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**OBERON COUNCIL**

*Unconfirmed Minutes  
Oberon Council Ordinary General Meeting  
Tuesday 17 April 2012  
5.30pm Council Chambers*

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

\_\_\_\_\_  
Mayor

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## 01 Opening of Meeting

File No: Governance/Meetings/Ordinary

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

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## 02 Prayer

File No: Governance/Meetings/Ordinary

The Meeting was opened in prayer by Pastor Andy Godden.

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## 03 Record of Attendance

File No: Governance/Meetings/Ordinary

Members      Cr Don Fitzpatrick, Mayor - Chair  
                    Cr John McMahan, Deputy Mayor  
                    Cr Ian Doney  
                    Cr Keith Sullivan  
                    Cr Neil Francis  
                    Cr Kerry Gibbons  
                    Cr Clive McCarthy  
                    Cr Bob O’Bernier

Officers        Alan Cairney, General Manager  
                    John Chapman, Director of Corporate Services  
                    Gary Wallace, Director of Development  
                    Aruna Wickramasinghe, Director of Engineering  
                    Peta Heffernan, Community and Customer Services Manager  
                    Sharon Swannell, Executive Assistant

Apologies      Nil

Mr Chris Stevenson from the Xsight Youth Group provided a presentation to Council regarding the group’s activities.

## 04 Questions from the Public

None received.

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

File No: Governance/Meetings/Ordinary

Moved: Sullivan  
Second: Doney

That the Minutes of the duly convened Ordinary Meeting held on 20 March 2012 be taken as read and confirmed.

Carried 01170412

Matters Arising from the Minutes

Nil

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## 06 Declarations of Interest

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Conflicts	-	Nil
Staff	-	Nil

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## 07 Mayoral Minute and Report

File No: Governance/Meetings/Ordinary

### A. Meetings

1. Ordinary Council Meeting – 20 March 2012
2. Meeting regarding Land for Aged Care – 28 March 2012
3. Works Committee Meeting – 3 April 2012

### B. Representation

1. Seniors Expo – Oberon RSL Club – 17 March 2012
2. Robert (Bob) Hooper Community Centre Official Opening – 21 March 2012
3. Oberon Neighbourhood Centre Opening – 21 March 2012

### C. Correspondence

1. State and Regional Development Committee inviting submissions to the Inquiry into Inter-Regional Public Transport – submissions close 18 May 2012
2. Transport NSW regarding the NSW Long Term Transport Master Plan Discussion Paper – submissions close 27 April 2012
3. ALGWA NSW Branch seeking support for the Moree Flood Appeal
4. NSW Police Force – Community Safety Precinct Committee Meeting Minutes
5. Oberon High School requesting Council to investigate the weather-proofing of the Oberon Swimming Pool
6. Invitation to attend the NSW Police Force 150<sup>th</sup> Anniversary of Policing celebrations
7. Invitation to attend the Country Women's Association of NSW 25<sup>th</sup> Public Speaking Celebration Launch being held on 21 April 2012
8. Shires Association of NSW Brief on Local Government Review Panel
9. Oberon Golf Club regarding Recycled Water Project
10. Invitation to attend the 3<sup>rd</sup> Sustaining Rural Communities Conference on 18 – 19 April 2012
11. NSW Heart Foundation – Healthy Community Awards 2012

**Don Fitzpatrick**  
Mayor

**07.01.01 Delegation to General Manager**

File No: Human Resources/Delegations

*Executive Summary*

In accordance with Section 377 (1) of the Local Government Act Council may by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council, other than those listed in that Section. A draft delegation document was presented to the meeting for endorsement.

Moved: McCarthy

Second: O’Bernier

That the Delegations to the General Manager as presented be endorsed by Council.

Carried 02170412

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**08 Councillor Reports**

Councillor Francis provided a verbal report regarding the last meeting of the Rural Fire Service. Councillor Francis will raise a matter in relation to the O’Connell Fire Shed in General Business.

Councillor Sullivan provided a verbal report regarding the last meeting of the Seniors Welfare Committee. Discussions are still underway for the possible establishment of a mechanism to capture donations and bequests to benefit seniors’ welfare in the Oberon Local Government Area.

Moved: Sullivan

Second: Gibbons

That the General Manager be requested to undertake discussions with the executor of the estate of the late Leath Johnston for the purpose of securing the funds for aged care.

