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OBERON COUNCIL

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

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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.

02 Prayer

The Meeting was opened in prayer by Pastor Ken Bird.

03 Record of Attendance

File No: Governance/Meetings/Ordinary

Members Cr Don Fitzpatrick, Mayor - Chair
 Cr John McMahon, 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 (*until 8:05pm*)
 Gary Wallace, Director of Development (*until 9.57pm*)
 Aruna Wickramasinghe, Director of Engineering (*until 9.57pm*)
 Sharon Swannell, Executive Assistant (*until 9.57pm*)

Apologies Nil

04 Presentations

Nil

05 Questions from the Public

Nil

06 Confirmation of Minutes of Previous Meeting(s)

Governance/Meetings/Ordinary

ORDINARY MEETING 19 JUNE 2012

Moved: O’Bernier
Second: Doney

That the Minutes of the Ordinary Meeting held on 19 June 2012 be taken as read and confirmed.

Carried 01170712

Matters Arising from the Minutes

Nil

SPECIAL MEETING 26 JUNE 2012

Moved: Sullivan
Second: O’Bernier

That the Minutes of the Special Meeting held on 26 June 2012 be taken as read and confirmed.

Carried 02170712

Matters Arising from the Minutes

Nil

07 Declarations of Interest

Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Conflicts	-	Nil
Staff	-	Nil

Moved: O’Bernier
Second: Sullivan

That item 12.01.01 be brought forward and dealt with at this point in time.

Carried 03170712

**12.01.01 AMENDMENT TO DRAFT LAND USE STRATEGY – O’CONNELL
URBAN CONSERVATION AREA – EXISTING CONSTRAINTS**

File No: Land Use and Planning/Land Management/Land Use Strategy

Author: Gary Wallace, Director of Development

Summary

At the 19 June 2012 Ordinary Meeting Council resolved to endorse amendments to the Oberon Draft Land Use Strategy apart from those proposed relating to the O’Connell Urban Conservation Area (UCA). Further, Council resolved:

That the consideration of the O’Connell Urban Conservation Area be re-considered at Council’s Ordinary Meeting to be held on 17 July 2012 and that the Director of Development provide a report regarding the current constraints contained within the current legislative environment.

This Report Item identifies current constraints placed over land currently within the UCA of O’Connell.

Moved: O’Bernier
Second: McCarthy

1. That the information be received and noted.
2. That Council endorse the amendment to the Draft Land Use Strategy relating specifically to the O’Connell Urban Conservation Area and forward the document to the Department of Planning and Infrastructure for final endorsement.

The motion was put and lost.

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; O’Bernier; McCarthy and Doney
Votes Against: Councillors Francis, McMahon; Gibbons and Fitzpatrick. The Mayor used his casting vote.

Moved: Sullivan
Second: Doney

1. That the information be received and noted.
2. That Council endorse the amendment to the Draft Land Use Strategy relating specifically to the O'Connell Urban Conservation Area and forward the document to the Department of Planning and Infrastructure for final endorsement.
3. That Council in addition to the formal exhibition processes associated with the development of the standardised Local Environmental Plan carry out a workshop in O'Connell to enable community input into the preparation of a draft Development Control Plan for the O'Connell Urban Conservation Area.

The motion was put and lost

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; O'Bernier; McCarthy and Doney
Votes Against: Councillors Francis, McMahon; Gibbons and Fitzpatrick. The Mayor used his casting vote.

08 Mayoral Minute and Report

08.01.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary

Author: Cllr Don Fitzpatrick, Mayor

Summary

This report summaries the main activity for the Mayor since the last Council meeting report.

Moved: McMahon
Second: Doney

That Report Item 08.01.01 is received as information.

Carried 04170712

09 Councillor Reports

Councillor Francis advised that the Oberon Rural Fire Service has taken delivery of a new Category 1 Bush Fire Tanker.

Councillor McMahon advised that the Upper Macquarie County Council has not met this month and therefore there was no weeds report.

Page 6 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 17 July 2012.

Community Safety Precinct Committee

File No: Emergency Services/Meetings/Rescue and Emergency Services

Councillor Sullivan provided a verbal report regarding the Community Safety Precinct Committee Meeting held in Lithgow on Monday 2 July 2012. The Oberon crime statistics are o.k. Councillor Sullivan raised concern at the meeting regarding ongoing rural crime, particularly in the Burruga area and requested an increase in Stock Policing. He also advised that Police had put in considerable effort to address the stock theft that was occurring in the Burruga area.

