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# ***Attachments***

## ***Minutes of Previous Meeting***

## ***Minutes Ordinary Council Meeting – 20 August 2013***



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**OBERON COUNCIL**

*Unconfirmed Minutes  
Oberon Council Ordinary Meeting  
Tuesday 20 August 2013  
5.30pm Council Chambers*

<b>01</b>	<b>OPENING OF MEETING.....</b>	<b>3</b>
<b>02</b>	<b>ACKNOWLEDGEMENT OF COUNTRY AND PRAYER .....</b>	<b>3</b>
<b>03</b>	<b>RECORD OF ATTENDANCE .....</b>	<b>3</b>
<b>04</b>	<b>DECLARATIONS OF INTEREST .....</b>	<b>3</b>
<b>05</b>	<b>PRESENTATIONS .....</b>	<b>4</b>
<b>06</b>	<b>QUESTIONS FROM THE PUBLIC .....</b>	<b>4</b>
<b>07</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S).....</b>	<b>4</b>
<b>08</b>	<b>MAYORAL MINUTE AND REPORT.....</b>	<b>4</b>
08.01	MAYORAL MINUTE AND REPORT.....	4
<b>09</b>	<b>COUNCILLOR/DELEGATES REPORTS .....</b>	<b>5</b>
09.01	UPPER MACQUARIE COUNTY COUNCIL MEETING .....	5
09.02	OBERON INNER WHEEL ANNUAL CHANGEOVER .....	5
09.03	BLUE MOUNTAINS LITHGOW OBERON TOURISM (BMLOT) .....	5
09.04	NAIDOC WEEK CELEBRATION – OBERON CORRECTIONAL CENTRE .....	6
<b>10</b>	<b>INWARDS CORRESPONDENCE .....</b>	<b>6</b>
10.01	INWARDS CORRESPONDENCE.....	6
<b>11</b>	<b>REPORTS FOR INFORMATION .....</b>	<b>7</b>
11.01	MONTHLY ACTIVITY REPORT – GENERAL MANAGER .....	7
11.02	MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT .....	7
11.03	MONTHLY ACTIVITY REPORT – WORKS AND ENGINEERING .....	7
11.04	MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES.....	8
11.05	STATEMENT OF BANK BALANCES AND INVESTMENTS .....	8
11.06	LOCAL GOVERNMENT REFERENDUM.....	8
11.07	MEDIA.....	9
11.08	STATUS REPORT – ACTIONING COUNCIL DECISIONS.....	9
11.09	UPCOMING MEETINGS .....	9

Page 1 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 August 2013.

General Manager

Mayor

<b>12</b>	<b>REPORTS FOR DECISION .....</b>	<b>10</b>
12.01	DEVELOPMENT APPLICATION 10.2013.44.1 - DCP VARIATION - STORAGE SHED AND AWNING... ..	10
12.02	DEVELOPMENT APPLICATION 10.2013.42.1 – VARIATION TO DCP .....	10
12.03	DEVELOPMENT APPLICATION – 10.2013.45.1 – CONSTRUCTION OF A RESIDENTIAL GARAGE .	11
12.04	REQUEST TO NAME PARK – FISH RIVER BRIDGE, O’CONNELL .....	12
12.05	ASSESSMENT FOR RESTRICTED ACCESS VEHICLE ROUTES .....	12
<b>13</b>	<b>COMMITTEE REPORTS.....</b>	<b>13</b>
13.01	HERITAGE COMMITTEE.....	13
13.02	TRAFFIC ADVISORY LOCAL COMMITTEE.....	13
13.03	FINANCE COMMITTEE MEETING.....	14
<b>14</b>	<b>NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL.....</b>	<b>15</b>
<b>15</b>	<b>CLOSED SESSION REPORTS .....</b>	<b>15</b>
15.01	TENDER T2013/3 – PURCHASE OF BACKHOE .....	16
15.02	DISPOSAL OF WASTE MATERIAL.....	16
15.03	COMPULSORY ACQUISITION – SLOGGETTS ROAD INTERSECTION .....	16
<b>16</b>	<b>CLOSURE OF MEETING.....</b>	<b>18</b>

## 01 Opening of Meeting

File No: Governance/Meetings/Ordinary

The Mayor welcomed members and declared the meeting open at 5.31pm.