Carried 03170412

Councillor O’Bernier attended a meeting of the Oberon Correctional Centre Consultative Committee held on 22 March 2012. A further meeting will be held on 10 May 2012 at the Correctional Centre to coincide with the Gurnang Life Challenge Graduation Ceremony.

## 09 Inwards Correspondence

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### 09.01.01 Correspondence from NSW Division of Local Government

File No: Gov. Relations/Local and Regional Liaison/DLG

#### *Executive Summary*

By way of a Circular to Councils, the Division of Local Government has written to advise of changes to the Election Funding, Expenditure and Disclosures Act 1981.

Moved: O’Bernier  
Second: Doney

That the information be received and noted.

Carried 04170412

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## 10 General Manager Reports

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### 10.01 Reports for Information

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#### 10.01.01 Monthly Update Report – General Manager

File: Governance/Meetings/Ordinary

Moved: Doney  
Second: Sullivan

That the information be received and noted.

Carried 05170412

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**10.01.02 General Manager Status Report**

File: Governance/Meetings/Ordinary

Moved: Sullivan  
Second: O’Bernier

That the information be received and noted.

Carried 06170412

Moved: Sullivan  
Second: McCarthy

That Council seek a meeting with the State Member to progress issues in relation to transport access over the Blue Mountains and that a meeting also be sought with the Minister.

Carried 07170412

Moved: Sullivan  
Second: Gibbons

That contact be made with the Federal Member and the Minister for Telecommunications to make representations and advise that Council has been unsuccessful in pursuing a response in relation to the NBN.

Carried 08170412

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**10.02 Reports for Decision**

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**10.02.01 One Association**

File No: Government Relations/Local and Regional Liaison/LGSA

*Executive Summary*

The Shires Association has produced an update on moves to join the Shires Association and Local Government Association into One Association.

Moved: O’Bernier  
Second: Francis

That this information be received and noted.

Carried 09170412

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**10.02.02 Shires Association Annual Conference**

File No: Government Relations/Local and Regional Liaison/LGSA

*Executive Summary*

The Annual Conference of the Shires Association will be held in Sydney on 4 – 6 June 2012. It is expected the Conference will be preceded by a one day LGMA seminar.

Moved: McMahan  
Second: McCarthy

That the Mayor and General Manager attend the 2012 Annual Shires Conference.

Carried 10170412

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**10.02.03 Local Government Review Panel**

File No: Government Relations/Local and Regional Liaison/LGSA

*Executive Summary*

The Presidents of the Local Government and Shires Association have joined with the Local Government Minister, Don Page MP, to announce the establishment of the Local Government Review Panel.

Moved: McMahon  
Second: Gibbons

That the information be received and noted and that Council take an active part in assisting the Panel.

Carried 11170412

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**10.02.04 Review of Engagement with the RFS**

File No: Government Relations/Local and Regional Liaison/LGSA

*Executive Summary*

The Local Government and Shires Associations have produced a Discussion Paper in response to ongoing concerns expressed by Councils in their relationships with the Rural Fire Service (RFS).

Moved: Sullivan  
Second: McMahon

That the Mayor together with Councils representatives on the Chifley Fire Zone and interested Councillors “workshop” the paper in order to provide advice to the Associations.

Carried 12170412

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**10.02.05 Community Strategic Plan**

File No: Governance/Integrated Planning and Reporting/Community Strategic Plan

*Executive Summary*

The Report Item provides Council with an update on the progress with the preparation of our first Community Strategic Plan (CSP) and an outline of additional requirements for staff and Councillors in the Integrated Planning and Reporting (IP&R) process.

Moved: Sullivan  
Second: Doney

That Council note the requirement to complete the draft CSP for submission to the May Council Meeting and provide input into the timing and location of the proposed Community Information Sessions.

Carried 13170412

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**10.02.06 Memorandum of Understanding – Oberon Council and Oberon Plateau Tourism Association (OPTA)**

File No: Economic Development/Tourism Development/Tourism Development

*Executive Summary*

Discussions have been held to formalise verbal agreements between Council and OPTA in the form of Memorandum of Understanding (MOU). Through the MOU, expectations and guidelines are set out for Council and OPTA clearly.

