

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

12 December 2018, commencing at 5.31 PM

Held in the Hilltops Council, Harden Chamber, 3 East Street, Harden

## ATTENDANCE

Mayor Cr Brian Ingram

## COUNCILLORS

Gregory Armstrong  
Tony Flanery (arrives 5.55pm)  
John Horton  
Christopher Manchester  
Rita O'Connor  
Margaret Roles  
Matthew Stadtmiller  
Wendy Tuckerman

## STAFF

|           |  |
|-----------|--|
| E Marks   | General Manager                            |
| L Furness | Executive Director Corporate and Community |
| S Langman | Director Sustainable Growth                |
| J Osland  | Director Infrastructure                    |

## APOLOGIES

Councillor John Walker  
Councillor Antony Wallace

### ***18/403 RESOLVED:***

*That the apologies be accepted.*

*Councillors: Armstrong/Stadtmiller*

## PUBLIC FORUM

- Item - 18/299 – 2017/DA-00190 For the Construction of an Access Road along an unformed Crown Road Reserve running from Bribbaree Road, Maimaru, in a generally southerly direction (to provide access to the 'Billaboola' holding) – Bill Chapman
- Item - 18/299 – 2017/DA-00190 For the construction of an access road along an unformed crown road reserve running from Bribbaree Road, Maimaru, in a generally southerly direction (to provide access to the 'Billaboola' holding) - Chris Bunny

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General Manager

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Mayor

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## SYMPATHY EXPRESSIONS

*18/404 RESOLVED:*

*That Council staff and members of the public be upstanding for a minute silence to express our sympathy on the passing of,*

Charles Uren; Colleen Gledhill; Karen Caldwell; Darrell Pratt; Lois Bloor

*Moved: Mayor Ingram*

## CONFIRMATION OF MINUTES

*18/405 RESOLVED:*

*That the minutes of the Ordinary Meeting of Council held on 28 November 2018, be confirmed as a true and accurate record.*

*Councillors: Horton/Manchester*

## DECLARATIONS OF INTEREST - CONFLICT OF INTEREST

- Cr Roles - Non-Pecuniary Interest – Item 18/295 – Draft Young Development Control Plan - Amendment 2 And Planning Proposal for Vehicle Sales or Hire Premises, 8 Wombat and 1 Murringo Streets, Young

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

- Cr Manchester – Non-Pecuniary Interest – Item 18/306 – Purchase of Land in Murrumburrah

Option B – Make a declaration, stay in the Chamber, participate in the debate, but not vote.

- Cr Flanery - Non-Pecuniary Interest – Item 18/298 – Transfer of a Crown Road Reserve in Maimuru to Council as Public Road.

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

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General Manager

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- Cr Flanery - Non-Pecuniary Interest – Item 18/299 – 2017/DA-00190 For the Construction of an Access Road along an unformed Crown Road Reserve running from Bribbaree Road, Maimaru, in a generally southerly direction (to provide access to the 'Billaboola' holding) **Item deferred**

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

## MAYORAL MINUTE

### 18/289 - USE OF COUNCIL SEAL ON RNSW GRANT FUNDING DEED

*18/406 RESOLVED: That Council;*

- 1. Place the Council's seal on RNSW deed 1589 to secure \$573,568 of grant funding for the duplication of Burrangong Creek Bridge on Henry Lawson Way;*
- 2. The works are delivered across a period of 2019-2020; and*
- 3. Delegate to the General Manager to execute all necessary documentation.*

*Councillors: Horton/Manchester*

## MAYORAL REPORT

As per Business Paper

## COUNCILLOR REPORT'S

### JOHN HORTON

As per Business Paper

### GREGORY ARMSTRONG

Meetings as minuted

Many school concerts in the area

12 December

Hilltops Council Ordinary Meeting – Harden

### MARGARET ROLES

As per Business Paper

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General Manager

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## MATTHEW STADTMILLER

Meetings as minuted

VPA Galong – constituent expressing concerns with slowness of rolling out money.

