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**OBERON COUNCIL**

*Unconfirmed Minutes  
Oberon Council Ordinary Meeting  
Tuesday 21 May 2013  
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 Acknowledgement of Country and Prayer

Council acknowledges that this meeting is being held on the traditional lands of the Wiradjuri and Gundungurra People, and respects the history and culture of the elders both past and present.

The Meeting was opened in prayer by Associate Pastor, Mark Derwent.

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## 03 Record of Attendance

**File No: Governance/Meetings/Ordinary**

Members	Mayor John McMahon (in the chair) Deputy Mayor Kerry Gibbons Clr Ian Doney Clr Jill Evans Clr Neil Francis Clr Sam Lord Clr Clive McCarthy Clr John Morgan Clr Kathy Sajowitz
Officers	Alan Cairney, General Manager Gary Wallace, Director of Development Aruna Wickramasinghe, Director of Engineering Sharon Swannell, Executive Assistant
Apologies	Nil

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## 04 Declarations of Interest

**Governance/Councillors/Declarations of Interest**

Pecuniary	-	Nil
Non-Pecuniary	-	Nil

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## 05 Presentations

Nil

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## 06 Questions from the Public

Bruce Nightingale asked a question in relation to the removal of a grid from Swallows Nest Road. Forests NSW removed a grid approximately 18 months ago which now allows Mr Nightingale's stock to travel as far as Mount David and Rockley. Mr Nightingale has requested Forests NSW to reinstate the grid, and they have advised they are prepared to do so, however Council has advised that they will be required to adhere to a number of conditions when replacing the grid.

Mr Nightingale believes the conditions are unwarranted as the grid is a replacement of one that had previously been in place and the road is subject to very few vehicle movements each day. Mr Nightingale sought Council's assistance in providing a solution to this matter.

The General Manager advised that the Director of Engineering will investigate the matter.

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

### Ordinary Meeting 16 April 2013

Moved: Francis  
Second: Sajowitz

That the Minutes of the Ordinary Meeting held on 16 April 2013 be taken as read and confirmed.

Carried 01210513

### Matters Arising from the Minutes

Councillor McCarthy claimed that during consideration of item 12.07 the motion was withdrawn due to lack of a seconder. The General Manager advised the Minutes were correct as Councillor McCarthy had moved the motion and then spoke on the matter before the motion was seconded. He then withdrew the motion.

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## 08 Mayoral Minute and Report

### 08.01 MAYORAL MINUTE AND REPORT

File No: Governance/Meetings/Ordinary  
Author: Councillor John McMahon, Mayor

#### Summary

This report summaries the main activity for the Mayor since my last report.

Moved: Morgan  
Second: Evans

That Report Item 08.01 is received as information.

Carried 02210513

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## 09 Councillor/Delegates Reports

### 09.01 UPPER MACQUARIE COUNTY COUNCIL MEETING

File No: Environmental Management/Meetings/Upper Macquarie County Council  
Author: Cllr John McMahon, Mayor

#### Summary

Councillors Francis and McMahon attended the meeting of the Upper Macquarie County Council held on Friday 3 May 2013.

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Moved: Gibbons  
Second: Francis

That delegates report item 09.01 is received as information.

Carried 03210513

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## 10 Inwards Correspondence

### 10.01 INWARDS CORRESPONDENCE

File No: Governance/Meetings/Ordinary  
Author: Sharon Swannell, Executive Assistant

#### Summary

The Report Item provides a summary of incoming correspondence for April 2013. A copy of correspondence received will be available to be viewed at the Ordinary Council Meeting. If Councillors have any questions regarding correspondence items please address them with the relevant Director.

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Moved: McCarthy  
Second: Lord

That Report Item 10.01 is received as information.

Carried 04210513

## 11 Reports for Information

### 11.01 MONTHLY ACTIVITY REPORT – GENERAL MANAGER

File No: Governance/Meetings/Ordinary  
Author: Alan Cairney, General Manager

#### Summary

The Report Item summaries the main activity for the General Manager for April 2013 including Human Resources and Workplace Health & Safety, Executive Support matters including Council and Committee Meetings, Community Activity, Regional Matters and details of planned activity for the coming months.

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Moved: Sajowitz  
Second: Evans

That report item 11.01 is received as information.