As a result of the MOU, developing a new brochure policy for the Oberon Visitor Information Centre was required. With the current restructure of Blue Mountains City Council Visitor Information Centre's, brochure policies were revised to exclude **free** display of all Blue Mountains Lithgow Oberon Tourism (BMLOT) members; however for a fee within/outside BMCC LGA they are able to display their brochures. Lithgow City Council is supporting these changes as well.

The brochure policy provides the guidelines to all potential businesses wanting to display their brochures within the centre and outlines the pricing structure available to them.

Moved: McCarthy  
Second: O’Bernier

That:

1. Council support the changes to the Blue Mountains, Lithgow and Oberon Tourism (BMLOT) member’s brochure display agreement between the three Councils comprising the BMLOT
2. Council accepts the current Memorandum of Understanding to exclude free brochure display to Blue Mountains Lithgow Oberon Tourism members instead providing the members with the ability to display their brochure’s under the new Brochure Pricing Structure
3. Council accepts the new Brochure Policy.

Carried 14170412

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## **11 Director of Development Reports**

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### **11.01 Reports for Information**

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#### **11.01.01 Monthly Update Report – Development Department**

File No: Governance/Meetings/Ordinary

Moved: McCarthy  
Second: O’Bernier

That the information be received and noted.

Carried 15170412

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#### **11.01.02 Director of Development Status Report**

File No: Governance/Meetings/Ordinary

Moved: Doney  
Second: O’Bernier

That the information be received and noted.

Carried 16170412

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**11.02 Reports for Decision**

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**11.02.01 Development Application 10.2011.71.1 and Construction Certificate 11.2011.71.1**

File: PO19.67/PR191.24/PR191.22/PR191.20/PR191.18

Applicant: Oberon Council

Location: Lots 3, 4, 11-13 Section 43 DP 758805 - 18, 20, 22, 24 Edith Road and 67 Dudley Street, Oberon

Proposal: Filling and Levelling of Land

Zone: Village 2(v)

*Executive Summary*

Council is in receipt of combined Development Application 10.2011.71.1 and Construction Certificate 11.2011.6711. Attachment 1 is a complete Section 79C Report, required by the Environmental Planning and Assessment Act 1979 for the filling and levelling of 18, 20, 22, 24 Edith Road and 67 Dudley Street, Oberon.

Moved: McMahon

Second: O’Bernier

That Council determine Development Application 10.2011.71.1 in accordance with the recommendation outlined in the attached Section 79C report.

Carried 17170412

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; Sullivan; O’Bernier; Gibbons; McCarthy; Doney and Fitzpatrick

Votes Against: Nil

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**11.02.02 Development Application 10.2012.6.1 and Construction Certificate 11.2012.6.1**

File: PR23.1173

Applicant: Mr M Youman  
Location: Lot A DP 385582  
Proposal: Animal Boarding Facility  
Zone: Rural 1(a)

*Executive Summary*

Council is in receipt of combined Development Application 10.2012.6.1 and Construction Certificate 11.2012.6.1. Attachment 1 is a complete Section 79C Report, required by the Environmental Planning & Assessment Act 1979 for the construction of an Animal Boarding Facility at 1173 Lowes Mount Road, Oberon.

Moved: Sullivan  
Second: McCarthy

That Council determine Development Application 10.2012.6.1 and Construction Certificate 11.2012.6.1 in accordance with the recommendation outlined in the attached Section 79C report.

Carried 18170412

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; Sullivan; O’Bernier; Gibbons;  
McCarthy; Doney and Fitzpatrick  
Votes Against: Nil

**11.02.03 Development Application 10.2011.75.1 – Oberon Golf Club Additions and Extensions**

File: PO47.107/PO8.26

Applicant: Mr R O'Donnell

Location: Lots 6 & 7 Section 63 DP 758805 & Lot 7307 DP 1141921

Proposal: Additions to Golf Club

Zone: Residential 2(v)

*Executive Summary*

Council is in receipt of combined Development Application 10.2012.75.1 Attachment 1 is a complete Section 79C Report, required by the Environmental Planning & Assessment Act 1979 for assessment of additions and alteration to the existing Oberon Golf Club.

Additionally, Council is in receipt of cost estimates for the proposed works in kind sought by the Oberon Golf Club to assist in preparing the Veolia Mulwaree Trust application. It is considered that the works will be estimated at \$20,000.

Moved: O'Bernier

Second: Doney

That Council determine Development Application 10.2012.75.1 in accordance with the recommendation outlined in the attached Section 79C report.