12 December Hilltops Council Ordinary Meeting – Harden

## CHRISTOPHER MANCHESTER

Meetings as minuted

LEP Meeting

Sibelco Liaison Meeting

12 December Hilltops Council Ordinary Meeting – Harden

## WENDY TUCKERMAN

Meetings as minuted

3 December Waste Strategy Workshop

Boorowa Business Association with the Member for Goulburn Pru Goward

4 December Meeting with Manager of Community and Corporate RE: HWAG and Annual Report

9 December Carols in the Park - Boorowa

11 December Health and Well Being Group Meeting

LEP Working Committee

Boorowa Early Education Centre Graduation

12 December Hilltops Council Ordinary Meeting – Harden

## RITA O'CONNOR

As per Business Paper

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General Manager

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## COMMUNITY RECOGNITION SCHEME

*18/407 RESOLVED: That Council forward a letter of congratulations to:*

*Maureen Nation – Young and District Netball Association – receiving the Anne Clark Service Award. The award is awarded to an individual in recognition of their significant contribution to the development of netball for at least 10 years. Maureen has been involved in netball for 30 years and continuing and in the words of the president that they would be lost without her contribution. Maureen well deserves the commendation.*

*Councillors: Roles/Ingram*

*18/408 RESOLVED:*

*That the standing order of business be suspended to deal with:*

*Item - 18/299 – 2017/DA-00190 For the Construction of an Access Road along an unformed Crown Road Reserve running from Bribbaree Road, Maimaru, in a generally southerly direction (to provide access to the 'Billaboola' holding)*

*Councillors: Manchester/Horton*

**18/299 – 2017/DA-00190 FOR THE CONSTRUCTION OF AN ACCESS ROAD ALONG AN UNFORMED CROWN ROAD RESERVE RUNNING FROM BRIBBAREE ROAD, MAIMARU, IN A GENERALLY SOUTHERLY DIRECTION (TO PROVIDE ACCESS TO THE 'BILLABOOLA' HOLDING)**

*18/409 RESOLVED:*

*That Council defer the matter until more advice and more understanding is taken on board.*

*Councillors: Ingram/O'Connor;*

Record of Councillor Voting on Planning Matters in accordance with Section 375A of the Local Government Act, 1993.

*For: Councillors: Ingram, Armstrong, Horton, Manchester, O'Connor, Roles, Tuckerman*

*Against: Councillor: Stadtmiller*

*Absent: Councillor: Walker, Wallace, Flanery*

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General Manager

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## GENERAL MANAGER'S REPORT

### 18/290 – ANNUAL REPORT 2017-2018

*18/410 RESOLVED:*

*That Council;*

- a) Endorse the Hilltops Council Annual Report 2017/18 for provision to the Office of Local Government and that it be placed on Councils website; and*
- b) Prior to the Annual Report being referred to the Office of Local Government the Audited Financial statements be attached.*

*Councillors: Manchester/Tuckerman*

### 18/291 – FINANCIAL STATEMENTS – HILLTOPS COUNCIL

*18/411 RESOLVED:*

*That;*

- a) Council's Financial Statements be referred to audit in accordance with section 413(1) of the Local Government Act;*
- b) Note that the financial statements have been prepared in accordance with;*
  - The Local Government Act 1993 (as amended) and the Regulations made there under*
  - The Australian Accounting Standard and professional pronouncements,*
  - The Local Government Code of Accounting Practice and Financial Reporting;*
- c) Note that the financial statements present fairly the operating result and financial position and accord with Council's accounting and other records;*
- d) Council is not aware of any matter that would render the financial statements false or misleading in anyway;*
- e) In accordance with section 413(2)c the Mayor, Deputy Mayor, General Manager and Responsible Accounting officer sign the Statement by Members and Management of the financial statements; and*
- f) The General Manager be delegated authority to issue the financial statements upon receipt of the audit report.*

*Councillors: Armstrong/O'Connor*

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General Manager

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## 18/292 – COUNCIL SUPPORT – PLAY EQUIPMENT, MURRINGO WELL PADDOCK

**18/412 RESOLVED:**

*That Council agree in principle to install, manage and maintain the playground at the Murringo Well Paddock subject to:*

- a) Permission being given by the Young Aboriginal Land Council to erect playground;*
- b) Equipment meeting the relevant Australian Standard; and*
- c) Council agreeing to continue to provide public liability insurance at the site.*

*Councillors: Tuckerman/O'Connor*

## 18/293 – PAINTING OF A SUPERB PARROT ON TO THE SIDE OF BOOROWA SILOS

**18/413 RESOLVED:**

*That further investigation regarding the condition of the silos, suitability of the site, future use, traffic management and consultation before permission is considered on the painting of the silos.*

*Councillors: O'Connor/Roles*

## 18/294 – CASH AND INVESTMENTS AS AT 30 NOVEMBER 2018

**18/414 RESOLVED:**

*That Council receive the Statement of cash and investments as at 30 November 2018.*

*Councillors: Horton/Roles*

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General Manager

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Cr Roles leaves room at 6.06pm

**18/295 – DRAFT YOUNG DEVELOPMENT CONTROL PLAN - AMENDMENT 2 AND PLANNING PROPOSAL FOR VEHICLE SALES OR HIRE PREMISES, 8 WOMBAT AND 1 MURRINGO STREETS, YOUNG**