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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 Pastor Andy Godden.

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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
Staff	Alan Cairney, General Manager Gary Wallace, Planning and Development Director Aruna Wickramasinghe, Works and Engineering Director Sharon Swannell, Executive Coordinator Jane Nicholl, Administration Assistant
Apologies	Nil

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## 04 Declarations of Interest

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Non-Pecuniary Significant	-	Nil
Non-Pecuniary Less than Significant	-	Nil

## 05 Presentations

A presentation was provided by Amanda O'Brien, Integration and Health Promotion Manager from Western Medicare Local. A PowerPoint presentation was provided along with a brochure outlining the Western Medicare Local Strategic Plan.

Sergeant Shelley Jackson, Oberon Police tendered her apologies. The presentation will be rescheduled in the near future.

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## 06 Questions from the Public

None received.

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

### Ordinary Meeting 16 July 2013

Moved: Gibbons  
Second: Sajowitz

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

Carried 01200813

### Matters Arising from the Minutes

It was noted that the date of the previous Community Services Committee Meeting was incorrect in item 13.01. The date has been amended to the correct date 27 June 2013.

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## 08 Mayoral Minute and Report

<b>08.01</b>	<b>MAYORAL MINUTE AND REPORT</b>
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File No: Governance/Meetings/Ordinary Author: Cllr John McMahon, Mayor
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### Summary

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

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Moved: McCarthy  
Second: Francis

That Report Item 08.01 is received as information.

Carried 02200813

## 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

The Mayor and Councillor Francis attended the meeting of the Upper Macquarie County Council held on Friday 2 August 2013.

---

Moved: McCarthy  
Second: Morgan

That delegate report item 09.01 is received as information.

Carried 03200813

### 09.02 OBERON INNER WHEEL ANNUAL CHANGEOVER

File No: Community Relations/Functions  
Author: Councillor Jill Evans

#### Summary

Councillor Evans attended the 41<sup>st</sup> Annual Changeover of the Oberon Inner Wheel Club held on 13 July 2013.

---

Moved: Evans  
Second: Francis

That report item 09.02 is received as information.

Carried 04200813

### 09.03 BLUE MOUNTAINS LITHGOW OBERON TOURISM (BMLOT)

File No: Economic Development/Regional Tourism/Blue Mountains, Lithgow and Oberon Tourism  
Author: Alan Cairney, General Manager

#### Summary

The General Manager attended a BMLOT Board Meeting on 20 June 2013 and the Mayor and General Manager attended the BMLOT Awards of Excellence on 9 August 2013.

---

Moved: Morgan  
Second: Doney

That delegate's report item 09.03 is received as information.

Carried 05200813

Page 5 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 August 2013.

**09.04 NAIDOC WEEK CELEBRATION – OBERON CORRECTIONAL CENTRE**

File No: Economic Development/Regional Tourism/Blue Mountains, Lithgow and Oberon Tourism  
Author: Alan Cairney, General Manager

**Summary**

The General Manager and Councillor Evans attended NAIDOC Week Celebrations at the Oberon Correctional Centre on Friday 9 August 2013.

---

Moved: Evans  
Second: Lord

That delegate's report item 09.04 is received as information.

Carried 06200813

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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 the period 1 July 2013 to 31 July 2013.

---

Moved: McCarthy  
Second: Morgan

That Report Item 10.01 is received as information.

Carried 07200813



## 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 July 2013 including Human Resources and Workplace Health & Safety, Executive Support matters, Community Activity, Regional issues and details of planned activity for the coming months.

---

Moved: Gibbons  
Second: Sajowitz

That report item 11.01 is received as information.

Carried 08200813

### 11.02 MONTHLY ACTIVITY REPORT – PLANNING AND DEVELOPMENT

File: Governance/Meetings/Ordinary  
Author: Gary Wallace, Planning and Development Director

#### Summary

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

---

Moved: Morgan  
Second: Francis

That report item 11.02 is received as information.

Carried 09200813

### 11.03 MONTHLY ACTIVITY REPORT – WORKS AND ENGINEERING

File: Governance/Meetings/Ordinary  
Author: Clive Cawthorne, Relief Works Engineer

#### Summary

Providing details of major work completed in the Works & Engineering Department in July.

