....	21
12.02	REPORTS FOR DECISION.....	22
12.02.01	ABERCROMBIE ROAD OVERTAKING LANE.....	22
12.02.02	GRIDS.....	22
12.03.01	GENERAL BUSINESS – ENGINEERING.....	22
<b>13</b>	<b>GENERAL MANAGER REPORTS.....</b>	<b>23</b>
13.01	REPORTS FOR INFORMATION.....	23
13.01.01	MONTHLY UPDATE REPORT – GENERAL MANAGER.....	23
13.01.02	GENERAL MANAGER STATUS REPORT.....	24
13.02	REPORTS FOR DECISION.....	24
13.02.01	INTERNAL AUDIT COMMITTEE.....	24
13.02.02	UPCOMING MEETINGS.....	24
13.03.01	GENERAL BUSINESS – GENERAL MANAGER.....	24
<b>14</b>	<b>NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL.....</b>	<b>25</b>
<b>15</b>	<b>CLOSED SESSION REPORTS.....</b>	<b>25</b>
15.01.01	LAND SALE OFFER.....	28
15.01.02	WASTEWATER REFUND – ACCOUNT 12365098.....	28
15.01.03	ALBION PARK LAND OFFER.....	28
15.01.04	WASTEWATER REFUND – ACCOUNT 12365016.....	29
15.01.05	WASTEWATER REFUND – ACCOUNT 12369177.....	29
15.01.06	CODE OF CONDUCT MATTER.....	29
15.01.07	LGFS INVESTMENT – LEGAL ACTION UPDATE.....	29
15.01.08	JENOLAN CARAVAN PARK LEASE.....	30
<b>16</b>	<b>CLOSURE OF MEETING .....</b>	<b>30</b>

## 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 Ian Doney Cr Don Fitzpatrick Cr Neil Francis Cr Kerry Gibbons Cr Zsuzsanna Handelsmann Cr Bob O’Bernier
Officers	Leanne Mash, General Manager John Chapman, Director of Corporate Services Gary Wallace, Director of Development Leigh Robins, Director of Engineering Sharon Swannell, Executive Assistant
Apologies	Cr McCarthy
Moved:	O’Bernier
Second:	McMahon

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

Carried 01210611

## 04 Questions from the Public

---

### Oberon Library

File No: C20.1

Marjorie Armstrong asked if Council would be willing to put aside standard protocol to allow discussion with the gallery in relation to the Library?

Moved: McMahon  
Second: O’Bernier

That the gallery be invited to address Council regarding the Library for 10 minutes.

Carried 02210611

Mrs Armstrong asked Council how serious the Council’s financial situation is that we need to not have a librarian?

The General Manager advised that as there were ongoing negotiations with affected Council employees she is unable to comment on the realignment process at this point.

Mrs Armstrong asked how much money needed to be trimmed off the budget?

The General Manager replied that the proposed realignment is not about financial savings and cost savings were not the motivation for the proposed realignment.

Mrs Armstrong replied that she thinks that the community believe it would be a backward step.

Kathy Sajowitz from the Friends of the Oberon Library addressed Council and advised that the FOOL’s have made a submission to Council in relation to proposed cuts.

### Black Springs and Burruga Waste Collection

File No: E35.1

Mr Peter Dove asked Council about the Black Springs and Burruga Tips. Mr Dove asked would the Council consider opening both transfer stations one day per fortnight with no kerbside collection?

The Mayor took the question on notice and advised the matter will be dealt with in conjunction with the staff report.

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

File No: A1.2.1

Ordinary Meeting 17 May 2011



05.01.01\_Attachment  
\_A\_Unconfirmed\_Minu

Moved: Doney  
Second: McMahon

That the Minutes of the duly convened Ordinary Meeting held on 17 May 2011 be taken as read and confirmed.

