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OBERON COUNCIL

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

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General Manager

Mayor

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01 Opening of Meeting

File No: Governance/Meetings/Ordinary

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

02 Prayer

File No: Governance/Meetings/Ordinary

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 Peta Heffernan, Community and Customer Services Manager Sharon Swannell, Executive Assistant
Apologies	Nil

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

04 Questions from the Public

None received.

05 Confirmation of Minutes of Previous Meeting(s)

File No: Governance/Meetings/Ordinary

Moved: Sullivan
Second: Doney

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

Carried 01170412

Matters Arising from the Minutes

Nil

06 Declarations of Interest

File No: Governance/Councillors/Declarations of Interest

Pecuniary	-	Nil
Conflicts	-	Nil
Staff	-	Nil

07 Mayoral Minute and Report

File No: Governance/Meetings/Ordinary

A. Meetings

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

B. Representation

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

C. Correspondence

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

Don Fitzpatrick
Mayor

07.01.01 Delegation to General Manager

File No: Human Resources/Delegations

Executive Summary

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

Moved: McCarthy

Second: O’Bernier

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

Carried 02170412

08 Councillor Reports

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

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

Moved: Sullivan

Second: Gibbons

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

Carried 03170412

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

09 Inwards Correspondence

09.01.01 Correspondence from NSW Division of Local Government

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

Executive Summary

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

Moved: O’Bernier
Second: Doney

That the information be received and noted.

Carried 04170412

10 General Manager Reports

10.01 Reports for Information

10.01.01 Monthly Update Report – General Manager

File: Governance/Meetings/Ordinary

Moved: Doney
Second: Sullivan

That the information be received and noted.

Carried 05170412

10.01.02 General Manager Status Report

File: Governance/Meetings/Ordinary

Moved: Sullivan
Second: O’Bernier

That the information be received and noted.

Carried 06170412

Moved: Sullivan
Second: McCarthy

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

Carried 07170412

Moved: Sullivan
Second: Gibbons

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

Carried 08170412

10.02 Reports for Decision

10.02.01 One Association

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

Executive Summary

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

Moved: O’Bernier
Second: Francis

That this information be received and noted.

Carried 09170412

10.02.02 Shires Association Annual Conference

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

Executive Summary

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

Moved: McMahon
Second: McCarthy

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

Carried 10170412

10.02.03 Local Government Review Panel

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

Executive Summary

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

Moved: McMahon
Second: Gibbons

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

Carried 11170412

10.02.04 Review of Engagement with the RFS

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

Executive Summary

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

Moved: Sullivan
Second: McMahon

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

Carried 12170412

10.02.05 Community Strategic Plan

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

Executive Summary

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

Moved: Sullivan
Second: Doney

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

Carried 13170412

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

File No: Economic Development/Tourism Development/Tourism Development

Executive Summary

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

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

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

Moved: McCarthy
Second: O’Bernier

That:

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

Carried 14170412

11 Director of Development Reports

11.01 Reports for Information

11.01.01 Monthly Update Report – Development Department

File No: Governance/Meetings/Ordinary

Moved: McCarthy
Second: O’Bernier

That the information be received and noted.

Carried 15170412

11.01.02 Director of Development Status Report

File No: Governance/Meetings/Ordinary

Moved: Doney
Second: O’Bernier

That the information be received and noted.

Carried 16170412

11.02 Reports for Decision

11.02.01 Development Application 10.2011.71.1 and Construction Certificate 11.2011.71.1

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

Applicant: Oberon Council

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

Proposal: Filling and Levelling of Land

Zone: Village 2(v)

Executive Summary

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

Moved: McMahon

Second: O’Bernier

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

Carried 17170412

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

Votes For: Councillors Francis, McMahon; Sullivan; O’Bernier; Gibbons; McCarthy; Doney and Fitzpatrick

Votes Against: Nil

11.02.02 Development Application 10.2012.6.1 and Construction Certificate 11.2012.6.1

File: PR23.1173

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

Executive Summary

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

Moved: Sullivan
Second: McCarthy

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

Carried 18170412

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

Votes For: Councillors Francis, McMahon; Sullivan; O’Bernier; Gibbons;
McCarthy; Doney and Fitzpatrick
Votes Against: Nil

12 Director of Engineering Reports

12.01 Reports for Information

12.01.01 Monthly Update Report – Engineering Department

File: Governance/Meetings/Ordinary

Moved: O’Bernier
Second: McCarthy

That the information be received and noted.