---

Moved: McCarthy  
Second: Evans

That report item 11.03 is received as information.

Carried 10200813

Page 7 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 August 2013.

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General Manager

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Mayor

**11.04 MONTHLY ACTIVITY REPORT – FINANCE & COMMUNITY SERVICES**

File No: Financial Management/Financial Reporting/Periodic Reports  
Author: Alan Cairney, General Manager, Kathy Beesley, Community Services Coordinator,  
David Mead, Finance Coordinator and Timothy Booth, Management Accountant

**Summary**

A summary of the major works carried out in Finance and Community Services in July 2013.

---

Moved: McCarthy  
Second: Sajowitz

That report item 11.04 is received as information.

Carried 11200813

**11.05 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 31 July 2013.

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Moved: Doney  
Second: Evans

That report item 11.05 is received as information.

Carried 12200813

**11.06 LOCAL GOVERNMENT REFERENDUM**

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

**Summary**

Updating Council with respect to the proposal to seek a referendum to financially recognise Local Government in the Australian Constitution.

---

Moved: Gibbons  
Second: McCarthy

That report item 11.06 is received as information.

Carried 13200813

### 11.07 MEDIA

File No: Information Management/Information and Communications/Media Releases  
Author: Megan Booth, Receptionist/Cashier

#### Summary

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

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Moved: Lord  
Second: McCarthy

That report item 11.07 is received as information.

Carried 14200813

### 11.08 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.

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Moved: Evans  
Second: Francis

That report item 11.08 is received as information.

Carried 15200813

### 11.09 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: Morgan

That report item 11.09 is received as information.

Carried 16200813

## 12 Reports for Decision

### 12.01 DEVELOPMENT APPLICATION 10.2013.44.1 - DCP VARIATION - STORAGE SHED AND AWNING

File No: PR1-1821

Author: Mark Dicker, Health and Building Manager

#### Summary

A Development Application 10.2013.44.1 has been received for the construction of a proposed storage shed. As the proposal does not comply with Part K7.1.5 "Riverdale and Llambada" of Oberon's Development Control Plan (DCP), 2001 the applicant is seeking a variation to the DCP with respect to the floor area limitations imposed by the DCP.

Moved: McCarthy  
Second: Morgan

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 with Development Application 10.2013.44.1 for the construction of a storage shed and awning at Lot 9 in DP: 864763, 1821 Mutton Falls Road, O'Connell and that there be no requirement for a buffer management plan as part of the development.

Carried 17200813

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

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

### 12.02 DEVELOPMENT APPLICATION 10.2013.42.1 – VARIATION TO DCP

File No: PO7-10

Author: Mark Dicker, Health and Building Manager

#### Summary

A Development Application 10.2013.42.1 has been received for the subdivision of Lot 10 DP 1143553 into 6 allotments at 10 Blenheim Avenue Oberon.

The proposed subdivision is not in compliance with parts of the Oberon Development Control Plan (DCP), 2001.

Moved: Morgan  
Second: Sajowitz

That delegation is granted to the Planning and Development Director to vary Part B6 and Part C.5.4 of the Oberon Development Control Plan, 2001 associated to Development Application 10.2013.42.1 six (6) lot subdivision at Lot 10 in DP 1143553, 10 Blenheim Avenue Oberon.

Carried 18200813

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

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

**12.03 DEVELOPMENT APPLICATION – 10.2013.45.1 – CONSTRUCTION OF A RESIDENTIAL GARAGE**

File No: PO28-14  
Author: Senior Development Control Officer, Jaclyn Burns

**Summary**

A Development Application has been received for the construction of a residential garage at 14 Herborn Street, Oberon. A variation to Councils Development Control Plan (DCP) 2001 is sought, with particular reference to Part C.6.4 – “Carports and Garages” of the Oberon Development Control Plan 2001 (DCP) which states that the maximum total floor area of garages and or carports is to be 60m<sup>2</sup>, the proposal is for a shed which is 63m<sup>2</sup>.

Moved: McCarthy  
Second: Francis

That delegation is granted to the Planning & Development Director to vary Part C.6.4 “Carports and Garages” of the Oberon Development Control Plan 2001 associated to Development Application 10.2013.45.1 for the construction of a new residential garage at Lot 54 in DP 2364, Section A, 14 Herborn Street, Oberon.