Carried 05210513

### 11.02 LOCAL GOVERNMENT ACTS TASKFORCE

File: Government Relations/Legislation/Legislative Impacts  
Author: Alan Cairney, General Manager

#### Summary

A Discussion Paper by the Local Government Acts Taskforce (LGAT) has been issued – “A New Local Government Act for NSW”. The Taskforce is holding public workshops during May 2013 to discuss the options and proposals contained in the Discussion Paper.

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Moved: Sajowitz  
Second: Francis

That report item 11.02 is received as information.

Carried 06210513

### 11.03 MONTHLY ACTIVITY REPORT – DEVELOPMENT DEPARTMENT

File: Governance/Meetings/Ordinary  
Author: Gary Wallace

#### Summary

Providing details of major work within the Planning and Development Department for April.

Moved: Doney  
Second: Lord

That report item 11.03 is received as information.

Carried 07210513

#### **11.04 BULK PROCUREMENT OF SOLAR PANELS**

File No: Environmental Management\programs\CEEP Fund  
Author: Gary Wallace, Director of Planning & Development

##### **Summary**

This report seeks Council update Council on Central NSW Councils (Centroc) proposal to consider the bulk purchase of solar panels on behalf of the local community.

Moved: Evans  
Second: McCarthy

That report item 11.04 is received as information.

Carried 08210513

#### **11.05 WHITE PAPER RELEASE – NSW PLANNING REFORM PAPER**

File No: Governance/Meetings/Ordinary  
Author: Gary Wallace, Director of Planning & Development

##### **Summary**

To advise Council of the release of a White Paper by the NSW Government in relation to proposed reform of the NSW planning system.

Moved: McCarthy  
Second: Doney

That report item 11.05 is received as information.

Carried 09210513

#### **11.06 LOCAL GOVERNMENT PERFORMANCE MONITORING FOR 2011/12**

File No: Governance/Meetings/Ordinary  
Author: Gary Wallace, Director of Planning & Development

##### **Summary**

Each year the Department of Planning publishes a document detailing the statistical performance of development approvals for the state of New South Wales.

In February 2013 the Department released the Local Government Performance Monitoring for the financial year of 2011/12.

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Moved: Evans  
Second: Gibbons

That report item 11.06 is received as information.

Carried 10210513

**11.07 MONTHLY ACTIVITY REPORT - WORKS AND ENGINEERING**

File: Governance/Meetings/Ordinary  
Author: Aruna Wickramasinghe, Works & Engineering Director and Ian Tucker, Works Manager

**Summary**

Providing a summary of the major work carried out in the Works and Engineering Department for April 2013.

Moved: McCarthy  
Second: Francis

That report item 11.07 is received as information.

Carried 11210513

**11.08 MONTHLY ACTIVITY REPORT - FINANCE AND COMMUNITY SERVICES**

File: Financial Management/Financial Reporting/Periodic Reports  
Author: Alan Cairney, General Manager; Kathy Beesley, Community Services Coordinator; and Timothy Booth, Management Accountant

**Summary**

A summary of the major work carried out in Finance and Community Services in April 2013.

Moved: Evans  
Second: Morgan

That report item 11.08 is received as information.

Carried 12210513

**11.09 STATEMENT OF BANK BALANCES AND INVESTMENTS**

File: Financial Management/Investments/Register  
Author: Timothy Booth, Management Accountant

**Summary**

Reporting the Statement of Bank Balances and Investments as at 30 April 2013



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Moved: Doney  
Second: Sajowitz

That report item 11.09 is received as information.

Carried 13210513

**11.10 MEDIA**

File No: Information Management/Information and Communications/Media Releases  
Author: Sharon Swannell, Executive Assistant

**Summary**

The Report Item provides a list of Media Releases issued during April 2013, a list of the dates where the Mayor's Column (Council News) has been published and a sample of Media Articles where Oberon Council is mentioned.

Moved: Sajowitz  
Second: Francis

That report item 11.10 is received as information.

Carried 14210513

**11.10 STATUS REPORT – ACTIONING COUNCIL DECISIONS**

File No: Governance/Meetings/Ordinary  
Author: Sharon Swannell, Executive Assistant

**Summary**

Providing details of the status in actioning Council decisions, with reference to the actual Resolution Number as shown in the Minutes for each Council Meeting.

Moved: Gibbons  
Second: Morgan

That report item 11.10 is received as information.

Carried 15210513

**11.11 UPCOMING MEETINGS**

File No: Governance/Meetings/Ordinary  
Author: Sharon Swannell, Executive Assistant

**Summary**

A calendar of upcoming meetings is provided for information.