Carried 03210611

Matters Arising from the Minutes

Nil

---

## 06 Declarations of Interest

File No: A1.2.4

Pecuniary	-	Nil
Conflicts	-	Councillor Gibbons declared an interest in item 15.01.02 of the staff report; Councillor Gibbons is related to a person who is the subject of the staff report.  Councillor O’Bernier declared an interest in item 15.01.01; Councillor O’Bernier is related to a person who is the subject of the staff report.
Staff	-	Nil

## 07 Mayoral Minute and Report

File No: A1.2.1

### A. Meetings

1. Meeting with Tina Slattery, Aged Care Committee – 17 May 2011
2. RTA Bi-annual Meeting with Council – 19 May 2011
3. Meeting with Member for Bathurst, Paul Toole MP
4. CENTROC Board Meeting – 26 May 2011
5. Oberon Promotions Committee Meeting – 2 June 2011
6. Community Safety Precinct Committee Meeting – Lithgow – 6 June 2011
7. Library Committee Meeting – 7 June 2011
8. Events Committee Meeting – 7 June 2011
9. Meeting with Black Springs and Burruga Community representatives regarding Tips – 9 June 2011
10. Special Meeting regarding Donations – 9 June 2011
11. Meeting with OPTA – 15 June 2011

### B. Representation

1. LGMA Forum – 30 May 2011
2. Local Government Shires Association – 30 May – 1 June 2011

### C. Correspondence

1. Invitation to attend the NSW Local Government in Emergency Management Conference on 2 June 2011
2. Correspondence from Councillor Janet Hayes standing as Vice President of the Shires Association.
3. Invitation from BMLot to attend the Blue Mountains Winter Ball to be held on 29 May 2011
4. Local Government Shires Association regarding Local Government Week and the RH Dougherty Awards
5. From Blue Mountains City Council regarding Bicentenary Crossing Commemorations
6. Keep Australia Beautiful NSW Environmental Education Program for Primary Schools
7. Invitation to attend the NSW RFS Chifley Fire Ball to be held on Saturday 4 June 2011 with all proceeds of the event going to the Children's Hospital at Westmead Burns Unit
8. Western Region Academy of Sport – operations and events during the 2010/11 year

Page 6 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 June 2011, commencing at 5.30pm.

**Oberon Council - Agenda and Business Papers – Ordinary Meeting – 21 June 2011, commencing at 5.30pm**

9. Oberon Christian Life Centre – information for the events committee relating to the combined churches of Oberon
10. Rotary Club of Oberon Annual Changeover Dinner – Thursday 16 June 2011
11. Invitation to attend the official launch of Doctors for the Bush on Thursday 16 June 2011
12. The Hon Simon Crean MP, Minister for Local Government regarding constitutional recognition of Local Government
13. The Hon John Cobb MP invitation to attend the official opening of the Bathurst Electorate Office on Friday 24 June 2011

The Mayor advised that further follow up is taking place regarding Council's application to be included in the pilot program for the Broadband rollout.

The Mayor, Councillor Fitzpatrick and the General Manager attended the LGSA Conference. A report has been provided to Councillors in relation to the conference.

---

Moved: McMahon  
Second: O'Bernier

That items 10.02.02, 11.02.02, 11.02.07, 11.02.01 and 11.02.04 be brought forward and dealt with at this point in time.

Carried 04210611

---

**10.02.02 Development Application: 10.2011.10.1**

File: PO40.91

Moved: O'Bernier  
Second: Fitzpatrick

That Development Application 10.2011.10.1 for a proposed shop for the purpose of an Internet Café, Computer Sales and Service at Lot 2 in DP: 186259, 91-93 Oberon Street, Oberon be approved subject to the attached Conditions of Development Consent.