Councillor Francis advised that the Burruga community is still communicating with the Police and another meeting will be held with the Stock Squad in relation to this matter in the near future.

10 Inwards Correspondence

10.01.01 INWARDS CORRESPONDENCE

File No: Governance/Meetings/Ordinary

Author: Hanna Bates, Admin Trainee

Summary

The Report Item provides a summary of incoming correspondence for the period 1 June 2012 to 30 June 2012. These items have been referred to various staff for actioning.

Moved: McMahon
Second: Sullivan

That report item 10.01.01 is received as information.

Carried 05170712

11 Reports for Information

11.01.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER JUNE 2012

File No: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The report item summaries the main activity for the General Manager for the month of JUNE 2012 and includes issues such as Staff Matters, Workplace Health & Safety, Economic Development & Tourism, Council Committees, Regional Matters and Meetings Schedule.

Moved: McMahon

Second: Francis

That report item 11.01.01 is received as information.

Carried 06170712

It was noted that a community meeting will be held at Burruga on Thursday 16 August 2012, commencing at 6.30pm.

11.01.02 STATUS REPORT – ACTIONING COUNCIL DECISIONS

File No: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The report item provides details of the status in actioning Council decisions, and includes all decisions with reference to the actual Resolution Number as shown in the Minutes for each Council Meeting.

Moved: Doney

Second: McCarthy

That report item 11.01.02 is received as information.

Carried 07170712

11.01.03 MONTHLY ACTIVITY REPORT – COMMUNITY SERVICES MANAGER

File: Governance/Meetings/Ordinary

Author: Peta Heffernan, Community Services Manager

Summary

The report item is presented for Councillors information and is reflective of the period 01 June 2012 to 30 June 2012.

Moved: McMahon
Second: Gibbons

That report item 11.01.03 is received as information.

Carried 08170712

11.01.04 MONTHLY ACTIVITY REPORT - TOURISM DEVELOPMENT OFFICER

File No: Economic Development/Tourism Development

Author: Jennifer Youman, Tourism Development Officer

Summary

The report summaries the main activity of the Tourism Development Officer for the month of June 2012 and also relevant Tourism Information activities.

Moved: McCarthy
Second: Francis

That report item 11.01.04 is received as information.

Carried 09170712

11.01.05 MEDIA

File No: Information Management/Information and Communications/Media Releases

Author: Carolyn Hendry, Information and Communications Officer

Summary

The report item provides a list of Media Releases issued during the month of June 2012, a list of the dates where the Mayor's column (From the Mayor's Desk) has been published and a sample of Media Articles where Council is mentioned.

Moved: Doney
Second: Sullivan

That report item 11.01.05 is received as information.

Carried 10170712

11.01.06 SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS – CARETAKER PROVISIONS

File No: Governance/Elections/Local Government

Author: Sharon Swannell, Executive Assistant

Summary

The NSW Division of Local Government has released a Circular to Councils which provides a summary of the new caretaker provisions pursuant to the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Moved: McMahon
Second: Francis

That report item 11.01.06 is received as information.

Carried 11170712

11.01.07 MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Gary Wallace, Director of Development

Summary

The information provides a summary of work activities in the Development Department for the period 1 June 2012 to 30 June 2012.

Moved: McMahon
Second: Gibbons

That report item 11.01.07 is received as information.

Carried 12170712

11.01.08 MONTHLY ACTIVITY REPORT – ENGINEERING DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Aruna Wickramasinghe/Ian Tucker

Summary

The information is presented on activities undertaken by the Director of Engineering during June 2012 and forward planning of current and future works.

Moved: McCarthy
Second: Gibbons

That report item 11.01.08 is received as information.

Carried 13170712

Councillor McCarthy asked why a culvert had not been installed on Baily's Lane when work was carried out in this road.

The Director of Engineering took the question on notice.

11.01.09 DOG ROCKS ROAD CONSTRUCTION AND SEAL

File No: Roads/R15

Author: Aruna Wickramasinghe

Summary

At the Works Committee Meeting held on 26 May 2012, Council requested a report on Dog Rocks Road construction and seal. It is estimated that only about 3km can be constructed and sealed for \$700,000 funding available.

