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*Confirmed Minutes
Oberon Council Ordinary General Meeting
Tuesday 21 August 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.

02 Prayer

The Meeting was opened in prayer by Pastor Andy Godden.

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
 Sharon Swannell, Executive Assistant

Apologies Nil

04 Presentations

File No: Governance/Meetings/Ordinary

The Mayor presented a photo to Mr Ian Armstrong and Deputy Mayor John McMahon acknowledging their years of service to the NSW Rural Fire Service.

The Mayor welcomed the “new Councillors”, to be elected from 8 September 2012, who were in the gallery at the meeting, and wished them well in their upcoming term of Council.

05 Questions from the Public

Mr Neville Kurtz asked at the February Ordinary Meeting of Council it was confirmed that the shipping container was to be removed from the library site. The container is still there – when is it going to be removed?

The Director of Development advised Council is currently looking at options available.

06 Confirmation of Minutes of Previous Meeting(s)

File No: Governance/Meetings/Ordinary

ORDINARY MEETING 17 JULY 2012

Moved: McCarthy
Second: Francis

That the Minutes of the Ordinary Meeting held on 17 July 2012 be taken as read and confirmed.

Carried 01210812

Matters Arising from the Minutes

Nil

SPECIAL MEETING 7 AUGUST 2012

Moved: McMahon
Second: Gibbons

That the Minutes of the Special Meeting held on 7 August 2012 be taken as read and confirmed.

Carried 02210812

Matters Arising from the Minutes

Nil

07 Declarations of Interest

Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Conflicts	-	Nil
Staff	-	Nil

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 my last report.

Moved: McMahon
Second: Doney

That report item 08.01.01 is received as information.

Carried 03210212

09 Councillor Reports

Meeting with Police

File No: Community Services/Service Provision/Police Services

Councillor Francis advised that a meeting will be held between the Burruga community and Police regarding ongoing rural crime issues on 10 September 2012, commencing at 7.30pm at the Burruga Sports Club.

Upper Macquarie County Council

File No: Environmental Management/Meetings/Upper Macquarie County Council

Councillor McMahon provided a verbal report regarding the last meeting of the Upper Macquarie County Council held on Friday 3 August 2012. There have been 40 property inspections carried out in the Oberon area and a number of these require work. They will be followed up when the new Council is elected at the Upper Macquarie County Council.

Moved: Sullivan
Second: McMahon

That a letter be sent to the Upper Macquarie County Council requesting Sifton Bush be declared a noxious weed in the Oberon Local Government Area as it exists here outside its natural environment.

Carried 04210812

Community Meetings

File No: Corporate Management/Community Strategic Plan/Community Engagement

Councillor McMahon attended the Community Meeting held in Burruga on 16 August 2012 along with other Councillors and Senior Staff. The meeting was very worthwhile and very well received. Councillors requested that this forum should be considered for other areas in the LGA in future.

The General Manager advised that regular community meetings have been included as one of the action items in the Community Strategic Plan.

Blue Mountains, Lithgow and Oberon Tourism

File No: Economic Development/Regional Tourism/Blue Mountains, Lithgow and Oberon Tourism

Councillor Sullivan attended the Blue Mountains, Lithgow and Oberon Tourism Strategic Planning Meeting held on Thursday 16 August 2012. A full report will be provided in the closed section of the meeting due to the commercial nature of the information.

Lowes Mount Road

File No: Roads/R23

Councillor O’Bernier raised the issue of mud and stones on Lowes Mount Road outside the Borg Panels factory.

Moved: O’Bernier
Second: Sullivan

That a letter be sent to Borg Panels requesting that Lowes Mount Road be cleaned of mud and stones along the perimeter of the factory immediately.

Carried 05210812

Rural Fire Service

File No: Emergency Services/Meetings/NSW Rural Fire Service

Councillor McCarthy attended the last RFS Chifley Liaison Committee Meeting. Councillor McCarthy advised that the financial reports prepared and submitted by Oberon were detailed and well presented.

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 July 2012 to 31 July 2012. These items have been referred to various staff for actioning.