Carried 05210611

In accordance with Section 375A of *The Local Government Act 1993* the following votes are recorded for and against the motion:

Votes For: Councillors Francis, McMahon, O'Bernier, Gibbons, Handelsmann, Fitzpatrick and Sullivan  
Votes against: Councillors Doney

**11.02.02 Black Springs and Burruga Waste Collection**

File No: E35.1

Moved: Doney  
Second: O’Bernier

That the Black Springs and Burruga Waste Transfer stations be opened once per fortnight on a Sunday be adopted for 2011-12 and further that an additional provision of \$8,000 be made in the 2011-12 budget to add to the existing provision of \$7,000 to fund the service.

Carried 06210611

The Mayor thanked the representatives from Black Springs and Burruga for the manner in which the matter has been dealt with.

Councillor Doney asked about recycling options at the Waste Transfer Stations.

The Director of Engineering advised that currently glass is very difficult to dispose of and options are being investigated.

---

**11.02.07 Modifications to the Oberon Library**

File No: C20.1

Moved: Sullivan  
Second: O’Bernier

That the remaining 2010-2011 Local Area Project funds \$7,760 be expended on Talking E Books and expansion of the Library Collection in consultation with staff.

Carried 07210611

---

**11.02.01 Local Government Remuneration Tribunal – Councillor Fees**

File: A1.2.3

Moved: McMahon  
Second: Gibbons

That the annual fee for Councillors and the Mayor for 2011/2012 be increased by 2.8%.

Carried 08210611



11.02.04 Management Plan 2011-2012

File: C15.5

Moved: McMahon  
Second: Sullivan

1. That the following **General Fund** ordinary rates for 2011/2012 be made:

**Farmland** – a base amount of \$185.00, producing 15% of the total amount payable for the category, and an ad valorem amount of 0.239774 cents in the dollar, on all rateable assessments categorised as farmland.

**Residential** – a base amount of \$169.00, producing 43% of the total amount payable for the category, and an ad valorem amount of 0.312553 cents in the dollar, on all rateable assessments categorised as residential.

**Business** – a base amount of \$243.00, producing 35% of the total amount payable for the category, and an ad valorem amount of 0.372607 cents in the dollar, on all rateable assessments categorised as business.

**Residential Rural** – a base amount of \$174.00, producing 28% of the total amount payable for the category, and an ad valorem amount of 0.219500 cents in the dollar, on all rateable assessments categorised as residential rural.

**Non-Urban Centres of Population** – a base amount of \$237.00, producing 41% of the total amount payable for the category, and an ad valorem amount of 0.276664 cents in the dollar, on all rateable assessments categorised as non-urban centres of population.

2. That the following **Town Improvement Fund** special rates for 2011/2012 be made on all rateable properties within the zoned Oberon Town area:

**Residential** – an ad valorem amount of 0.292510 cents in the dollar on all rateable land in the town improvement area categorised as residential.

**Rural Residential** – an ad valorem amount of 0.392635 cents in the dollar on all rateable land in the town improvement area categorised as rural residential.

**Business** – an ad valorem amount of 0.626889 cents in the dollar on all rateable land within the town improvement area categorised as business.

**Farmland** – an ad valorem amount of 0.224092 cents in the dollar on all rateable land within the town improvement area categorised as farmland.

3. That the following **Waste Water (Sewerage) Service** Charges for 2011/2012 be made:

- a) A charge of \$388.00 for all residential properties accessible to the waste water system, consisting of an access charge of \$107.00 and a usage charge of \$281.00
- b) An access charge for all non-residential properties accessible to the waste water system, levied in accordance with the size of the water meter for the respective property, as follows:

<b>Meter Size</b>	<b>Charge (\$)</b>
20 mm (¾")	\$ 105.00
25 mm (1")	\$ 164.00
30 mm (1¼")	\$ 236.00
38 mm (1½")	\$ 379.00
50 mm (2")	\$ 656.00
80 mm (3¼")	\$1,680.00
100 mm (4")	\$2,625.00
150 mm (6")	\$5,900.00

- c) A usage charge of \$1.28 per kilolitre for all non-residential properties accessible to the waste water system, based upon the estimated volume discharged into the waste water system utilising total water consumption figures, together with the SDF (Sewage Discharge Factor) determined for each property.