Moved: McCarthy
Second: McMahan

That report item 11.01.09 be received as information.

Carried 14170712

Councillor Gibbons requested additional detail regarding the scope of works and requested the matter be discussed at the Councillor Workshop prior to the next Works Committee Meeting.

The Director of Engineering advised that further information will be provided to the Works Committee Meeting being held on 7 August 2012.

11.01.10 MONTHLY ACTIVITY REPORT – CORPORATE SERVICES DEPARTMENT

File: Financial Management/Financial Reporting/Periodic Reports

Author: John Chapman, Director of Corporate Services

Summary

The details presented a summary of activities within the Corporate Services Department for the period June 1 to June 30 2012.

Moved: McMahan
Second: Sullivan

That Report Item 11.01.10 is received as information.

Carried 15170712

11.01.11 STATEMENT OF BANK BALANCES AND INVESTMENTS – 30 June 2012

File: Financial Management/Investments/Register

Author: John Chapman, Director of Corporate Services

Summary

The statement of Bank Balances and Investments as at 30 June 2012, together with a graphical summary for the period from July 2007 was presented for Council's information.

Moved: McCarthy
Second: Gibbons

That report item 11.01.11 is received as information.

Carried 16170712

12 Reports for Decision

Item 12.01.01 was considered earlier in the meeting.

Moved: Sullivan
Second: Doney

That a Councillor Workshop be held to discuss a way forward in regards to the O'Connell Urban Conservation Area.

Carried 17170712

12.01.02 DEVELOPMENT APPLICATION: 10.2012.24.1

File No: PR260-375

Author: Jaclyn Burns, Senior Development Control Officer

Summary

Council is in receipt of a Development Application 10.2012.24.1 for the construction of a dwelling for Mr I Buoro and Mr D Boland at Lot 1 in DP 1136704, 375 Horseshoe Bend Road, Edith within the Rural 1 (a) zone.

The applicant has requested a variation to Clause B14.12.9 of the Development Control Plan (DCP) 2001 to enable the proposed dwelling to be located within 140m from a private forestry activity to its east and 120m from a private forestry activity to its north.

Furthermore during the notification process for the proposed dwelling a submission was received from an adjoining land owner regarding the location of the dwelling relevant to an existing pine plantation, the potential bushfire hazard and the location of the dwelling relative to Tea-tree Creek.

Accordingly the application is referred to Council regarding the request to vary the DCP for setbacks to private forestry activities and in accordance with Clause H.3.10 of the DCP for the consideration of the issues raised in the submission.

Moved: McCarthy
Second: Sullivan

That Council determine Development Application 10.2012.24.1 in accordance with the recommendation outlined in the attached Section 79C Development Assessment Report.

Carried 18170712

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

**12.01.03 UNION FENOSA WINDFARM PROPOSAL – ESTABLISHMENT OF A
 PRE DEVELOPMENT APPLICATION COMMUNITY CONSULTATIVE
 COMMITTEE**

File: Governance/Meetings/Ordinary

Author: Gary Wallace, Director of Development

Summary

Council is in receipt of a proposal from Union Fenosa, a company seeking development consent for a wind farm development in the Paling Yards locality seeking to implement a Pre Approval Community Consultative Committee (CCC) for the development in association with the draft Wind Farm Guidelines currently being considered by the Department of Planning and Infrastructure (DPI).

The company is seeking representation on the Pre Development Application Committee by an elected Council member.

Moved: McMahon
Second: McCarthy

That Council consider the proposal and nominate the Director of Development to sit on the Pre Development Application Committee, and reconsider nominating a Councillor delegate following the election of a new Council in September 2012.

Carried 19170712

12.01.04 APPOINTMENT TO SECTION 355 COMMITTEES

File No: Governance/Meetings/Section 355 Committees

Author: Peta Heffernan, Community Services Manager and Alan Cairney, General Manager

Summary

This report item provides Council with the nomination from the National Parks and Wildlife for appointment to the Section 355 Oberon Events and Tourism Marketing Committee and provides Councillors the opportunity to report on people approached to be appointed to the Oberon Economic Development Committee.