Moved: Lord  
Second: Evans

That report item 11.11 is received as information.

Carried 16210513

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## 12 Reports for Decision

Moved: McMahon  
Second: Gibbons

That item 12.06 be brought forward and dealt with at this point in time.

Carried 17210513

### 12.06 DEVELOPMENT APPLICATION 10.2013.11.1 – VARIATION TO DCP

File No: PR1-1747

Author: Gary Wallace, Director of Planning & Development

#### Summary

Council is in receipt of a development application for the construction of a proposed storage shed and associated home office, awning and sunroom at 1747 Mutton Falls Road, O'Connell.

A variation to Councils Development Control Plan (DCP) 2001 is sought, with particular reference to Part K7.1.5 "Riverdale" and "Llambada" as the development exceeds the floor area limitations imposed by the DCP.

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Moved: McCarthy  
Second: Francis

That delegation is granted to the Director of Planning & Development to vary Part K7.1.5 of the Oberon's Development Control Plan, 2001 associated to Development Application 10.2013.11.1 for the construction of a storage shed at Lot 8 in DP 864763, 1747 Mutton Falls Road, O'Connell.

Carried 18210513

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

For: Councillors McMahon, Gibbons, Francis, Morgan, Sajowitz, McCarthy, Lord, Doney and Evans  
Against: Nil

**12.01 DRAFT COMMUNITY STRATEGIC PLAN 2013 - REVIEW OF DELIVERY PROGRAM AND OPERATIONAL PLANS**

File: Governance/Integrated Planning and Reporting/Community Strategic Plan

Author: Alan Cairney, General Manager

**Summary**

During May Workshops were held with Councillors to develop a Draft Community Strategic Plan 2013, and to review the Delivery Program and Operational Plans.

The first Community Strategic Plan (CSP) developed for Oberon contained 6 key Future Directions and these have been reviewed to prepare a Draft CSP for public exhibition along with a revised Delivery Program and Operational Plans.

The Draft Resourcing Strategy which included the Long Term Financial Plan (LTFP), Workforce Management Plan (WMP) and Asset Management Plan (AMP) is also submitted for public exhibition.

Moved: Doney  
Second: Evans

1. That Council place the draft Community Strategic Plan 2013 on public exhibition along with the Draft Delivery Program 2013/2014-2016/2017 and Operational Plans 2013/2014 to 2016/2017 and the Draft Resourcing Strategy which includes:
  - Draft Long Term Financial Plan 2013/2014 to 2012/2013
  - Draft Workforce Management Plan 2013
  - Draft Asset Management Plan 2013
2. The period of public exhibition be from **Monday 27 May 2013 to Monday 24 June 2013** with written submissions closing on **24 June 2013**.
3. The Mayor and General Manager make arrangements to hold community information sessions in Black Springs, Burruga, Oberon and O'Connell.
4. A Special Meeting be held **on Thursday 27 June 2013** to consider submissions received and to finalise the Community Strategic Plan, Delivery Program and Operational Plans.

Carried 19210513

**12.02 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL**

File: Government Relations/Publications/Independent Local Government Review Panel

Author: Alan Cairney, General Manager

**Summary**

The Independent Local Government Review Panel (ILGRP or the Panel) has released a further progress report – Future Directions for NSW Local Government – Twenty Essential Steps. The report is part of Stage 3 of the process undertaken by the Panel with a Final Report in Stage 4 due to be released in September 2013.

Moved: Evans  
Second: Sajowitz

That a submission is made to the Independent Local Government Review Panel reaffirming Council's opposition to forced amalgamations and suggesting boundary adjustments to include in the Oberon Local Government Area (LGA) parts of Bathurst Regional Council and Lithgow City Council, which can be better serviced by Oberon Council and therefore provide further economies of scale to improve the sustainability of all 3 LGA's.

Further that Council provide information and material to organisations and the general public of the Oberon LGA for use in a campaign of opposition to the recommendations contained in the Independent Local Government Review Panel's Progress Report.

Carried 20210513

### **12.03 CLOSURE OF COUNCIL AND COMMITTEE MEETINGS**

File: Government  
Author: Alan Cairney, General Manager

#### **Summary**

Guidelines have been issued by the Division of Local Government (DLG) on the closure of Council and Committee Meetings.

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Moved: Morgan  
Second: Francis

That Council notes the guidelines and vary its Code of Meeting Practice to reflect these requirements when closing meetings to the public.