4. That the following **Water Service** charges for 2011/2012 be made:

- a) A base charge of \$141.00 and a consumption charge for water of \$1.49 per kilolitre.
- b) A special levy to be applied to each water meter, to be set aside for the payment of the water treatment plant at Oberon, as follows:

<b>Meter Size</b>	<b>Charge (\$)</b>
20 mm (¾")	\$ 100.00
25 mm (1")	\$ 156.00
30 mm (1¼")	\$ 225.00
38 mm (1½")	\$ 361.00
50 mm (2")	\$ 625.00
80 mm (3¼")	\$1,600.00
100 mm (4")	\$2,500.00
150 mm (6")	\$5,625.00

and any other meter size to be charged in accordance with the formula of the radius squared in mm x \$1.00.

5. That:

- a) The following **Domestic Waste Management** charges for 2011/2012 be made:

Vacant Land - \$30.00 per annum

A 240 litre bin weekly collection service - \$176.00 per annum

- b) The following **Non-Domestic Waste Management** charges for 2011/2012 be made:

A 240 litre bin weekly collection service - \$176.00 per annum

6. That the Management Plan as advertised for 2012/2016 (subject to the amendments as listed below) incorporating the adopted Fees and Charges and Budget, be adopted.

- Page 7 of Draft Budget: Item 03100.0355 Computer/IT Costs – reduce 2011/2012 by \$10,000 to \$165,000 to reflect saving generated from moving to the Civica Managed Services arrangement
- Page 23 of Draft Budget: Item 03915. Oberon Summer Festival Expenditure – re-titled “Oberon Festivals Expenditure” to incorporate all Festivals
- Page 50 of Draft Budget: Item 03710.0390 Library Resources – Data Bases/Periodicals – reinstate previous vote for data bases – increase by \$4,000 to \$9,600
- Page 50 of Draft Budget: item 3713. Readeo Expenditure – re-titled “Community Engagement Expenditure” to provide flexibility for alternative community engagement events
- That \$8,000 be allocated from the Garbage Reserve to fund provision of services for Burruga and Black Springs waste transfer stations for 2011/12.
- That the provision of a kerbside collection service at Burruga and Black Springs be deleted from the 2011/12 Management Plan.

Carried 09210611

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

---

**Oberon Council - Agenda and Business Papers – Ordinary Meeting – 21 June 2011,  
commencing at 5.30pm**

**11.02.03 2011/2012 Planned Donations Program**

File: A3.3

Moved: O’Bernier  
Second: Doney

1. That financial and in-kind support totalling \$21,891 as determined at the June 2011 donations meeting be approved as detailed in the table below.

<i><b>Applicant</b></i>	<i><b>Purpose</b></i>	<i><b>Funding Sought</b></i>	<i><b>Funding recommended</b></i>
<b>Educational</b>			
Burruga Public School	Speech therapy program	\$2,880	\$2,880
Central Tablelands Industry Links Group	Work Placements and TAFE qualifications for students	\$500	\$500
Country Women’s Association.	Public Speaking Contest	\$100	\$100
Black Springs Public School	Annual Presentations	\$0	\$150
Burruga Public School	Annual Presentations	\$0	\$150
Oberon High School	Annual Presentations	\$0	\$150
Oberon Public School	Annual Presentations	\$300	\$150
O’Connell Public School	Annual Presentations	\$0	\$150
St Joseph’s Central School	Annual Presentations	\$0	\$150
<b>Sporting</b>			
Oberon Junior Rugby League	Presentation Day	\$750	\$500
Western Region Academy of Sport	Academy Operations	\$260	\$260
<b>Community and Culture</b>			
Evans Community Options * Subject to referral and consultation with Council’s Seniors Welfare Committee	Assist with outings for Oberon clients	\$3,000	\$1,000*
Highland Steam and Vintage Fair	Assistance towards Annual Fair	\$7,500	\$7,000
Oberon Men’s Shed	Assist with ongoing costs	\$1,000	\$500
Oberon Show Society	Miss Show Girl Competition	\$2,000	\$1,500
O’Connell Picnic Day Committee	Assist towards family picnic day	\$2,500	\$500 in kind
Lifeline Central West	Telephone counsellor training	\$1,000	\$500
Regional Living and Country Expo	Contribution to Expo costs for 2011	Not specified	\$5,000
Telstra Child Flight	Assist with the purchase of a BBQ or something to support local fund raising efforts	Not specified	\$500
<b>Other</b>			
Bathurst Council Sister City Okhuma	Assistance towards recovery from the tsunami	\$250	\$251