Moved: O’Bernier

Second: Gibbons

That report item 10.01.01 is received as information.

Carried 06210812

11 Reports for Information

11.01.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER JULY 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 July and includes issues such as Staff Matters, Workplace Health & Safety, Economic Development & Tourism, Council Committees, Regional Matters and Meetings Schedule.

Moved: O’Bernier

Second: McMahon

That report item 11.01.01 is received as information.

Carried 07210812

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: McMahon
Second: McCarthy

That report item 11.01.02 is received as information.

Carried 08210812

Councillor McCarthy requested action be taken to address the issues with the Solar Lights at the Common. The lights are not currently working as they are not a common voltage. Staff are requested to contact the Contractor and have the matter resolved as soon as possible.

11.01.03 MONTHLY ACTIVITY REPORT – COMMUNITY SERVICES

File: Governance/Meetings/Ordinary

Author: Alan Cairney, General Manager

Summary

The report is a summary of Community Services activity for July 2012.

Moved: McMahon
Second: McCarthy

That report item 11.01.03 is received as information.

Carried 09210812

11.01.04 MONTHLY ACTIVITY REPORT - TOURISM SERVICES & VISITOR INFORMATION CENTRE ACTIVITY

File No: Tourism Development

Author: Debra Marks, Visitor Information Centre Assistant & Alan Cairney, General Manager

Summary

The report is a summary of Tourism and Visitor Information Centre activities for July 2012.

Moved: Gibbons
Second: McCarthy

That report item 11.01.04 is received as information.

Carried 10210812

11.01.05 MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Gary Wallace

Summary

A summary of the major work carried out in the Development Department for the period 1 July 2012 to 31 July 2012.

Moved: O’Bernier
Second: Francis

That report item 11.01.05 is received as information.

Carried 11210812

11.01.06 MONTHLY ACTIVITY REPORT – ENGINEERING DEPARTMENT

File: Governance/Meetings/Ordinary

Author: Aruna Wickramasinghe, Director of Engineering and Ian Tucker, Works Manager

Summary

The following report is a summary of the main activities undertaken by the Engineering Department during the period 1 July 2012 to 31 July 2012.

Moved: O’Bernier
Second: Gibbons

That report item 11.01.06 is received as information.

Carried 12210812

11.01.07 MONTHLY ACTIVITY REPORT – CORPORATE SERVICES DEPARTMENT

File: Financial Management/Financial Reporting/Periodic Reports

Author: John Chapman, Director of Corporate Services

Summary

The following details present a summary of activity within the Corporate Services Department for the period 1 July to 31 July 2012.

Moved: Sullivan
Second: O’Bernier

That report item 11.01.07 is received as information.

Carried 13210812

11.01.08 LOCAL GOVERNMENT ELECTIONS

File No: Governance/Elections/Local Elections

Author: Alan Cairney, General Manager

Summary

Nominations for the Oberon Council Local Government Elections closed at 12 noon on Wednesday 8 August 2012.

There were nine candidates nominated for election therefore the candidates are taken to be elected from Saturday 8 September 2012 as Councillors until the next Ordinary Election in 2016.

Moved: O’Bernier
Second: Francis

That report item 11.01.08 is received as information.

Carried 14210812

11.01.09 CONSIDERATION OF REFORM PAPERS DURING THE CARETAKER PERIOD

File No: Governance

Author: Alan Cairney, General Manager

Summary

By email, the Division of Local Government has written to Councils regarding the capacity of Council's to respond during the caretaker period to two papers that are circulating for comment at the moment.

Moved: McCarthy
Second: Gibbons

That report item 11.01.09 is received as information.

Carried 15210812

11.01.10 2012 NSW PUBLIC LIBRARIES CONFERENCE

File No: Community Services/Library and Information Access/Library Activities

Author: Kylie Nyssen, Relief Library Officer

Summary

The 2012 NSW Public Libraries Conference which was held on 24 – 26 July 2012 in Port Stevens was attended by the Relief Library Officer. The theme for the Conference was *Imagine the World* (National Year of Reading).

Moved: Doney
Second: McCarthy

That report item 11.01.10 is received as information.