Carried 21210513

### **12.04 TASMAN ESTATE RESIDENTIAL SUBDIVISION**

File: Government  
Author: Alan Cairney, General Manager

#### **Summary**

Council had previously resolved to agree to a call option on a number of lots, for a period of 90 days. Through negotiations with the proposed developer, through the Real Estate Agent a longer call option period of 150 days has been requested.

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Moved: Doney  
Second: Lord

That Council agree to extend the call option period from 90 to 150 days.

Carried 22210513

**12.05 DEVELOPMENT APPLICATION 10.2013.7.1 – SEPP NO.1 OBJECTION**

File No: PR259-300

Author: Gary Wallace, Director of Planning & Development

**Summary**

Council is in receipt of a development application for a proposed dwelling and associated on-site waste water system on land known as 300 Ferndale Road, Oberon.

The applicant has applied to reduce the required 100m setback from the Duckmaloi River to 92 metres at its closest point under State Environmental Planning Policy 1. As the variation to the development standard is less than 10% Council can 'assume the concurrence' of the NSW Department of Planning as advised in point 12 of circular B1 dated 17 March 1989.

Moved: Morgan  
Second: McCarthy

That Council approve Development Application 10.2013.7.1 for the construction of a proposed dwelling and support the associated State Environmental Planning Policy (SEPP) No. 1 in accordance with the recommendation in the Section 79C Report.

Carried 23210513

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

For: Councillors McMahon, Gibbons, Francis, Morgan, Sajowitz, McCarthy, Lord, Doney and Evans  
Against: Nil

*Item 12.06 was dealt with previously in the meeting.*

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## **13 Committee Reports**

**13.01 SENIORS WELFARE COMMITTEE**

File: Governance/Meetings/Seniors Welfare Committee

Author: Sharon Swannell, Executive Coordinator

**Summary**

Minutes of the Seniors Welfare Committee Meeting held on 23 April 2013 are submitted for Council's information and consideration.

Moved: Lord  
Second: Evans

That the Minutes of the Seniors Welfare Committee Meeting held on 23 April 2013 be received as information.

Carried 24210513

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**13.02 FINANCE COMMITTEE MEETING**

File: Governance/Meetings/Finance Committee  
Author: Sharon Swannell, Executive Coordinator

**Summary**

Minutes of the Finance Committee Meeting held on 23 April 2013 are submitted for Council's information and consideration.

Moved: McCarthy  
Second: Sajowitz

1. That the Minutes of the Finance Committee Meeting held on 23 April 2013 be received for information.
2. That the Quarterly Budget Review Statements for the period ending 31 March 2013 be received and noted and the revised budgeted income and expenditure items be amended.
3. That Council notes the information received from TCorp.

Carried 25210513

**13.03 TIMBER HERITAGE WALK COMMITTEE**

File No: Governance/Meetings/Timber Heritage Walk Committee  
Author: Janet Bailey, Planning & Development Administration Assistant

**Summary**

Minutes of the Timber Heritage Walk Committee meeting held on 29 April 2013 are submitted for Council's information and consideration.

Moved: McCarthy  
Second: Gibbons

That the Minutes of the Timber Heritage Walk Committee held on the 29 April 2013 be received for information.

Carried 26210513

**13.04 HERITAGE COMMITTEE**

File No: Governance/Meetings/Heritage  
Author: Janet Bailey, Planning and Development Administration Assistant

**Summary**

Minutes of the Heritage Committee meeting held on 29 April 2013 are submitted for Council's information and consideration.

Moved: Morgan  
Second: Francis

That the Minutes of the Heritage Committee held on 29 April 2013 be received for information.

Carried 27210513

### **13.05 TRAFFIC ADVISORY LOCAL COMMITTEE**

File: Governance/Meetings/TALC  
Author: Rebecca Burgess, Engineering Administration Assistant

#### **Summary**

Minutes of the Traffic Advisory Local Committee Meeting held on 9 May 2013 are submitted for Council's information and consideration.