**18/415 RESOLVED:**

*That Council;*

- a) *Approve Young Development Control Plan Amendment 2 in the form in which it was publicly exhibited, and a public notice of this decision be made in a local newspaper within 28 days after the decision is made; and*
- b) *Submit the Planning Proposal (PP 2018 HILLT\_001\_00) to amend the Young Local Environmental Plan 2010 to allow for the expansion of the existing car sales or hire business onto 8 Wombat Street and the associated car park onto 1 Murringo Street, Young, to the Department of Planning and Environment, to make the Plan.*

*Councillors: Manchester/Armstrong*

Record of Councillor Voting on Planning Matters in accordance with Section 375A of the Local Government Act, 1993.

*For: Councillors: Ingram, Armstrong, Flanery, Horton, Manchester, O'Connor, Tuckerman*

*Against: Councillor: Stadtmiller*

*Absent: Councillor: Walker, Wallace*

Cr Roles returns to room 6.09pm

**18/296 – 2016/DA-00119 REV02 – RESIDENTIAL AGED CARE FACILITY – 66 DEMONDRILLE STREET YOUNG**

## MOTION

That Council;

- a) Grant an exemption to Southern Cross Care (NSW & ACT) Limited from payment of the s7.12 contribution, in relation to development application 2016/DA-00119 and refund the fees paid; and
- b) Approve the following s4.55 modification application:

Application no. 2016/DA-00119 REV02

➤ Property: Lot 2 DP1129796, 66 Demondrille Street Young, NSW, 2594

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General Manager

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- Proposal: Lower the existing dam wall by 2.9m and provide landscaping to dam wall and surrounds
- Modification: Deletion of Condition 12, relating to the payment of the section 7.12 (formerly known as section 94A) contribution.

*Councillor: Horton/Manchester*

Record of Councillor Voting on Planning Matters in accordance with Section 375A of the Local Government Act, 1993.

For: Councillors: Horton, Manchester

Against: Ingram, Armstrong, Flanery, O'Connor, Roles, Stadtmiller, Tuckerman

Absent: Councillor: Walker, Wallace

*Motion was put and lost*

## 18/297 – DEVELOPMENT APPLICATION STATISTICS FOR NOVEMBER 2018

**18/416 RESOLVED:**

*That Council receive and note the status and processing times for development applications, as at 30 November 2018.*

*Councillors: Horton/Stadtmiller*

Cr Flanery leaves the room 6.15pm

## 18/298 – TRANSFER OF A CROWN ROAD RESERVE IN MAIMURU TO COUNCIL AS PUBLIC ROAD.

**18/417 RESOLVED: That Council;**

- a) *Prepares a draft policy in relation to the acquisition, ownership and maintenance of unformed Crown road reserves, having regard to factors such as:*
  - i. *The extent of potential ownership demand and the need to ensure legal access is able to be provided to all rural land parcels that have not had their land titles amalgamated;*
  - ii. *The Costs of ownership of those roads, particularly in terms of ongoing maintenance, public risk and Council liability will remain*

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General Manager

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*with that property where property access is being provided to 3 or less separately owned properties;*

- iii. The policy position of the NSW Government in relation to unformed road reserves be that Council objects to all road closure requests where their separate land parcels remain in existence that could become land locked if these land parcels were to be sold;*
- iv. Any minimum standards that should be in place to support acceptance of new rural roads; and*
- v. Any benefits that may accrue to Council and/or the wider community from Council's ownership of such roads.*

*Councillors: Manchester/Horton*

Cr Flanery returns to room 6.22pm

## 18/300 – HILLTOPS WORKS REPORT

*18/418 RESOLVED: That Council;*

- a) Receive and note the information provided on works completed and works planned; and*
- b) The General Manager provide a report to Council detailing the situation with the weeds committee including finalisation of Yass Valley Council and the s355 committee;*
- c) That the report includes, a budget for weeds control, a weed spraying program; and*
- d) Advice be provided on the establishment of a new advisory committee.*

*Councillors: Horton/Roles*

## 18/301 - ACTION SUMMARY REPORT

*18/419 RESOLVED: That Council;*

- a) note the status of Council resolutions from the Action Plan; and*
- b) endorse the removal of completed items from the Action Plan.*

*Councillors: Horton/Manchester*

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General Manager

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## 18/302 – NOTICE OF MOTION

### MOTION

That Council;

- a) Give solidarity with the people of other townships within our area including Young, Harden, Boorowa, Cootamundra, Gundagai, Tumut and Tumbarumba as they seek to demerge from a forcibly amalgamated Council; and
- b) Support any other communities that seek to demerge from a forced amalgamation, and
- c) Prevent forced amalgamations of councils or significant boundary alterations without the support of a plebiscite

Councillors: Stadtmiller/Flanery

*Motion was put and lost*

## 18/303 – NOTICE OF MOTION

### MOTION

That Council;

- a) Contribute \$2,200 to the cost of the heritage study carried out by the Young Community and Residents Association (YCARA) regarding the heritage precinct application for Carrington Park; and
- b) The Roll Up Flag be heritage listed to recognise the history around the Lambing Flat Riots.