Carried 16210812

11.01.11 ONE ASSOCIATION

File No: Government Relations/Publications/LGSA

Author: Alan Cairney, General Manager

Summary

The Local Government and Shires Association have advised that members of the associations have overwhelmingly voted yes to form a single united Association.

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Moved: McMahon
Second: O’Bernier

That report item 11.01.11 is received as information.

Carried 17210812

11.01.12 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 July 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: O’Bernier
Second: Gibbons

That report item 11.01.12 is received as information.

Carried 18210812

11.01.13 REQUEST FOR FUNDING FOR BIDDY BUSH ERADICATION

File No: Waste Management/Maintenance/Weed Control

Author: Sharon Swannell, Executive Assistant

Summary

Correspondence has been received from the Minister for Primary Industries, The Hon Katrina Hodgkinson MP in response to Council’s representations via Member for Bathurst Paul Tool for additional funding for Sifton (Bidly) Bush eradication.

Moved: McMahon
Second: Francis

That report item 11.01.13 is received as information.

Carried 19210812

11.01.14 STATEMENT OF BANK BALANCES AND INVESTMENTS 31 July 2012

File: Financial Management/Investments/Register

Author: John Chapman, Director of Corporate Services

Summary

The statement of Bank Balances and Investments as at 31 July 2012, together with a graphical summary for the period from August 2007 are provided for Council's information.

Moved: Sullivan
Second: McMahon

That report item 11.01.14 is received as information.

Carried 20210812

12 Reports for Decision

12.01.01 CAPITAL/PROJECT WORKS BROUGHT FORWARD

File No: Financial Management/Budgeting/Allocations

Author: John Chapman, Director of Corporate Services

Summary

A review has been undertaken of the various projects and capital works in progress or not commenced at 30 June 2012.

Following a review by staff, the list provided summarises the relevant projects together with the balance remaining of the funds voted by Council in the 2011-12 budget.

Moved: Doney
Second: McMahon

That the balance of funds voted in 2011-2012 as listed and totalling \$1,634,031 be re-voted for expenditure in 2012-2013.

Carried 21210812

12.01.02 QUARTERLY BUDGET REVIEW STATEMENT AS AT 30 JUNE 2012

File No: Financial Management/Financial Reporting/Quarterly Budget Review

Author: John Chapman, Director of Corporate Services

Summary

The Quarterly Budget Review Statement for the fourth quarter to 30 June 2012 has been distributed as a separate document.

The original budget forecast and subsequent quarterly reviews provided for a net cash (surplus)/deficit for the year ending 30 June 2012 as follows:

Original Budget	\$1,188 Cash Surplus
Quarter 1 Review	\$17,419 Cash Surplus
Quarter 2 Review	\$144,545 Cash Surplus
Quarter 3 Review	\$156,642 Cash Surplus
This (Quarter 4) Review	\$159,433 Cash Surplus

Moved: O’Bernier
Second: Gibbons

That the Quarter 4 Budget Review Statements for 2011/2012 be received and noted.

Carried 22210812

12.01.03 QUARTERLY REVIEW OF MANAGEMENT PLAN 2011/2012

File No: Corporate Management/Management Plan/Management Plan 2012

Author: John Chapman, Director of Corporate Services

Summary

The Report Item provides details on completing actions in the current Management Plan 2011/2012 for the period April to June 2012.

Moved: O’Bernier
Second: Doney

That report item 12.01.03 is received as information.

Carried 23210812

12.01.04 SENIORS WEEK 2013

File: Governance/Seniors

Author: Kathy Beesley, Community Services Liaison Officer

Summary

NSW Seniors Week Grants are provided through the NSW Department of Ageing, Disability and Home Care (DADHC) to support the development and organisation of local NSW Seniors Week projects.

Council is in receipt of an application form for Seniors Week 2013 which will be held from 17 to 24 March 2013.

Moved: Sullivan
Second: Gibbons

That an application be submitted for the 2013 Seniors Week Grant funding and the Seniors Welfare Committee be requested to comment on suitable events/projects that could be considered for Seniors Week 2013.