Moved: Sullivan
Second: McMahon

That:

1. Jules Bros from the National Parks and Wildlife Service be appointed to the Section 355 Oberon Events and Tourism Marketing Committee
2. Andrew Bird and Samantha Lord from the Oberon Business Association be appointed to the Oberon Economic Development Committee
3. Councillors' report on persons approached to participate as members of the Oberon Economic Development Committee and then make appointments to the Committee.

Carried 20170712

12.01.05 PCYC REQUEST FOR CONTRIBUTION TO COMMUNITY DISCO

File No: Community Services/Service Provision/Youth Services

Author: Peta Heffernan, Community Services Manager

Summary

This Report Item provides Council with the request from the PCYC located in Bathurst for a financial contribution to the staging of a community disco.

Moved: O'Bernier
Second: Sullivan

That Council provide a financial contribution of \$1000 towards the staging of two community discos operated by the PCYC of Bathurst.

Carried 21170712

12.01.06 DONATION REQUEST – LIFE EDUCATION AUSTRALIA

File No: Community Relations/Donations/Requests

Author: Sharon Swannell, Executive Assistant

Summary

Correspondence has been received from Life Education Australia requesting a donation towards the Life Education Australia program.

Moved: Sullivan
Second: O’Bernier

That a donation of \$916.00 be provided to the Life Education Australia from the 2012/2013 Financial Assistance Budget.

Carried 22170712

12.01.07 RFS SHED AT BURRAGA

File No: Emergency Services/Bushfire Sheds

Author: Sharon Swannell, Executive Assistant

Summary

Councillor McCarthy has requested this item be listed for discussion.

Moved: McCarthy
Second: McMahan

That a working party be established in conjunction with the Burraga RFS to investigate possible alternate sites for the RFS Shed at Burraga.

Carried 23170712

13 Committee Reports

13.01.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE

File: Governance/Meetings/Local Emergency Management Committee

Author: Ian Tucker, Works Manager

Summary

Minutes of the Local Emergency Management Committee Meeting held on 17 May 2012 were submitted for Council's information.

Moved: Sullivan
Second: Francis

That the Minutes of the Local Emergency Management Committee held on the 17 May 2012 be received for information.

Carried 24170712

13.01.02 HERITAGE COMMITTEE

File No: Governance/Meetings/Heritage Committee

Author: Janet Bailey, Development Control Administration Officer

Summary

Minutes of the Heritage Committee meeting held on the 25 June 2012 were submitted for Council's information.

Moved: Doney
Second: Francis

That the Minutes of the Heritage Committee held on the 25 June 2012 be received for information.

Carried 25170712

13.01.03 TIMBER HERITAGE WALK COMMITTEE MEETING

File No: Governance/Meetings/Timber Heritage Walk Committee

Author: Janet Bailey, Development Control Administration Officer

Summary

Minutes of the Timber Heritage Walk Committee meeting held on the 25 June 2012 were submitted for Council's information.

Moved: Sullivan
Second: Gibbons

That the Minutes of the Timber Heritage Walk Committee held on the 25 June 2012 be received for information.

Carried 26170712

13.01.04 WORKS COMMITTEE MEETING

File: Governance/Meetings/Works Committee

Author: Sharon Swannell, Executive Assistant

Summary

Minutes of the Works Committee Meeting held on 26 June 2012 were submitted for Council's information.

Moved: Doney
Second: O'Bernier

That:

1. The minutes of the Works Committee Meeting held on 26 June 2012 be received for information
2. A cost be prepared to construct the first 250 metres of Todds Road along the most cost effective route and negotiations be undertaken with the landowner
3. In future when Council is developing projects, if a consultant is required as part of the project, the cost be included in the estimate
4. A proposal be presented to the next Traffic Committee Meeting to install a sand-bag trial to convert the southern end of O'Connell Road into a cul-de-sac allowing access for affected residents via Rupert Street

Carried 27170712

13.01.05 TRAFFIC ADVISORY LOCAL COMMITTEE

File: Governance/Meetings/Traffic Advisory Local Committee

Author: Ian Tucker, Works Manager

Summary

Minutes of the Traffic Advisory Local Committee Meeting held on 28 June 2012 were submitted for Council's information.