Carried 21170412

12.01.02 Director of Engineering Status Report

File: Governance/Meetings/Ordinary

Moved: Doney
Second: Sullivan

That the information be received and noted.

Carried 22170412

16.01.01 Burruga Fire Shed (note late item)

File: Emergency Services/Bushfire Sheds

Executive Summary

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

Moved: O’Bernier
Second: Francis

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

Carried 23170412

13 Community and Customer Services Manager Reports

13.01 Reports for Information

13.01.01 Monthly Update Report – Community and Customer Services Manager

File: Governance/Meetings/Ordinary

Moved: O’Bernier
Second: Sullivan

That the information be received and noted.

Carried 24170412

13.01.02 Community and Customer Services Manager Status Report

File: Governance/Meetings/Ordinary

Moved: Doney
Second: Sullivan

That the information be received and noted.

Carried 25170412

13.02 Reports for Decision

13.02.01 Swimming Pool Complex

File No: Recreational and Cultural Services/Swimming Pool

Executive Summary

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

Moved: Sullivan
Second: McCarthy

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

Carried 26170412

14 Director of Corporate Service Reports

14.01 Reports for Information

14.01.01 Monthly Update Report – Corporate Services Department

File: Financial Management/Financial Reporting/Periodic Reports

Moved: O’Bernier
Second: Doney

That the information be received and noted.

Carried 27170412

14.01.02 Statement of Bank Balances and Investments – 31 March 2012

File: Financial Management/Investments/Register

Executive Summary

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

Moved: Sullivan
Second: O’Bernier

That the information be received and noted.

Carried 28170412

14.01.03 Corporate Services Status Report

File: Governance/Meetings/Ordinary

Moved: O’Bernier
Second: Gibbons

That the information be received and noted.

Carried 29170412

14.02 Reports for Decision

14.02.01 Applications for Donations

File: Community Relations/Donations

Executive Summary

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

Moved: O’Bernier
Second: Sullivan

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

Carried 30170412

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

15 Committee Reports

15.01.01 Minutes of the Heritage Committee

File No: Governance/Meetings/Heritage Committee

Executive Summary

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

Moved: O’Bernier
Second: Sullivan

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

Carried 31170412

Moved: Sullivan
Second: McMahon

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

Carried 32170412

Moved: Sullivan
Second: O’Bernier

That:

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

Carried 33170412

15.01.02 Minutes of the Works Committee Meeting

File No: Governance/Meetings/Works Committee

Executive Summary

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

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

Moved: Sullivan
Second: O'Bernier

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

11. Improvements to Todds Road be assessed and an estimate be prepared for consideration with the 2012/13 Draft Budget
12. Staff investigate a proposed purchase of land to facilitate a walkway from Albion Street to the town centre.

Carried 34170412

16 New Business of an Urgent Nature Admitted by Council

Nil

17 Closed Session Reports

17.01.01 Heritage Committee

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

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

17.01.02 Disposal of Waste Material

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

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

Moved: Sullivan
Second: O’Bernier

That:

1. Council resolve into closed Council to consider business identified, together with any late confidential reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Carried 35170412

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

17.01.01 Heritage Committee

File No: Governance/Meetings/Heritage Committee

Moved: McMahon
Second: Sullivan

That no action be taken in relation to the request.

Carried 36170412

17.01.02 Disposal of Waste Material

File: Waste Management/Service Provision/Commercial Waste

Councillor Doney left the meeting at 8.20pm.

Councillor Doney returned to the meeting at 8.22pm.

Moved: O’Bernier
Second: McMahan

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

Carried 37170412

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

Open Council resumed at 8.41pm.

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

18 Closure of Meeting

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

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

Confirmed this _____ day of _____ 2012.

General Manager

Mayor

General Manager

Mayor