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Moved: Gibbons  
Second: Evans

1. That the Minutes of the Traffic Advisory Local Committee Meeting held on 9 May 2013 be received as information, and;
2. The following recommendations be actioned with regards to Town Intersections:
  - (a) CARRINGTON AVENUE/O'CONNELL ROAD
    - The existing barriers be altered to permit vehicles to exit from O'Connell Rd (south) into the intersection with these vehicles facing either a STOP Sign or Give Way Sign depending on the available sight distance;
    - A NO ENTRY Signs be erected to indicate that vehicles in O'Connell Rd (north) and Carrington Ave may not use the new exit to enter O'Connell Rd (south);
    - The kerbs and sign located on the roadway on the western side of the intersection be removed;
    - A detailed plan of the new arrangements be prepared and distributed to Committee members for comment prior to these alterations being implemented.
  - (b) CARRINGTON AVENUE/RUPERT STREET
    - The southern end of the median island be narrowed to 1.2m to provide more width for vehicles turning left from Carrington Avenue;
    - The linemarking be altered to increase the lane width for vehicles travelling west on Rupert St and to guide vehicles travelling east on Rupert St to the LHS of the median island;
    - The kerb radius on the south-east corner of the intersection be reduced, provided that trucks are still able to turn left from Carrington Avenue;
    - A detailed plan of the new arrangements be prepared and distributed to Committee members for comment prior to these arrangements being implemented.

(c) CURTIS STREET/RALEIGH STREET

- The kerbs and signs implemented for these trail modifications be removed;
- A Give Way sign be installed at the southern end of Raleigh Street;
- Two speed humps be constructed in Curtis Street, one on each approach to Raleigh Street from the east and west;
- A sketch of the design and location of the speed humps be distributed to Committee members;
- Nearby residents be notified prior to these measures being implemented.

(d) CURTIS STREET/DUDLEY STREET

- The kerbs and signs implemented for these trial modifications be removed;
- Investigations be carried out of vehicles speeds and sight distances at the intersection;
- A detailed plan of the intersection be prepared showing possible improvements including a speed hump and median islands in Curtis Street;
- An advance intersection warning sign be installed in Dudley St facing vehicles approaching from the north;
- That appropriate linemarking be installed on all approaches to the intersection.

Carried 28210513

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

### Summary

In accordance with Clause 241 of the Local Government (General) Regulations 2005 business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

- a) A motion is passed to have the business transacted at the meeting; and
- b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

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Moved: Gibbons  
Second: McCarthy

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

- Grid on Swallows Nest Road
- Maintenance of Crown Roads – Sloggetts Lane
- Bus parking in front of Robert Hooper Community Centre
- Damaged Pipes

Carried 29210513



### **Grid on Swallows Nest Road**

Councillor Gibbons referred to the matter raised by Bruce Nightingale in Questions from the Public earlier in the meeting. Councillor Gibbons has previously been made aware of this issue.

Councillor McCarthy commented that if we reinstate the grid he hopes that Council do not ask for it to be bought up to the “new standards”. If the grid was removed it should be reinstated in the standard that was previously in place.

The General Manager advised that the Director of Engineering will investigate the matter and contact Mr Nightingale.

### **Maintenance of Crown Roads – Sloggetts Road**

Councillor McCarthy has been approached by Stan Hemming regarding maintenance of the section of the section of Sloggetts Road into his property. Mr Hemming has previously approached the General Manager regarding this matter. Councillor McCarthy commented that Council need to determine if they wish to take over maintenance of Crown Roads or to support the owner being able to purchase the Crown Road. The owner believes the road was bought up to standard and then Council did not proceed to take over the road.

The General Manager advised that the status of the road is currently being investigated.

### **Bus Parking in Fleming Street**

Councillor Sajowitz advised that there is a bus that is parking in Fleming Street in front of the Robert Hooper Community Centre which is creating issues for people gaining access to the Library and Community Centre.

The General Manager said he had addressed this matter with the driver and he believed the matter was now resolved with the driver committing to parking in an alternate location in either Dart Street or Fleming Street.

### **Damaged Pipes**

Councillor Gibbons advised that a pipe has been busted along a section of road where the grader has been working in the past couple of weeks. Councillor Gibbons commented that there needs to be guidelines put in place around pipes and roadworks to ensure the standard of work is improved.

The General Manager requested Councillor Gibbons pass on the information to the Director of Engineering for his attention.

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## **15 Closed Session Reports**

### **Summary**

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.

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**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.

There are no Closed Session Reports listed for Council's consideration.

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## **16 Closure of Meeting**

The next Ordinary Meeting of Oberon Council will be held on 18 June 2013 commencing at 5.30pm in the Burruga Sport and Recreation Club, Lloyd Street, Burruga.

*The Meeting closed at 7.00pm.*

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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

\_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
Mayor