Moved: McCarthy
Second: McMahon

That:

1. The minutes of the Traffic Advisory Local Committee Meeting held on 28 June 2012 be received and noted.
2. No additional pedestrian crossings be installed in Oberon Street because they are highly unlikely to satisfy the warrants.
3. The Tableland Tour Cycle Race to approved, subject to appropriate conditions.
4. Curtis Street (West) on its approach to Raleigh Street be closed to create a cul-de-sac for a trial period following consultation with the affected property owners.
5. Curtis Street (West) on its approach to Dudley Street be closed to create a cul-de-sac for a trial period following consultation with the affected property owners.
6. O'Connell Road (South) on its approach to Carrington Avenue be closed to create a dead end for a trial period, and that the give way sign to the end of Carrington Avenue at its intersection with O'Connell Road be removed following consultation with the affected property owners.
7. The No Stopping zone on the southern side of Albion Street opposite Gate 3 be extended further east as far as the North Street/Lowes Mount Road intersection.

Carried 28170712

14 New Business of an Urgent Nature Admitted by Council

Summary

Council may consider any new business of an urgent nature at this point in time.

Moved: Sullivan
Second: McCarthy

That Council consider the following matters as they are considered to be of an urgent nature requiring immediate consideration by Council:

- Arkstone Road and the Blue Road
- Bald Ridge Road
- Schumachers Road
- Rubbish on Lowes Mount Road

Carried 29170712

Arkstone Road and the Blue Road

Councillor Francis advised that work had been carried out on Arkstone Road approximately one month ago and there is a large area which has washed. The intersection off the Blue Road also requires pipes and water is running across the road. Councillor Francis requested an on-site meeting with staff.

Bald Ridge Road

Councillor Francis advised that gravel resheeting and grading work has recently been carried out on Bald Ridge Road, however the grader left a large mound of dirt in front of a driveway, which the property owner had to shovel off to access the driveway.

The Director of Engineering will address this matter.

Schumachers Road

Forest operators are currently hauling pines from plantations on Schumachers Road. A large amount of mud has built up on the Burruga Road from the trucks coming out of the forest.

Moved: Francis
Second: McMahon

That a letter be written to the owner of the pine plantation located on Schumachers Road stating that the Roads accessing Council Roads are required to be constructed to the required Council standards and requesting repairs be undertaken on the damaged section of Schumachers Road.

Carried 30170712

Lowes Mount Road

Councillor O’Bernier requests that a letter be sent to Borg Panels requesting the rubbish and dirt accumulating on the road outside the property be cleaned.

The General Manager advised this matter will be raised at the next Oberon Timber Complex Community Consultative Committee Meeting.

15 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 of 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 grounds of legal professional privilege
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.

15.01.01 LEGAL COSTS UPDATE

File No: Legal Services/Reporting

Author: John Chapman,

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.

15.01.02 STAFF MATTER - CONFIDENTIAL

File No: Governance/

Author: Alan Cairney, General Manager

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: Doney
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 31170712

Council closed the meeting at 7.32 pm, the members of the public present left at this point in time.

15.01.01 LEGAL COSTS UPDATE

File No: Legal Services/Reporting

Author: John Chapman, Director of Corporate Services

Summary

A summary of legal costs paid by Council for the five years to 30 June 2012 FOLLOWS.

Moved: McCarthy
Second: McMahan

That the information be received and noted.

Carried 32170712

Council adjourned at 8.05pm. The Director of Corporate Services, John Chapman left the meeting at 8.05pm.

Council resumed at 9.57pm.

It was noted that a Special Meeting will be held to consider the amendments to the O'Connell Urban Conservation Area at 4.30pm on Tuesday 7 August 2012.

Council Staff, with the exception of the General Manager left the meeting at 9.57pm.

15.01.02 STAFF MATTER - CONFIDENTIAL

File No: Governance/

Author: Alan Cairney, General Manager

Summary

There are a number of staffing matters which will be discussed with Council.

Moved: Fitzpatrick
Second: Doney

That the information be received and noted.

Carried 33170712

Open Council resumed at 10.29 pm.

The Mayor advised that resolutions 32170712 and 33170712 were made by Council while the meeting was closed to the public. There were no members of the public present.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 21 August 2012 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

This concluded the business of the meeting. The meeting closed at 10.30pm.

Confirmed this _____ day of _____ 2012.

General Manager

Mayor

General Manager

Mayor