Councillors: Stadtmiller/Horton

*Motion was put and lost*

## CORRESPONDENCE FOR ATTENTION

### ACTION

Nil

*18/420 RESOLVED:*

*That the balance of correspondence be noted.*

*Councillors: Tuckerman/O'Connor*

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General Manager

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## COUNCIL COMMITTEE REPORTS

**18/421 RESOLVED:**

| NAME OF GROUP                     | DATE OF MEETING  | ACTION REQUIRED BY COUNCIL  |
|-----------------------------------|------------------|---|
| Boorowa Showground User Group     | 13 November 2018 | Official opening of complex – 14 December 2018  |
|                                   |                  | Council to propose a fee structure for use of facilities for 2019/2020<br>PA speakers – storage and responsibility              |
| Jugiong Advancement Group         | 18 October 2018  | Council to provide large shade structures near swimming pool  |
|                                   |                  | Council assess and upgrade electrical service line at Jugiong Memorial Park   |
|                                   |                  | Council to review the terms of the tender for mowing<br>Council remove the remaining poplar trees on Riverside Drive            |
| Regional Healthy Shires Committee | 17 October 2018  | That the name of the s355 committee be changed from Hilltops Healthy Shires Committee to Hilltops Wellbeing Action Group (HWAG) |
|                                   |                  | The revised Wellbeing Action Group Terms of Reference be endorsed with relevant changes   |

- a) *That community committee reports be taken on notice and a further report to February 2019, meeting of Council;*
- b) *That Council receive the reports and consideration to 2019/2020 budget;*
- c) *That the Mayor and General Manager through their delegations seek alternatives for the provision of shade structures for the Jugiong swimming pool in the short term; and*
- d) *That the Healthy Shires Committee recommendations be accepted:*
  - i. *That the name of the s355 committee be changed from Hilltops Healthy Shires Committee to Hilltops Wellbeing Action Group (HWAG); and*
  - ii. *The revised Wellbeing Action Group Terms of Reference be endorsed with relevant changes*

*Councillors: Armstrong/Horton*

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General Manager

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**18/422 RESOLVED:**

*That the balance of Committee reports be noted.*

*Moved: Mayor Ingram*

## CLOSED COUNCIL

### 18/304 – EXCLUSION OF THE PRESS AND PUBLIC

**18/423 RESOLVED:** *That Council;*

- a) Resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting; and*
- b) 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 confidential under the provisions of section 10A(2) as outlined above;*
- c) 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.*

*Councillors: Manchester/Horton*

#### **ITEM 1: COMMERCIAL MATTER**

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:

- (i) prejudice the commercial position of the person who supplied it.

#### **ITEM 2: COMMERCIAL MATTER**

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:

- (i) prejudice the commercial position of the person who supplied it.

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General Manager

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## 18/305 – AWARD OF CONTRACT FOR RELOCATION OF SEWER FOR THE NEW BOOROWA MOTEL

*18/424 RESOLVED: That Council;*

- a) Conditional on receiving the bond or bank guarantee from the Developer, Council award a contract for construction of the proposed sewer realignment works on the alternative route (along the lane to Pudman St), with 300mm diameter sewer main, to Ted Wilson and Sons for a price of \$281,505 including GST.*

*Councillors: Manchester/Roles*

## 18/306 – PURCHASE OF LAND IN MURRUMBURRAH

*18/425 RESOLVED:*

*That Council enter into negotiations to purchase the land as identified in the report with a final report being provided to Council for its February meeting outlining details of the purchase for final approval by Council.*

*Councillors: Horton/Roles*

*18/426 RESOLVED:*

*That Council move out of closed council*

*Councillors: O'Connor/Manchester*

Council moved out of Closed Council and the resolutions made in Closed Council were read.

### **NEXT MEETING**

The next ordinary meeting of Council scheduled to be on Wednesday, 27 February 2019, Young Chambers, commencing at 5.30pm

### **TERMINATION**

There being no further business the meeting closed 7.12 pm.

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General Manager

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Mayor