Carried 19170412

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; Sullivan; O'Bernier; Gibbons;  
McCarthy; Doney and Fitzpatrick

Votes Against: Nil

Moved: McMahon

Second: Doney

That Council submit the proposed cost estimate of \$20,000 for the development of the northern car park for consideration in the preparation of the draft Delivery Program and Operational Plan for 2012-13.

Carried 20170412

## 12 Director of Engineering Reports

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### 12.01 Reports for Information

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#### 12.01.01 Monthly Update Report – Engineering Department

File: Governance/Meetings/Ordinary

Moved: O’Bernier  
Second: McCarthy

That the information be received and noted.

Carried 21170412

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#### 12.01.02 Director of Engineering Status Report

File: Governance/Meetings/Ordinary

Moved: Doney  
Second: Sullivan

That the information be received and noted.

Carried 22170412

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#### 16.01.01 Burruga Fire Shed (note late item)

File: Emergency Services/Bushfire Sheds

##### *Executive Summary*

An application needs to be made to the Land and Property Management Authority to close a crown road to allow for the expansion of the Burruga Bushfire Shed.

Moved: O’Bernier  
Second: Francis

That Council make application to the Land and Property Management Authority to close and transfer the crown road located at DP758196 to allow for the construction of the new fire shed.

Carried 23170412

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## 13 Community and Customer Services Manager Reports

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### 13.01 Reports for Information

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#### 13.01.01 Monthly Update Report – Community and Customer Services Manager

File: Governance/Meetings/Ordinary

Moved: O’Bernier  
Second: Sullivan

That the information be received and noted.

Carried 24170412

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#### 13.01.02 Community and Customer Services Manager Status Report

File: Governance/Meetings/Ordinary

Moved: Doney  
Second: Sullivan

That the information be received and noted.

Carried 25170412

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### 13.02 Reports for Decision

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#### 13.02.01 Swimming Pool Complex

File No: Recreational and Cultural Services/Swimming Pool

##### *Executive Summary*

Council has received correspondence from several members of the community requesting that Council look to ‘weather proof’ the pool and thus potentially extend the swimming season at the Pool Complex. Additionally, a petition that includes 677 signatures has been received.

Moved: Sullivan  
Second: McCarthy

That the Community and Customer Services Manager and the Director of Development investigate design options and the financial ramifications of those options in weather-proofing the 25m Pool at the Oberon Pool Complex.

Carried 26170412

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## **14 Director of Corporate Service Reports**

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### **14.01 Reports for Information**

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#### **14.01.01 Monthly Update Report – Corporate Services Department**

File: Financial Management/Financial Reporting/Periodic Reports

Moved: O’Bernier  
Second: Doney

That the information be received and noted.

Carried 27170412

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#### **14.01.02 Statement of Bank Balances and Investments – 31 March 2012**

File: Financial Management/Investments/Register

##### *Executive Summary*

The statement of Bank Balances and Investments as at 31 March 2012, together with a graphical summary for the period from April 2008 are attached for Council’s information.

Moved: Sullivan  
Second: O’Bernier

That the information be received and noted.

Carried 28170412

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**14.01.03 Corporate Services Status Report**

File: Governance/Meetings/Ordinary

Moved: O’Bernier  
Second: Gibbons

That the information be received and noted.

Carried 29170412

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**14.02 Reports for Decision**

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**14.02.01 Applications for Donations**

File: Community Relations/Donations

*Executive Summary*

During February and March 2012, Council invited expressions of interest from community organisations, sporting bodies and individuals wishing to apply for funding from Council from 1 July 2012 to 30 June 2013. The closing date for submissions was the 23 March 2012.

Moved: O’Bernier  
Second: Sullivan

Submitted for information and consideration for the draft Delivery Program and Operational Plan 2012/13.

Carried 30170412

It was noted that \$250.00 be included for consideration in the draft Delivery Program and Operation Plan 2012/13 for the Xsight Youth Group to assist with the Xsight Factor Talent Quest.

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## 15 Committee Reports

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### 15.01.01 Minutes of the Heritage Committee

File No: Governance/Meetings/Heritage Committee

#### *Executive Summary*

Minutes of the Heritage Committee meeting held on the 26 March 2012 should be received and ratified by Council.

Moved: O’Bernier  
Second: Sullivan

That the Minutes of the Heritage Committee held on the 26 March 2012 be received for information.