Carried 24210812

12.01.05 REQUEST TO SUPPORT CAMPAIGN TO IMPROVE FUNDING FOR PALLIATIVE CARE IN NSW

File No: Public Health/Service Provision/Nursing or Aged Care Homes

Author: Sharon Swannell, Executive Assistant

Summary

Council has received a request to support a campaign to improve NSW Government funding for palliative care services by a retired palliative care doctor.

Moved: Sullivan
Second: McMahon

That a petition be displayed in the Council Administration Office, Library and Community Centre seeking community support for increased Government funding for Palliative Care in NSW.

Carried 25210812

12.01.06 OBERON SHOW SOCIETY - DONATION

File No: Community Relations/Donations/Requests

Author: Ian Tucker, Works Manager

Summary

The Oberon Show Society has requested Council's assistance to level an area previously used for a motorcycle display.

Moved: McMahon
Second: Francis

That Council agree to the request from the Show Society for the donation of plant time.

Carried 26210812

13 Committee Reports

13.01.01 OBERON SPORTS FACILITIES COMMITTEE MEETING

File: Governance/Meetings/Oberon Sports Facilities Committee

Author: Sharon Swannell

Summary

Minutes of the Oberon Sports Facilities Committee Meeting held on 1 August 2012 are provided for Council's information.

Moved: McCarthy
Second: McMahon

That:

1. The Minutes of the Oberon Sports Facilities Committee Meeting held on 1 August 2012 be received and noted.
2. Staff be requested to complete rehabilitation of the Sporting Fields using the funds provided under the NSW Communities Sport and Recreation Facilities Grant Program and matching Council contribution based on the priorities previously set by the Committee and further that staff be requested to evaluate where the balance of funds can be sourced to complete the top dressing of all fields.
3. David Dunbar be nominated as an Alternate Delegate representing the Oberon United Football Club on the Oberon Sports Facilities Committee.

Carried 27210812

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It was noted that staff are requested to investigate options for utilising the soil from the Oberon Showground Motorcross Track for a BMX Track if a suitable location can be identified.

The Mayor left the Chambers at 7.19pm.

The Mayor returned to the Chambers at 7.24pm.

Staff are requested to provide a report to the September Ordinary Meeting regarding connecting the Netball Court Toilets to the Sewer.

13.01.02 WORKS COMMITTEE MEETING

File: Governance/Meetings/Works Committee

Author: Sharon Swannell, Executive Assistant

Summary

A meeting of the Works Committee was held on 7 August 2012.

Moved: McCarthy
Second: Gibbons

That:

1. The Minutes of the Works Committee Meeting held on 7 August 2012 be received for information
1. Council seeks to have the issues of access from Jenolan Caves Road onto the Great Western Highway brought forward and addressed as a priority.
2. Support be sought from the State and Federal Members in relation to the Council's concerns about delays and the lack of committed funding for the Great Western Highway Mt Victoria to Lithgow Project and in particular the access from Jenolan Caves Road.
3. The RMS be invited to address Council in relation to the Great Western Highway, Mt Victoria to Lithgow proposal.
4. That Council note the listed projects and construction program for 2112 / 2013.
5. That Council note the information regarding the Golf Club Effluent Reuse Project and note that Council supports the concept of the use of recycled water, however the project is not within the resources of the current Council.
6. That Grant funding be sought to enable the Oberon Golf Club Effluent Reuse Project to proceed.

Carried 28210812

Staff are requested to take corrective action to rectify the area where water is being directed into a paddock at Wilga, which has created a washed area in the landholders paddock.

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General Manager

Mayor

13.01.03 SENIORS WELFARE COMMITTEE

File No: Governance/Meetings/Seniors Welfare Committee

Author: Hanna Bates, Admin Assistant Trainee

Summary

Minutes of the Seniors Welfare Committee meeting held on the 13 August 2012.

Moved: Sullivan
Second: O’Bernier

That report item 13.01.03 is received as information.

Carried 29210812

14 New Business of an Urgent Nature Admitted by Council

Chain of Ponds Road

File No: Roads/R78

Councillor McMahon requested that the Director of Engineering advise the schedule of works for the Chain of Ponds Road. The road currently cannot be accessed by trucks and requires urgent attention.