2. That letters be forwarded advising the unsuccessful applicants as detailed in the table below.

<b>Applicant</b>	<b>Purpose</b>	<b>Funding Sought</b>
<b>Educational</b>		
Black Springs P and C	Upgrade playground equipment and shade	\$10,000
<b>Sporting</b>		
Mountain Sports	Kanangra Classic Mountain Bike Enduro	\$8,000
Oberon Campdraft Club	Work to amenities building	\$50,000
Oberon High School Equestrian Team	Team Uniform and Equipment	\$1,000
<b>Community and Culture</b>		
Hightop FM 97.1	Assistance with ongoing costs - provision of the small room at the Information Centre to establish as a broadcast facility	Public daily hire rate is \$120, in-kind support
Oberon Show Society	Repair and Replace PA System	\$5,000
Oberon Tarana Heritage Railway Inc.	Assist with operational costs	\$5,000
<b>Other</b>		
Hampton Wild Dog Working Group	Promotion and advertising to inform residents of wild dog attacks	\$5,000 + representation at meetings

Carried 10210611

## **08 Councillor Reports**

### **Upper Macquarie County Council**

File No: E39.6

Councillor Francis attended the meeting of the Upper Macquarie County Council Meeting held on Friday 10 June 2011. There was nothing of significance to report from the meeting.

### **Rural Fire Service**

File No: F90.1

Councillor Francis advised that it looks likely the Porters Retreat Rural Fire Service will amalgamate with Gurnang.

Councillor McMahon attended the opening of the Jenolan Rural Fire Service Brigade along with the Director of Engineering.

The RFS expressed their gratitude to Council for the assistance given by the Director of Engineering and the financial assistance provided.

## 09 Delegates Reports

---

### 09.01.01 Traffic Advisory Local Committee Meeting

File No: A2.2

Moved: McMahon  
Second: Francis

That:

1. The application for B-Double access on Cosgrove Road off Abercrombie Road not be approved.
2. The application for 25m B-Double access on Mayfield Road from Sewells Creek Road to Munjarra Forest Road be approved.
3. The application for 25m B-Double access on Sewells Creek Road, from Abercrombie Road to Roberts Road be approved subject to Forests NSW providing off road parking.
4. The application for 25m B-Double access on Mt Werong Road, from Shooters Hill Road to Banshee Road be approved.
5. The application for 25m B-Double access on Beaconsfield Road, from Abercrombie Road to Skinners Road, not be approved.
6. The application for 25m B-Double access on the first 1.2km of Felled Timber Road from Abercrombie Road, not be approved.

Carried 11210611

---

### 09.01.02 Minutes of the Oberon Promotions Committee Meeting

File No: A2.17

Moved: McMahon  
Second: O'Bernier

That:

1. The minutes of the Oberon Promotions Committee Meeting held on 2 June 2011 be received and accepted.
2. A letter be written to Highland Pine Products, Carter Holt Harvey and Borg Panels seeking a representative to join the Oberon Promotions Committee.
3. That staff be requested to investigate suitable sources of funding for the 'Travelling Billboard' project.

Carried 12210611

---

Page 14 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 June 2011, commencing at 5.30pm.