Carried 19200813

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

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

**12.04 REQUEST TO NAME PARK – FISH RIVER BRIDGE, O’CONNELL**

File No: Governance\Meetings\Heritage Committee  
Author: Gary Wallace, Director of Planning & Development

**Summary**

This report seeks to name the unnamed park adjacent to the Fish River Bridge on O’Connell Road, O’Connell.

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Moved: McCarthy  
Second: Evans

That Council name the unnamed park adjacent to the Fish River Bridge at O’Connell as ‘Hassall Park’.

Carried 20200813

**12.05 ASSESSMENT FOR RESTRICTED ACCESS VEHICLE ROUTES**

File No: Roads/Permits/Oversize Loads  
Author: Director of Works and Engineering, Aruna Wickramasinghe

**Summary**

Applications have been received from Forestry Corporation of NSW seeking approval for the following 25m B-Double Restricted Vehicle Access (RVA) Routes.

1. Sewells Creek Road – Greywacke to Beaconsfield Road
2. Sewells Creek Road – Mayfield to Greywacke
3. Lowes Mount Road – Faugha Ballaugha to Diamond Vale
4. Faugha Ballaugha Road – Lowes Mount to Hillside Forest
5. Beaconsfield Road – Jacaranda to Wangarra
6. Beaconsfield Road – Abercrombie to Budds

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Moved: McCarthy  
Second: Gibbons

That Council approves these applications subject to the applicant addressing all deficiencies identified in the assessments to the satisfaction of the Works and Engineering Director.

Carried 21200813

## 13 Committee Reports

### 13.01 HERITAGE COMMITTEE

File: Governance / Meetings / Heritage Committee  
Author: Janet Bailey, Planning & Development Assistant

#### Summary

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

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Moved: Morgan  
Second: Doney

1. Minutes of the Heritage Committee Meeting held on 29 July 2013 be received as information.
2. Council endorses the (concept) signage for O'Connell and seek to have concept signage prepared for Black Springs and Burruga.
  - 2a. All signage include appropriate Council logo and acknowledgement of local indigenous history.
  - 2b. Costs be obtained for the design, print and construction of the concept signage for O'Connell and if these costs are less than \$4,000 that arrangements be made to erect the sign at O'Connell.
3. The Committee request Council to allocate an amount of \$500 for a suitable commemorative stone to acknowledgement the naming of the O'Connell Plains.

Carried 22200813

*Note: Council considered a report regarding the naming of the park adjacent to the Bridge at O'Connell earlier in the meeting – see item 12.04.*

*It was noted that a letter of thanks be sent to Mr Peter Dove for his work during his time as a member of the Heritage Committee.*

### 13.02 TRAFFIC ADVISORY LOCAL COMMITTEE

File: Governance/Meetings/Traffic Advisory Local Committee  
Author: Sharon Swannell, Executive Coordinator

#### Summary

Minutes of the Traffic Advisory Local Committee (TALC) held on 1 August 2013 are submitted for Council's information and consideration.

**Oberon Council – Unconfirmed Minutes – Ordinary Meeting – 20 August 2013**

Moved: Evans  
Second: Gibbons

1. That the Minutes of the Traffic Advisory Local Committee held on 1 August 2013 be received for information.
2. That in addition to the previous recommendations and Council decision that the following work be carried out for the intersection of Carrington Avenue and O'Connell Road:
  - a. Installation of a "Reduce Speed" sign on the approaches to the intersection;
  - b. A reduction of the "no parking zone" in Carrington Ave adjacent to Apex Park;
  - c. The removal of the "no parking zone" in O'Connell Rd, opposite Apex Park and adjacent to residential property in the vicinity of the intersection.
  - d. Confirming a "Stop" sign at the intersection for vehicles moving north into Carrington Ave and O'Connell Rd;
  - e. The removal of two trees on the footpath area in Carrington Ave to improve sight distance.

Carried 23200813

**13.03 FINANCE COMMITTEE MEETING**

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

**Summary**

Minutes of the Finance Committee Meeting held on 6 August 2013 are submitted for Council's information and consideration.