The Director of Engineering advised that an inspection will be carried out this week.

Burruga Road

File No: Roads/R224

Clr Francis advised that the Burruga Road has broken up quite badly in last week from Burruga to Bald Ridge Road.

Oberon Children’s Centre

File No: PO34.2-4

Councillor Gibbons advised that a request has been received from the Oberon Children’s Centre to mow the verge on the opposite side of King Street. Cars often park there when delivering children and there was an incident last year with a snake.

The General Manager and Director of Engineering have spoken with the Director of the Children’s Centre and have made a commitment to look at this when the footpath is installed.

Black Bullock Road

File No: Roads/R28

Councillor Gibbons requested an update regarding addressing the dust issue at the Hazelgrove Road end of Black Bullock Road.

The Director of Engineering advised that a solution has not been put in place as yet and a couple of options are being trialled.

Todds Road

File No: Roads/R56

The Works Manager has inspected a pipe on Todds Road which is directing water into a residents driveway. Councillor Gibbons advised he has looked at the issue and believes there is a simple solution.

The Director of Engineering will discuss the problem with the resident.

Bank Closure during Lunch Breaks

Councillor McCarthy advised that the Oberon Branch of the Commonwealth Bank has closed several times at lunch time due to a lack of staff.

Moved: McCarthy
Second: McMahon

That a letter be written to the Commonwealth Bank, Oberon Branch asking why the bank is being shut during lunch time and what can be done to address this problem.

Carried 30210812

Councillor Sullivan left the Chambers at 7.34pm

Oberon Fuel Depot

Councillor McCarthy advised that Oberon Caltex customers have received a notice in mail advising they will be changing to Shell. Councillor McCarthy raised concern about the possibility of the Oberon Depot closing.

Moved: McCarthy
Second: Francis

That a letter be sent to Oils Plus in Orange requesting information about the ongoing status of the Caltex Depot in Oberon and expressing the Council's concern regarding safety issues of having a large number of trucks using the Oberon Street garage.

Carried 31210812

Councillor Sullivan returned to the Chambers at 7.37pm.

Industrial Subdivision

Councillor McCarthy asked about the current status of the Council's Industrial Subdivision. Councillor McCarthy received an enquiry from local concreter who advised that Council Staff were unable to provide information about essential services on the Industrial Land.

The General Manager advised that a revised Sub-division Plan has been prepared and staff are currently going through the appropriate approval process.

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 WATER REFUND REQUEST – ACCOUNT 12363447

File No: PO15-120

Author: Amanda McGrath

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.

Moved: McCarthy

Second: Francis

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 32210812

Council closed the meeting at 7.51pm, the members of the public present left at this point in time.

15.01.01 WATER REFUND REQUEST – ACCOUNT 12363447

File No: PO15-120

Author: Amanda McGrath

Summary

By letter received 9 July 2012, correspondence has been received seeking a reduction in water charges. The request seeks a reduction due to a leaking pipe that went unnoticed until the June meter readings were completed.

Moved: McCarthy

Second: McMahon

That a reduction of \$437.32 be approved in accordance with Council's Policy 2201, given the extenuating circumstances of water account 12363447.

Carried 33210812

Open Council resumed at 8.13pm.

The Mayor advised that resolution 33210812 was made by Council while the meeting was closed to the public. There were no members of the public present.

Moved: McCarthy
Second: McMahon

That Council recognise the efforts of Councillor Sullivan, particularly in respect to securing the Aged Care Project for Oberon and congratulate him for his service to the community as a Councillor.

Carried 34210812

Councillor McMahon paid tribute to the service of Councillors Fitzpatrick, Sullivan and O'Bernier for their time on Council.

The Mayor thanked the Councillors and staff and wished the incoming Council best wishes.

16 Closure of Meeting

The next Ordinary Meeting of Oberon Council will be held on 18 September 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 8.24pm.

Confirmed this _____ day of _____ 2012.

General Manager

Mayor

General Manager

Mayor