**09.01.03 Arts OutWest Delegates Report**

File: P72.7

Moved: O’Bernier  
Second: Doney

That the information be received and noted.

Carried 13210611

---

**09.01.04 Events Committee Meeting Minutes**

File No: A2.5

Moved: McMahon  
Second: Sullivan

That the Minutes of the Events Committee Meeting held on 7 June 2011 be received and noted.

Carried 14210611

---

**09.01.05 Library Committee Meeting Minutes**

File No: A2.8

Moved: O’Bernier  
Second: Doney

That:

1. The minutes of the Library Committee Meeting held on 7 June 2011 be received and noted.
2. That the Council reconsider the 2011/2012 capital expenditure budget item relating to resource purchases for the Library and consider reinstating expenditure levels reflective of 2010/2011

Carried 15210611

---

## 10 Director of Development Reports

---

### 10.01 Reports for Information

File No: A1.2.1

Moved: O’Bernier  
Second: McMahan

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 16210611

---

### 10.01.01 Monthly Update Report – Development Department

File: A1.2.1

Moved: O’Bernier  
Second: McMahan

That the information be received and noted.

Carried 17210611

---

### 10.01.02 Director of Development Status Report

File: A1.2.1

Moved: O’Bernier  
Second: McMahan

That the information be received and noted.

Carried 18210611

---



**10.02 Reports for Decision**

**10.02.01 Development Application: 10.2011.21.1**

File: PR141.95

Moved: McMahon  
Second: Doney

That delegation be granted to Councils Director of Development to vary part J.7.2.7 “Ancillary Buildings” of Oberon’s Development Control Plan 2001 by Council to allow the construction of a 36 square metre colour bond clad garage and associated awning on Lot 33 in DP: 785503, 95 Harris Road, Oberon.

The motion was put and lost – the Mayor used his casting vote and the status quo remained.

In accordance with Section 375A of *The Local Government Act 1993* the following votes are recorded for and against the motion:

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

**10.02.03 Development Application: 10.2011.23.1**

File: PO7.13

Moved: McMahon  
Second: Gibbons

That delegation be granted to Councils Director of Development to vary part C.5.5 “Building Height Plane” of Oberon’s Development Control Plan 2001 by Council to allow the construction of a split level residential dwelling on Lot 14 in DP: 736270, 13 Blenheim Avenue, Oberon.

Carried 19210611

In accordance with Section 375A of *The Local Government Act 1993* the following votes are recorded for and against the motion:

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

**10.03.01 General Business – Development**

Nil

---

**11 Director of Corporate Service Reports**

---

**11.01 Reports for Information**

File No: A1.2.1

Moved: McMahon  
Second: O’Bernier

That the Director of Corporate Services reports for information as presented in Report 11.01.01 to 11.01.05 of the Business Papers be received and noted by Council.

Carried 20210611

---

**11.01.01 Monthly Update Report – Corporate Services Department**

File No: A1.2.1

Moved: McMahon  
Second: O’Bernier

That the information be received and noted.

Carried 21210611

---

**11.01.02 Statement of Bank Balances and Investments**

File: C17.1

Moved: McMahon  
Second: O’Bernier

That the information be received and noted.

Carried 22210611

---

**11.01.03 Staff Appointments**

File: C19.1

Moved: McMahon  
Second: O’Bernier

That the information be received and noted.

Carried 23210611

---

**11.01.04 Director of Corporate Services Status Report**

File: A1.2.1

Moved: McMahon  
Second: O’Bernier

That the information be received and noted.

Carried 24210611

---

**11.01.05 Community Transport**

File: A5.3

Moved: McMahon  
Second: O’Bernier

That the information be received and noted.

Carried 25210611

---

**11.02 Reports for Decision**

---

**11.02.05 Government Information (Public Access) Act 2009 – Publication Guide**

File: A2.1

Moved: McMahon  
Second: Doney

That the Oberon Council Publication Guide as reviewed be submitted to the Office of Information Commission for approval.