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Moved: Doney  
Second: Francis

1. That the Minutes of the Finance Committee Meeting held on 6 August 2013 be received for information.
2. That the Strategic Business Plan for Water and Sewer, as amended be endorsed and submitted to the NSW Office of Water for approval.
3. That the Rotary Club of Oberon be contacted and arrangements made to assist with the promotion and the delivery of Graffiti Removal Day on 20 October 2013.
4. That Council set the Councillor Fee and Mayoral Fee for 2013/14 at the maximum as detailed in the Report and Determination of the Local Government Remuneration Tribunal.
5. That the Mayor, Councillor John McMahon and General Manager attend the 2013 Local Government NSW Annual Conference and the Mayor be the voting delegate.
6. That Council notes the proposed dates for Workshops to be held in conjunction with scheduled Informal Briefing Sessions on 10 September, 8 October and 12 November 2013.

Carried 24200813

Page 14 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 August 2013.

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General Manager

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Mayor



## 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: McCarthy  
Second: Gibbons

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

- Edith Road Bridge

Carried 25200813

Moved: Gibbons  
Second: McCarthy

That Council provide funding in the current 2013/14 budget allocation to allow investigation to take place for design work to widen the Edith Road Bridge and that the Member for Bathurst be contacted in relation to possible Grant Funding to carry out the work.

Carried 26200813

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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.

**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

Page 15 of the Minutes of the Ordinary Meeting of Oberon Council held on Tuesday, 20 August 2013.

- (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 TENDER T2013/3 – PURCHASE OF BACKHOE**

File No: Plant Equipment and Stores/Acquisition/Purchase  
Author: Aruna Wickramasinghe, Director of Works & Engineering

This item is classified CONFIDENTIAL under Section 10A(2)(d) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (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

#### **15.02 DISPOSAL OF WASTE MATERIAL**

File No: File: Waste Management/Service Provision/Commercial Waste  
Author: Aruna Wickramasinghe /Director of Works and Engineering

This item is classified CONFIDENTIAL under Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

#### **15.03 COMPULSORY ACQUISITION – SLOGGETTS ROAD INTERSECTION**

File No: Engineering/Roads/PR16.59  
Author: Aruna Wickramasinghe, Director of Works and Engineering

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.

**Oberon Council – Unconfirmed Minutes – Ordinary Meeting – 20 August 2013**

Moved: McMahon  
Second: Gibbons

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 27200813

*Council moved into a Closed Session at 7.43pm, members of the public present left the meeting at this time.*

**15.01 TENDER T2013/3 – PURCHASE OF BACKHOE**

File No: Plant Equipment and Stores/Acquisition/Purchase  
Author: Aruna Wickramasinghe, Director of Works & Engineering

Moved: Evans  
Second: Lord

That the Tender from Westrac to supply a Caterpillar Backhoe and trade-in the existing Backhoe be accepted for a net change over price of \$130,900 (inclusive of GST).

Carried 28200813

**15.02 DISPOSAL OF WASTE MATERIAL**

File No: File: Waste Management/Service Provision/Commercial Waste  
Author: Aruna Wickramasinghe/Director of Works and Engineering

Moved: Gibbons  
Second: Morgan

That the Council approve the rates and charges outlined in this report and authorise the General Manager to complete the negotiations and sign an agreement with CSR to undertake the required works for waste disposal from Lot 24, DP1148073.

Carried 29200813

**15.03 COMPULSORY ACQUISITION – SLOGGETTS ROAD INTERSECTION**

File No: Engineering/Roads/PR16.59

Author: Aruna Wickramasinghe, Director of Works and Engineering

Moved: Evans  
Second: Sajowitz

That Council note the contents of this report and decline the additional compensation claimed by the property owners to provide an alternate water supply.

Carried 30200813

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*Open Council resumed at 7.57pm.*

The Mayor advised that resolution 28200813, 29200813 and 30200813 were made by Council while the meeting was closed to the public. There were no members of the public present.

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**16 Closure of Meeting**

The next Ordinary Meeting of Oberon Council will be held on 17 September 2013 commencing at 5.30pm in the Oberon Council Chambers, 137 – 139 Oberon Street, Oberon.

*The Meeting closed at 7.58pm.*

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

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General Manager

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Mayor