Carried 31170412

Moved: Sullivan  
Second: McMahon

That the construction of a stabilized granite pathway through the Avenue of Trees at O’Connell from the bus shelter to the Beaconsfield Road intersection, along the western side between the tree trunks and the fence be costed and considered as part of the Delivery Program and Operational Plan 2012-13.

Carried 32170412

Moved: Sullivan  
Second: O’Bernier

That:

- a. Consideration be given to the re-establishment of the Local Heritage Fund in the 2012/13 budget estimate up to a value of \$8,500.
- b. \$7,000 be considered in the 2012/13 budget to enable the Heritage Committee to complete the Heritage signs in Burruga, Black Springs and O’Connell.

Carried 33170412

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## 15.01.02 Minutes of the Works Committee Meeting

File No: Governance/Meetings/Works Committee

### *Executive Summary*

A meeting of the Works Committee was held on Tuesday 3 April 2012. An inspection of the Common was undertaken at the commencement of the meeting.

A copy of the minutes of the Works Committee Meeting are attached. A summary of the recommendations from the Works Committee are presented for Council's endorsement.

Moved: Sullivan  
Second: O'Bernier

1. That:
  - a. A disabled car park be installed near the recently constructed pathway at the Common which joins Edith Road using blue metal to stabilise the surface
  - b. 'No Parking' signs be erected for the remainder of the Edith Road area
  - c. Signs be erected directing motorists to the parking areas and visitors to the location of the toilets
2. A concept plan be prepared for future development of the Common and Visitor Information Centre precinct and costing of future projects with particular reference to parking facilities for caravans and a road safety awareness park for children be included
3. The cement render on the external walls of the toilet block at the Common be removed and an anti graffiti seal be applied
4. The presentation related to current work practices and funding related to local roads and endorse proposed future strategy within funding constraints
5. The 2012-2017 Plant Replacement Program be approved in principle and further that Council endorse the usage of the plant replacement template for prioritising and replacement of plant
6. The Council note the construction program up to 30 June 2012 and update on Gingkin Road
7. Council note the information on the draft Road Response Risk Management Policy
8. Council approve the purchase of a Caterpillar CB24 Double Drum 3 tonne roller for \$38,000 (exclusive of GST) under the current plant replacement budget
9. Council approve funding any over expenditure of \$30,000 on the Abercrombie Road rehabilitation works from the Road Construction Reserve
10. Contact be made with the RMS in regards to the safety issues around the culvert located on the western side of the O'Connell Avenue between the café and the bus shelter when walking to the bus stop with a view of resolving the safety concerns.
11. Improvements to Todds Road be assessed and an estimate be prepared for consideration with the 2012/13 Draft Budget

12. Staff investigate a proposed purchase of land to facilitate a walkway from Albion Street to the town centre.

Carried 34170412

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## **16 New Business of an Urgent Nature Admitted by Council**

Nil

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## **17 Closed Session Reports**

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### **17.01.01 Heritage Committee**

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.

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### **17.01.02 Disposal of Waste Material**

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 Council is conducting (or proposes to conduct) business.

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Moved: Sullivan  
Second: O’Bernier

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 35170412

*Council closed the meeting at 7.57pm, members of the public present left the meeting at this point in time.*

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**17.01.01 Heritage Committee**

File No: Governance/Meetings/Heritage Committee

Moved: McMahon  
Second: Sullivan

That no action be taken in relation to the request.

Carried 36170412

**17.01.02 Disposal of Waste Material**

File: Waste Management/Service Provision/Commercial Waste

Councillor Doney left the meeting at 8.20pm.

Councillor Doney returned to the meeting at 8.22pm.

Moved: O’Bernier  
Second: McMahan

That the Council approve the contract agreement with CSR to load and haul waste material from Endeavour Street to the Oberon Waste Depot at the prices negotiated and the General Manager be authorised to sign under the Council seal.

Carried 37170412

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

*Open Council resumed at 8.41pm.*

The Mayor advised that resolutions 36170412 and 37170412 were made by Council while the meeting was closed to the public. There were no members of the public present.

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**18 Closure of Meeting**

This concluded the business of the meeting, the meeting rose at 8.42pm.

The next Ordinary Meeting of Oberon Council will be held on 15 May 2012, commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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

\_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Mayor