Carried 26210611

---

**11.02.06 Rural Fire Sheds Lease Agreements**

File: F90.6

Moved: Fitzpatrick  
Second: Francis

That the information be received and noted.

Carried 27210611

---

**11.02.08 Policy Reviews**

File: A1.2.7

Moved: O’Bernier  
Second: McMahon

That the following Policies remain unchanged:

- a) Policy 4101 - Land Acquisition for Roadwork
- b) Policy 4102 - Access roads to Subdivision

Carried 28210611

---

**11.03.01 General Business – Corporate Services**

**Donations**

File No: A3.3

Councillor Doney requested a report outlining the donations provided over the last four years inclusive of 2011/12.

The Director of Corporate Services will provide a report as per the request.

---

**12 Director of Engineering Reports**

**12.01 Reports for Information**

File No: A1.2.1

Moved: McMahon  
Second: Francis

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 29210611

---

**12.01.01 Monthly Update Report – Engineering Department**

File: A1.2.1

Moved: McMahon  
Second: Francis

That the information be received and noted.

Carried 30210611

---

**12.01.02 Director of Engineering Status Report**

File No: A1.2.1

Moved: McMahon  
Second: Francis

That the information be received and noted.

Carried 31210611

---

**12.02 Reports for Decision**

---

**12.02.01 Abercrombie Road Overtaking Lane**

File No: E30.1.4

Moved: O'Bernier  
Second: Francis

That no overtaking lane be incorporated into the next stage of reconstruction of Abercrombie Road south of Sewells Creek Road and that it be considered in the 2012/13 planning.

Carried 32210611

---

**12.02.02 Grids**

File No: E31.1

Moved: O'Bernier  
Second: Gibbons

That the information be received and noted.

Carried 33210611

---

**12.03.01 General Business – Engineering**

**Sloggetts Road**

File No: R16

Councillor McMahon asked if Sloggetts Road had been inspected.

The Director of Engineering advised that staff have inspected the road and that the road will require gravel resheeting.

## The Common

File No: E34.9

Councillor Gibbon asked if there has been consideration given to fencing the dam at the Common.

The Director of Engineering advised that a meeting was recently held with Council's Insurance Assessor who advised that signage needed to be improved and relocated at the Common and in particular signage needs to be included about the variable depth of the water. The assessor provided an opinion that it was not a requirement to fence the dam.

---

## 13 General Manager Reports

---

### 13.01 Reports for Information

File No: A1.2.1

Moved: McMahon  
Second: O'Bernier

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 34210611

---

### 13.01.01 Monthly Update Report – General Manager

File: A1.2.1

Moved: McMahon  
Second: O'Bernier

That the information be received and noted.

Carried 35210611

---

**13.01.02 General Manager Status Report**

File: A1.2.1

Moved: McMahon  
Second: O'Bernier

That the information be received and noted.

Carried 36210611

---

**13.02 Reports for Decision**

---

**13.02.01 Internal Audit Committee**

File: C15.1

Moved: Handelsmann  
Second: McMahon

That the internal audit reports and minutes from the internal audit committee be noted and received for information and that quarterly updates be provided to Council regarding implementation of the recommendations from the report.

Carried 37210611

---

**13.02.02 Upcoming Meetings**

File: A1.2.1

Moved: O'Bernier  
Second: Gibbons

That no delegate attend the Sister Cities Australia 2011 Annual Conference.

Carried 38210611

---

**13.03.01 General Business – General Manager**

Nil



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

Nil

---

## 15 Closed Session Reports

---

### 15.01.01 Land Sale Offer

File No: PO 2.8

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.

---

### 15.01.02 Wastewater Refund – Account 12365098

File Nos: C16.1 and PO26.3

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.

---

### 15.01.03 Albion Park Land Offer

File No: E38.4

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:

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

---

**15.01.04 Wastewater Refund – Account 12365016**

File Nos: C16.1 and PO26.38

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

---

**15.01.05 Wastewater Refund – Account 12369177**

File Nos: C16.1 and PO40.107-109

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

---

**15.01.06 Code of Conduct Matter**

File: P73.1

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)

*For Council Decision*

---

**15.01.07 LGFS Investment – 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

---

**15.01.08 Jenolan Caravan Park Lease**

File: PO14.7

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 39210611

*Council closed the meeting at 7.42pm, members of the public present at this point in time left the meeting.*

Councillor O’Bernier declared an interest in item 15.01.01; Councillor O’Bernier is related to a person who is the subject of the staff report. Councillor O’Bernier left the meeting at 7.42pm.

Councillor O’Bernier returned to the meeting at 7.45pm.

Councillor Gibbons declared an interest in item 15.01.02 of the staff report; Councillor Gibbons is related to the person who is the subject of the report. Councillor Gibbons left the meeting at 7.46pm.

Councillor Gibbons returned to the meeting at 7.49pm.

Moved: O’Bernier  
Second: McMahan

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

Carried 40210611

Page 27 of the Minutes of the duly convened Ordinary Meeting of Oberon Council held at the Council Chambers, Oberon on Tuesday, 21 June 2011, commencing at 5.30pm.

*Open Council resumed at 8.09pm.*

The following resolutions made by 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 Land Sale Offer**

File No: PO 2.8

Moved: Fitzpatrick  
Second: Handelsmann

That the offer to purchase Lot 5 DP 241148 be accepted.

Carried 41210611

---

**15.01.02 Wastewater Refund – Account 12365098**

File Nos: C16.1 and PO26.3

Moved: McMahon  
Second: Handelsmann

That a refund of \$1,110.27 be approved given the extenuating circumstances of Wastewater Account 12365098.

Carried 42210611

---

**15.01.03 Albion Park Land Offer**

File No: E38.4

Moved: Doney  
Second: Fitzpatrick

That the offer to purchase the identified 2,750m<sup>2</sup> lot in Maher Drive for \$86,080 + GST be accepted.

Carried 43210611

---

**15.01.04 Wastewater Refund – Account 12365016**

File Nos: C16.1 and PO26.38

Moved: Fitzpatrick  
Second: Handelsmann

That a refund of \$1960.14 be approved given the extenuating circumstances of Water Account 12365016.

Carried 44210611

---

**15.01.05 Wastewater Refund – Account 12369177**

File Nos: C16.1 and PO40.107-109

Moved: Gibbons  
Second: Handelsmann

That a refund of \$194.61 be approved given the extenuating circumstances of waste water Account 12369177.

Carried 45210611

---

**15.01.06 Code of Conduct Matter**

File: P73.1

Moved: O’Bernier  
Second: McMahon

That the report presented to Council be noted.

Carried 46210611

---

**15.01.07 LGFS Investment – Legal Action Update**

File Nos: A6.2, C17.2.2

Moved: O’Bernier  
Second: Handelsmann

That no action be taken in relation to this matter.

Carried 47210611

---

**15.01.08 Jenolan Caravan Park Lease**

File: PO14.7

Moved: O’Bernier  
Second: Doney

That Council enter into lease arrangements in relation to the Oberon Recreation (D590077) Reserve Trust with MJBA Pty Ltd inclusive of the Jenolan Caravan Park and the residence located on the site for the periods being 2011 – 2016, 2016 – 2021, 2021- 2026 and 2026 – 2031.

Further that the lease arrangements be executed under the Seal of Oberon Council and as such the seal be applied to the lease documents.

Carried 48210611

---

## **16 Closure of Meeting**

The next Ordinary Meeting of Oberon Council will be held on 19 July 2011, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

This concluded the business of the meeting, the meeting rose at 8.10pm.

---

General Manager

---

Mayor

---

General Manager

---

Mayor